

Development Consent No. 85/17

Section 4.55 Application

Applicant's Name

Ruth Martin

Land to which this applies

8 Cairo Street, Cammeray
Lot No.: 47, DP: 2407

Proposal

Section 4.55(2) modifications to DA85/17 for alterations and additions to an existing detached dwelling to provide a new ground floor bay window on the northern elevation.

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. **85/17** and registered in Council's records as Application No. **85/17/2** relating to the land described as **8 Cairo Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 19 July 2017, has been determined in the following manner:

1. To modify Conditions A1 and G8 as follows:

Development in Accordance with Plans (S4.55 Amendments)

- A1. The development being carried out in accordance with the following drawings numbered DA01, DA03, DA04, DA05, DA06, DA11, dated 25/05/2017, drawn by Source Design + Projects, and received by Council on 5 June 2017 and drawings numbered DA07, DA08, DA09, DA10, DA21, dated 25/05/2017, drawn by Source Design + Projects, and received by Council on 6 July 2017, and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D85/17/2:

Plan No.	Date	Drawn by	Received Date
01/a	June 2018	Ruth Martin	24 August 2018
02/a	June 2018	Ruth Martin	24 August 2018
03/a	June 2018	Ruth Martin	24 August 2018
07/a	June 2018	Ruth Martin	24 August 2018

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

Compliance with Certain Conditions

G8. Prior to the issue of any Occupation Certificate, Conditions C1, C2 and C16 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

2. To insert new condition nos. A4 and C16 as follows:

Terms of Consent (D85/17/2)

A4. Approval is granted for the following works as shown on drawings numbered 01/a, 02/a, 03/a and 07/a, all dated 24 August 2018, drawn by Ruth Martin, and received by Council on 24 August 2018:

(a) Replacement of an existing window by a bay window on the northern elevation of the main dwelling.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

New Bay Window (D85/17/2)

C16. The materials and colours of the new ground floor bay window on the northern elevation must match the colours and materials of new windows on the main dwelling as approved in DA85/17 in order to retain the character of the existing dwelling.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To retain the character of the existing dwelling)

Reason for approval

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposal is considered to be substantially the same development as that which was originally approved by Council.

The proposal modifications would have no adverse impacts in terms of height, bulk and scale of the approved development. The proposal would not cause material impacts on the amenity of the adjoining properties.

The non-compliance with the DCP site coverage control was caused by the approved complying development for a swimming pool within the rear yard. The design of the proposed bay window would not further increase the site coverage within the property.

The proposed modifications would have no adverse impacts on the significance and character of the conservation area.

In summary, the proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to the relevant conditions.

How were community views taken into account in making the decision

The adjoining properties and the Plateau Precinct were notified about the proposed development for the period between 7 – 21 September 2018. The notification resulted in no submissions.

The conditions attached to the original consent for Development Application No. 85/17 by endorsed date of 19 July 2017 still apply.

ADVISINGS

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