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 4.04/56 Bowman Street
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D237/19
 KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
 SECTION 4.55 MODIFICATION 237/19/3 - APPROVAL**

Development Consent Number: 237/19

Land to which this applies: 7 Carr Street, Waverton
 Lot No.: X, DP: 408962

Applicant: COSO Architecture

Proposal: Section 4.55(2) Alterations and additions to existing semi-detached residence including internal stair access from basement garage to ground floor and study in existing roof space

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **237/19** and registered in Council's records as Application No. **237/19/3** relating to the land described as **7 Carr Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **10 January 2020**, has been determined in the following manner:

1. To insert Condition A5, as follows:

Development in Accordance with Plans (S.4.55 Modifications)

A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications.

Plan No.		Title	Drawn by	Received
4.55 01	5/10/21	Site Plan	COSO Architecture	21 December 2021
4.55 02	15/12/21	Proposed Garage Plan	COSO Architecture	21 December 2021
4.55 04	15/12/21	Proposed first floor plan	COSO Architecture	21 December 2021
4.55 09	5/10/21	Proposed first floor plan	COSO Architecture	21 December 2021
4.55 11	15/12/21	Proposed Sections	COSO Architecture	21 December 2021

and except as amended by the following conditions and this consent.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Reasons for Approval:

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. As previously detailed in the DCP compliance table there will be no adverse overshadowing impacts on the adjoining properties. The issues raised by the submitters have been addressed in the report. Having regard to the provisions of Section 4.15 of *the Environmental Planning and Assessment Act 1979*, the application is considered to be satisfactory and therefore recommended for deferred commencement approval.

The development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*.

Generally, the proposal as amended is considered to be acceptable and consistent with the planning controls applicable to the site pursuant to both North Sydney LEP 2013 and DCP 2013. It is the conclusion of this report that the development will continue to provide a reasonable and satisfactory level of amenity to the subject and surrounding sites, with the statutory breach being assessed and deemed acceptable in accordance with the principles established by the Land and Environment Court.

Consequently, the Section 4.55 application is considered to be reasonable in the circumstances and it is recommended for **approval** subject to modification via conditions.

How community views were taken into account:

The owners of adjoining properties were notified of the proposed development for a fourteen-day period, between **19 November** and the **3 December 2021**, in accordance with Section A4 of NSDCP 2013. No submissions have been received for the duration of the assessment.

The conditions attached to the original consent for Development Application No. **237/19** by endorsed date of **10 January 2020** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Mr Kim Rothe**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.

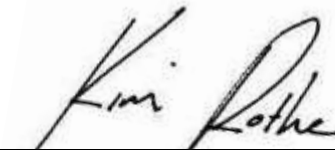
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of *the Environmental Planning and Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *the Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

13 September 2022

DATE


Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)