

## Development Consent No. 394/16

### Section 4.55 Application

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#### Applicant's Name

Cristy Taylor Riddell

#### Land to which this applies

7-9 Crows Nest Road, Waverton  
Lot No.: B, DP: 390349

#### Proposal

Section 4.55(2) modification to development consent D394/16 to square off corner of master bedroom, extend roof to boundary and relocation of windows.

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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. **394/16** and registered in Council's records as Application No. **394/16/2** relating to the land described as **7-9 Crows Nest Road, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 February 2017, has been determined in the following manner:

*1. To modify condition A1 to read as follows:*

*A. Conditions that Identify Approved Plans*

#### Development in Accordance with Plans/documentation

- 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.	Issue	Title	Dated	Drawn by	Received
Job: 248WAV SHEET: 101	C	Proposed site, roof, stormwater concept and sediment control plan	18 November 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 102	A	Ground and first floor plans – main house	13 October 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 103	C	Proposed studio plan and plan at laneway level + driveway sections	01 December 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 201	A	Northwest and southeast elevations + sections 2 and 3	13 October 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 202	B	Northeast elevation + northwest studio elevation	01 December 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 203	B	Southwest elevations + rear laneway elevations	01 December 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 204	B	Northeast and southwest (full length) elevations	01 December 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 205	B	Section 1 and section 4	01 December 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 206	A	Schedule of external finishes	13 October 2016	Architect Fin	20 December 2016
Job: 248WAV SHEET: 207	A	Section 5 and section 6	13 October 2016	Architect Fin	20 December 2016

Except where amended by plans shown annotated and coloured and referenced as follows:

- A. Drawings numbered S96 - 102, 201, 202, 203, Issue A, dated 6 June 2018, received by Council on 14 June 2018 and Drawings numbered S96 – 205, drawn by Architect Fin and received by Council on 9 July 2018

And except where amended by the following conditions.

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

### Reason for approval

The proposed modifications are considered to be consistent with the reasons for the

originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications are not considered to result in any new or material amenity impact to adjoining properties or the surrounding area as stipulated within the NSDCP 2013. The proposed modifications would retain the intent of originally approved development, is consistent with the reasons for approval and are considered to be acceptable subject to the imposition of conditions.

Having regard to the provisions of section 4.55 & 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is satisfactory. The application is therefore recommended for approval.

### **How were community views taken into account in making the decision**

The owners of the adjoining properties and the Waverton Precinct were notified of the development between 29 June 2018 and 13 July 2018 pursuant to Part A Section 4 of the North Sydney Development Control Plan 2013. No submissions were received.

The conditions attached to the original consent for Development Application No. 394/16 by endorsed date of 3 February 2017 still apply.

### **ADVISINGS**

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

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Signature on behalf of consent authority  
DAVID HOY  
TEAM LEADER (ASSESSMENTS)