

Development Consent No. 340/15/4

Section 4.55 Application

Applicant's Name

Karen Lee, c/o Bastas Architects P/L

Land to which this applies

43 Balls Head Road, Waverton
Lot No.: 26, Sec 7, DP: 6894

Proposal

Section 4.55(2) Modification to consent No. 340/15 with regard to materials, front fence; attic terrace.

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. **340/15** and registered in Council's records as Application No. **340/15/4** relating to the land described as **43 Balls Head Road, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 December 2015, has been determined in the following manner:

1. To amend Conditions A1, as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

A1 The development being carried out in accordance with plans identified below and endorsed with Council's approval stamp.

DA340/15 Approved Plans

Plan No.	Title	Drawn by	Dated	Received
DA01	Site Analysis Plan	a.Bastas Architects	24 August 2015	21 September 2015
DA02	Ground Floor Plan Area Schedules and Analysis	a.Bastas Architects	24 August 2015	21 September 2015
DA03	First Floor, Attic Floor and Roof Plans	a.Bastas Architects	24 August 2015	21 September 2015
DA04	Elevations	a.Bastas Architects	24 August 2015	21 September 2015

DA06	Section A BASIX Commitments	a.Bastas Architects	24 August 2015	21 September 2015
DA10	External Materials and Finishes Schedule	a.Bastas Architects	24 August 2015	21 September 2015
L/01	Proposed Landscape Plan	A Total Concept	13 July 2015	21 September 2015
Index 1018B/2015	Sediment and Erosion Control Plan / Waste Management Plan	N Koloff and Associates	31 August 2015	21 September 2015

DA340/15/3 Amended Plans

Plan No.	Title	Drawn by	Dated	Recieved
DA02	Ground Floor Plan Area Schedules and Analysis	a.Bastas Architectes	19 June 2017	23 June 2017
DA03	First Floor, Attic Floor & Roof Plans	a.Bastas Architects	19 June 2017	23 June 2017
DA04	Elevations	a.Bastas Architects	19 June 2017	23 June 2017
DA05	Section A Basix Commitments	a.Bastas Architects	19 June 2017	23 June 2017

DA340/15/4 Amended Plans

Dwg No	Issue	Title	Drawn by	Dated	Received
DA 02	E	Ground Floor Plan, Area Schedule & Analysis	a.Bastas Architecture	12 March 2018	22 March 2018
DA 03	E	First Floor, Attic Floor & Roof Plans	a.Bastas Architecture	12 March 2018	22 March 2018
DA 04	E	Elevations	a.Bastas Architecture	12 March 2018	22 March 2018
DA 05	E	Section A & Basix Commitments	a.Bastas Architecture	12 March 2018	22 March 2018
DA 10	E	External Materials & Finishes Schedule	a.Bastas Architecture	12 March 2018	22 March 2018

and as amended by the following conditions and this consent.

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

Reason for approval

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 therefore can be approved.

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. The notification resulted in no submissions. The existing Notice of Determination includes conditions which adequately address any potential, unreasonable adverse impacts to the locality and ensure the protection of the public interest.

Having regard to the provisions of Section 4.55 and Section 4.15 of the Act, the application is considered to be satisfactory and therefore can be approved.

The conditions attached to the original consent for Development Application No. 340/15 by endorsed date of 22 December 2015 still apply.

ADVISINGS

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