

Original signed by: Robyn Pearson Dated: 18/10/2018

Development Consent No. 377/15

Section 4.55 Application

Applicant's Name

Michael Sue

Land to which this applies

57 Sutherland Street, Cremorne
Lot No. 57, DP 1105877

Proposal

Alterations and additions to existing semi-detached dwelling – S 4.55 including minor changes to remove skylights, spiral stairs, awning over garage.

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. **377/15** and registered in Council's records as Application No. **377/15/2** relating to the land described as **57 Sutherland Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 25 February 2016, has been determined in the following manner:

- (i) **Condition C9 concerned with skylights to be DELETED**
- (ii) *Modification to A1 concerned with conditions that identify the approved plans*

Development in Accordance with Plans

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 No.	Date	Drawn by	Received
-	October 2015	Nvisage	15 October 2015
A223911	17.09.2015	NSW Government Planning & Infrastructure	15 October 2015
-	31.08.2015	Urban Forestry Australia	15 October 2015
15-23	19.03.2015	Base Surveying	15 October 2015
DA-01 Rev. C	01.12.2015	Nvisage	4 December 2015
DA-02 Rev. A	29.09.2015	Nvisage	15 October 2015

DA-03 Rev. C	01.12.2015	Nvisage	4 December 2015
DA-04 Rev. C	01.12.2015	Nvisage	4 December 2015
DA-05 Rev. C	01.12.2015	Nvisage	4 December 2015
DA-06 Rev. A	29.09.2015	Nvisage	15 October 2015
DA-07 Rev. C	01.12.2015	Nvisage	4 December 2015
DA-08 Rev. A	29.09.2015	Nvisage	15 October 2015

As amended by the following plans:-

Plan No.	Date	Drawn by	Received
DA-02 Rev. C-3	29.09.2015	Nvisage	29 June 2018
DA-03 Rev. C-3	01.12.2015	Nvisage	29 June 2018
DA-05 Rev. C-3	01.12.2015	Nvisage	29 June 2018

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

Reason for approval

The section 4.55 application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and found to be satisfactory.

The minor changes to the plans would not cause a loss of amenity for adjoining properties and would have little impact upon the character of the streetscape.

Consequently, the proposed changes to the plans were found to be reasonable in the site circumstances so the section 4.55 application is recommended for **approval** subject to an amendment to condition A1 concerned with the previously approved plans.

How were community views taken into account in making the decision

The community views were taken into consideration with the notification of the original proposal. There was one submission that was addressed with appropriate conditions of consent. Given the minor nature of the changes to the plans, it was considered unnecessary to notify the section 4.55 application because the conditions imposed to maintain residential amenity still apply to the application.

The conditions attached to the original consent for Development Application No. 377/15 by endorsed date of 25 February 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)