

O'Keefe Architects  
5/1 Rawson Street  
NEUTRAL BAY NSW 2089

D468/16  
(RT) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
(AS AMENDED)**

**Notice to Applicant of Determination of Request  
to Modify a Development Consent**

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. **468/16** and registered in Council's records as Application No. **468/16/2** relating to the land described as **8 Bannerman Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 May 2017, has been determined in the following manner:-

**1. To modify condition A1 to include the revised plans:**

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development being carried out in accordance with:

- (a) Architectural drawings (plans) prepared by Paul O'Keefe Architects Pty Ltd as listed below:

Dwg No.	Rev	Date	Title	Received by Council
DA00	3	22.12.16	Site Analysis	28.12.2016
DA01	3	22.12.16	Sediment Control/Waste Management/Drainage Concept Plan	28.12.2016
DA02	3	22.12.16	Ground Floor Plan	28.12.2016
DA03	3	22.12.16	West Elevation	28.12.2016
DA04	3	22.12.16	East Elevation	28.12.2016

- (b) Report titled *Statement of Environmental Effects for Alterations and Additions at 8 Bannerman Street, Cremorne*, prepared by Paul O'Keefe Architects Pty Ltd, revision 2 dated 22 December 2016.
- (c) Letter prepared by Taylor Brammer dated 7 December 2016 with reference to *Grotto at 8 Bannerman Street, Cremorne*.
- (d) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

and endorsed with Council’s approval stamp, except as modified by highlighting on the following for D468/16/2:

- (a) All work for the reconstruction of the cabana shall be in accordance with the architectural drawings, prepared by O’Keefe Architects, as listed below:

<b>Dwg No.</b>	<b>Rev.</b>	<b>Date</b>	<b>Title</b>	<b>Received Date</b>
CC103	J	18/04/18	Demolition Plan	20 April 2018
CC105	J	18/04/18	Proposed pool and cabana plan	20 April 2018
CC200	J	18/04/18	Proposed elevation – west facade	20 April 2018
CC201	J	18/04/18	Proposed elevation – south facade	20 April 2018

- (b) Report: Statement of Modifications and Environmental Effect, prepared by O’Keefe Architects, dated 18 April 2018.  
 (c) Report: Structural Assessment, prepared by iStruct structural engineers, dated 11 April 2018.  
 (d) Report: Cabana Reconstruction – Work Method, prepared by Archnex, dated 20 April 2018.

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

**2. To insert new condition nos. A4 and C15 as follows:**

**Terms of Consent (D468/16/2)**

A4. Approval is granted for the following works as shown on drawings numbered CC103 Rev J, CC105 Rev J, CC200 Rev J, CC201 Rev J, all dated 18/04/18, drawn by O’Keefe Architects, and received by Council on 20 April 2018:

- (a) Reconstruction of the approved cabana.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

**Cabana**

C15. The demolition and reconstruction of the cabana is to be undertaken in accordance with the work method statement documented by Archnex Designs, dated 20 April 2018 and received at Council on 20 April 2018.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To retain the heritage significance of the building)

**3. To insert a new Condition L1 to include the requirements from the Terms of Approval from the Office of Environment and Heritage dated 13 June 2018:**

**L1. General terms of approval pursuant to Section 4.47 of the Environmental Planning and Assessment Act 1979, (as amended)**

**APPROVED DEVELOPMENT**

1. Development must be in accordance with:

a. Architectural drawings by Paul O’Keefe Architect.

