



Mr James Cooper
Sanctum Design
PO Box 277
NEUTRAL BAY NSW 2089

D354/18
JM15 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 354/18/2 - APPROVAL**

Development Consent Number: 354/18

Land to which this applies: 3 Bogota Avenue, Cremorne Point
Lot No.: B, DP: 89672

Applicant: Sanctum Design

Proposal: To modify a consent to extend the existing garage within the basement subfloor and no external change to the dwelling

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. **354/18** and registered in Council's records as Application No. **354/18/2** relating to the land described as **3 Bogota Avenue, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **19 October 2018**, has been determined in the following manner:

- 1. Development is in Accordance with Plans/Documentation of Development Consent no. DA454/14 approved on dated 23 December 2021 is as follows:**

Plan Nos.	Description	Prepared by	Dated
A02	Site Plan	Sanctum Design Consultants	19/10/2018
A03	Garage Plan	Sanctum Design Consultants	19/10/2018
A04	Ground Floor	Sanctum Design Consultants	19/10/2018
A05	First Floor	Sanctum Design Consultants	19/10/2018
A06	Roof Plan	Sanctum Design Consultants	19/10/2018
A07	Existing Garage Plan	Sanctum Design Consultants	19/10/2018
A08	Existing Ground Floor	Sanctum Design Consultants	19/10/2018
A09	Existing First Floor	Sanctum Design Consultants	19/10/2018
A10	Existing Site and Roof	Sanctum Design Consultants	19/10/2018
A11	Section	Sanctum Design Consultants	19/10/2018
A12	South Elevations	Sanctum Design Consultants	19/10/2018

A13	East Elevations	Sanctum Design Consultants	19/10/2018
A14	West Elevations	Sanctum Design Consultants	19/10/2018
A15	North Elevations	Sanctum Design Consultants	19/10/2018
A24	External Finishes Schedule	Sanctum Design Consultants	19/10/2018
A28	Landscape Plan	Sanctum Design Consultants	19/10/2018

Your request for the modification of the Development Consent as set out in Notice of Determination DA354/18, dated, 12 December 2021, has been determined in the following manner:

1. To modify Conditions A1 'Development in Accordance with Plans/Documentation as follows:

Development in Accordance with Plans/Documentation

A1 The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's Approval stamp, except where amended by the following conditions of this consent.

Plan Nos.	Description	Prepared by	Dated
A-00, Rev A	Cover Page	Sanctum Design	9/12/2022
A-02, Rev A	Site Plan	Sanctum Design	9/12/2022
A-03, Rev A	Garage Plan	Sanctum Design	9/12/2022
A-11, Rev A	Section Plan	Sanctum Design	9/12/2022
A-17, Rev A	Area Calculations	Sanctum Design	9/12/2022

Reasons for Approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 4.15(1) of *the Environmental Planning and Assessment Act 1979*, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

How community views were taken into account:

The proposal is considered to be in the public interest for the reasons stated throughout this report.

The conditions attached to the original consent for Development Application No. **354/18** by endorsed date of **19/10/2018** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Ms Josephine Maejiirs**. 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

14 April 2023

DATE



Signature on behalf of consent authority
MIGUEL RIVERA
A/TEAM LEADER (ASSESSMENTS)