



Mr Scott Weston
360 Moore Park Road
PADDINGTON NSW 2021

D201/23
RW (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 201/23/2 - APPROVAL**

Development Consent Number: 201/23

Land to which this applies: 28 Victoria Street, McMahons Point
Lot No.: 1, DP: 198403

Applicant: Scott Weston

Proposal: Conversion of approved study room into an ensuite in the existing cottage

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. **201/23** and registered in Council's records as Application No. **201/23/2** relating to the land described as **28 Victoria Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **7 March 2024**, has been determined in the following manner:

A. Add Condition A7 as follows:

Development in Accordance with Plans (s4.55 Amendments)

1. The development being carried out in accordance with plans identified in Condition A1 of the consent and A7 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Rev	Description	Prepared by	Dated
A16	-	Proposed Ground Floor Plan	Scott Weston Architecture Design	23/04/2024

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

A. Modify Condition A5 as follows:

Design Amendments

A5. Details relating to the following elements of the proposal are to be submitted to the Principal Certifier for approval prior to the issue of any CC:

- i) *Plans showing the retention of the original four room layout and existing dimensions including the decorative ceiling to the existing living room area.*
- ii) ~~*The proposed door opening to the walk-in robe is to be set within the existing wall and with traditional proportions.*~~
- iii) *The partition to create ~~a study room~~ **an Ensuite** is to retain reversibility of the original room dimensions.*
- iv) *The fireplaces in the **existing** living room and bathroom, including their associated architecture, are to remain in situ.*
- v) *The middle pane of Window W10 located on the rear studio is to be operable.*
- vi) *The proposed BBQ area on the ~~eastern~~ **western** boundary (approx.3.0m x 0.8m) is to be deleted.*
- vii) *The new timber fence on the front boundary is to ~~match the height of the existing timber fence whereby the existing height at the top of the fence is RL42.26~~ **have a maximum height of RL43.18.***
- viii) ***The proposed door opening to the walk-in robe is to be set within the existing wall that is between the existing Bed 1 and Bed 2 and consists of traditional proportions.***

(Reason: To protect the character of the contributory item and the character and significance of the Union, Bank, Thomas Street conservation area; To protect existing Crepe Myrtle tree T1 within the rear setback)

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 subject to conditions, do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications subject to conditions, are consistent with the reasons for the grant of development consent to the originally approved development and are considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15(1a) 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, subject to imposition of conditions.**

How community views were taken into account:

In accordance with the provisions of Section 3.4.2 of Council's Community Participation Plan, the subject application was not required to be notified. No submissions were received.

7 March 2024 still apply.

ADVISINGS

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

12 June 2024

DATE



Signature on behalf of consent authority
KIM ROTHE
A/TEAM LEADER (ASSESSMENTS)