

Development Consent No. 280/15

Section 4.55 Application

Applicant's Name

Ted Byrne

Land to which this applies

467-473 Miller Street, Cammeray
Lot No.: 4, DP: 1985

Proposal

Section 4.55 (1A) application to modify DA 280/15 with regard to changes to the external cladding on the northern elevation (ground floor) and all elevations (Level 3) of the mixed use building

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. **280/15** and registered in Council's records as Application No. **280/15/3** relating to the land described as **467-473 Miller Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 November 2016, has been determined in the following manner:

Modify conditions A3 'External Finishes and Materials' and A4 'Development in Accordance with Plans (S4.55 Amendments)' to read as follows:

External Finishes & Materials

A3. External finishes and materials must be in accordance with the submitted schedule *Drawing Number S96-F01 titled 'Finishes Schedule (East and West Elevation)' dated 7/08/18, S96-F02 titled 'Finishes Schedule (North Elevation)' dated 7/11/18 and S96-F03 titled 'Finishes Schedule (South Elevation)' dated 14/11/18 all drawn by Wolski Coppin Architecture* unless otherwise modified by Council in writing.

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

Development in Accordance with Plans (S4.55 Amendments)

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the approved plans that formed part of modification No's 280/15/2 and 280/15/3:

- a) *Drawing Numbered S9602 'Lower Basement Plan' and S9603 'Basement Plan' drawn by Wolski Coppin Architecture dated 12/08/16; and*
- b) *Drawing Numbered S96-F01 titled 'Finishes Schedule (East and West Elevation)' dated 7/08/18, S96-F02 titled 'Finishes Schedule (North Elevation)' dated 7/11/18 and S96-F03 titled 'Finishes Schedule (South Elevation)' dated 14/11/18 all drawn by Wolski. Coppin Architecture; and*
- c) *Drawing Numbered 09, Rev A titled 'Elevation 01' and Drawing Numbered 10, Rev A titled 'Elevation 02' both dated 14/11/18 and both drawn by Wolski Coppin Architecture*

except as amended by the following conditions and this consent.

(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 rendered masonry banding to the northern elevation (ground floor) and Aluminium C Channel cladding (level 3) is considered to enhance the visual appearance of the building while maintaining compatibility with the materials used in the streetscape. Moreover, the rendered masonry banding on the northern elevation at ground level will be easier to maintain and will not experience the same waterproofing issues as the previously terracade linear cladding system.

How were community views taken into account in making the decision

No submissions were received during the notification of the application.

The conditions attached to the original consent for Development Application No. 280/15 by endorsed date of 21 November 2016 still apply.

ADVISINGS

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