

Original signed by: David Hoy Dated: 13/8/2018

Development Consent No. 63/16/2

Section 4.55 Application

Applicant's Name

Alex Whitehead

Land to which this applies

2 Tunks Street, Waverton
Lot No. 11, DP 181748

Proposal

Modification of Consent – rear open deck with glass balustrade.

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. **63/16** and registered in Council's records as Application No. **63/16/2** relating to the land described as **2 Tunks Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 24 November 2016, has been determined in the following manner:

1. To amend Conditions A1 and C8 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1 The development being carried out in accordance with the following drawings:

Plan No.	Issue	Title	Drawn by	Received
21	B	Site plan	Choo Enterprises Pty Ltd	28 June 2018
24	A	Ground floor plan	Choo Enterprises Pty Ltd	28 June 2018
25	A	First floor plan	Choo Enterprises Pty Ltd	28 June 2018
26	A	Elevations north east & south west	Choo Enterprises Pty Ltd	28 June 2018
27	A	Elevations south east & north west	Choo Enterprises Pty Ltd	28 June 2018
28	A	Sections	Choo Enterprises Pty Ltd	28 June 2018

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

Family Room

C8 Detailing and materials of new doors to the Family Room is to match the detailing and materials of the existing doors on the adjacent verandah. The doors are to be in three vertically proportioned sliding panels, not two. ~~Balustrade to be timber picket to match the existing balustrade on the verandahs.~~

(Reason: To be sympathetic to the proportions and character of the heritage-listed dwelling)

Reason for approval

The development application has been assessed against the *Environmental Planning & Assessment Act, 1979*, *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan, 2013*.

The proposed modification is considered to be of minimal environmental impact, constitute substantially the same development as the development approved under DA 63/16, and is consistent with the reasons for approval of DA 63/16. The proposed deck will not cause any unreasonable overshadowing, overlooking, loss of views or reduced amenity to neighbouring properties. The deck will not cause any discernible landscape, heritage or amenity impacts on the public domain. The deck will not adversely impact the coast, safety and landslip, the street or local area. The application is therefore recommended for approval.

The development as modified is consistent with the reasons for the initial grant of Consent by Council.

How were community views taken into account in making the decision

The owners of adjoining properties and the Waverton Precinct were notified of the proposed development for a 14 day period, between 13 July 2018 and 27 July 2018, in accordance with NSDCP 2013. Council received on submissions. The impact to adjoining properties and the public interest are adequately addressed by the conditions of Consent.

The conditions attached to the original consent for Development Application No. 63/16 by endorsed date of 24 November 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Michael Doyle**. 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)