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Alterations &amp; Additions – 8 Bannerman Street Cremorne, Lot 1 DP 603005</b>			
DA00	Site Analysis	22/12/2016	3
DA01	Site Plan/Drainage Plan	22/12/2016	3
DA02	Ground Floor	22/12/2016	3
DA03	Elevations	22/12/2016	3
DA04	Elevations	22/12/2016	3

b. Detailed drawings by Paul O’Keefe Architect

Dwg No	Dwg Title	Date	Rev
CC102	Proposed Ground Floor Plan	5 July 2017	A
CC103	Existing Cottage Floor Plan	5 July 2017	A
CC104	Demolition Plan	5 July 2017	A
CC105	Proposed Cabana Floor Plan	5 July 2017	A
CC106	Proposed Pool Plan	5 July 2017	A
CC107	Lower Ground Floor Plan	5 July 2017	A
CC200	Proposed Elevations	5 July 2017	A
CC201	Proposed Elevations	5 July 2017	A
CC300	Cross Section A	5 July 2017	A
CC301	Longitudinal Section B	5 July 2017	A
CC302	Longitudinal Section C	5 July 2017	A
CC303	Longitudinal Section D	5 July 2017	A
CC400	Miscellaneous Details Section 1	5 July 2017	A
CC401	Miscellaneous Details Section 2	5 July 2017	A
CC500	Photographic Image of the Existing Building	5 July 2017	A

EXCEPT AS AMENDED by the following conditions of this consent:

#### SPECIALIST TRADES PERSON

2. All work shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar the heritage items.

**Reason:** *Standard condition to ensure that works are being completed to the standards and requirements in the submitted documentation and approved condition.*

#### ARCHAEOLOGY

3. The Applicant must ensure that if intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

4. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment and Heritage.

**Reason:** *To ensure appropriate prior assessment of any unexpected archaeological finds, appropriate additional approvals and actions relevant to the type of find and its level of heritage significance.*

#### COMPLIANCE

5. If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of approval.

**Reason:** *To ensure completion of the works in accordance with the approved plans and to improve the approvals process through a better understanding of the implementation of conditions of approval.*

DURATION OF APPROVAL

6. This approval will lapse 5 years from the date of the consent unless the building works associated with the approval have physically commenced, or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act 1979, whichever occurs first.

**Reason:** *To comply with Section 95 of the Environment Planning and Assessment Act 1979.*

**As modified by the following General Terms of Approval for Section 4.55 modification to DA468/16/2, to allow the reconstruction of dilapidated walls and roof to sandstone and slate roof outbuilding on the western side of the property:**

1. a. All work for the reconstruction of the cabana shall be in accordance with the architectural drawings, prepared by O’Keefe Architects, as listed below:

Dwg No	Dwg Title	Rev	Date
CC103	Demolition Plan	J	18 April 18
CC105	Proposed Pool and Cabana Plan	J	18 April 18
CC200	Proposed elevation – west facade	J	18 April 18
CC201	Proposed elevation – south facade	J	18 April 18

- b. **Report: Statement of Modifications and Environmental Effect, prepared by O’Keefe Architects, dated 18 April 2018**
- c. **Report: Structural Assessment, prepared by iStruct engineers, dated 11 April 2018,**
- d. **Report: Cadana Reconstruction – Work Method, prepared by Archnex, dated 20 April.**

The applicant is advised that following the determination of the application by North Sydney Council, an application under Section 65A of the *Heritage Act 1977* is required to modify the approval given under *Heritage Act 1977*. The application form (same as the Section 60 form) can be found at [www.environment.nsw.gov.au/Heritage/publications/permitapps.htm](http://www.environment.nsw.gov.au/Heritage/publications/permitapps.htm). There are no fees for this application but the applicant will require the property owner’s consent prior to lodging.

1. *To delete Condition D1 in the original consent (D468/16):*

~~D1—1) Specialist Tradespersons~~

~~All work shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar the heritage items.~~

~~Reason: Standard condition to ensure that works are being completed to the standards and requirements in the submitted documentation and approved condition.~~

~~2) Archaeology~~

~~a) The Applicant must ensure that if intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.~~

~~b) Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment and Heritage.~~

~~Reason: These are standard conditions to inform applicants of their obligations under the respective Acts.~~

The conditions attached to the original consent for Development Application No. 468/16 by endorsed date of 22 May 2017 still apply.

**ADVISINGS**

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

The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (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 Certifying Authority 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 & 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 & Assessment Act.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on behalf of consent authority  
LUKE DONOVAN  
A/TEAM LEADER (ASSESSMENTS)