

Development Consent No. 85/16

Section 4.55 Application

Applicant's Name

Soames Treffry

Land to which this applies

11 Bogota Avenue, Cremorne Point
Lot No.: 4, DP: 387664

Proposal

Modification of consent for substantial alterations and additions to dwelling and a new double 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. **85/16** and registered in Council's records as Application No. **85/16/2** relating to the land described as **11 Bogota Avenue, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 August 2016, has been determined in the following manner:

The following Condition to be amended as follows:

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	Issue	Title	Drawn by	Received
S96 01	B	Site Plan	Simon Rosewell Pty Ltd	6/9/17
S96 16	B	Garage Plan	Simon Rosewell Pty Ltd	25/6/17
S96 02	B	Lower Ground Floor	Simon Rosewell Pty Ltd	5/6/17
S96 03	F	Ground Floor Plan	Simon Rosewell Pty Ltd	25/9/18
S96 04	B	First Floor Plan	Simon Rosewell Pty Ltd	5/6/17
S96 05	C	Elevations 1	Simon Rosewell Pty Ltd	5/6/17
S96 06	D	Elevations 2	Simon Rosewell Pty Ltd	25/9/18
S96 07	C	Garage Elevation	Simon Rosewell Pty Ltd	25/9/17
S96 08	A	Sections	Simon Rosewell Pty Ltd	5/9/17

DA 14	E	Sediment Plan	Simon Rosewell Pty Ltd	18/2/2016
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(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

The following Condition to be added:

Landscaping

11. Landscaping in the front setback area is not to obstruct harbour views from the pool area and front yard of the adjoining property at 13-15 Bogota Avenue, and shall be maintained at a height that retains harbour views.

(Reason: To ensure that the raised front garden does not adversely affect harbour views from the adjoining property)

Reason for approval

The s.4.55 application has been assessed against all applicable environmental planning instruments and Council policies and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013, subject to conditions of consent.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979, the application is considered to be satisfactory as detailed in the assessment report.

How were community views taken into account in making the decision

The proposal was notified and advertised in accordance with Part A, Section 4 *Notification of Applications* of North Sydney DCP 2013, the submissions received have been summarised and the matters raised in those submissions have been considered in the assessment of the modifications and discussed in this report.

The conditions attached to the original consent for Development Application No. 85/16/2 by endorsed date of 3 August 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
GEORGE YOUHANNA
EXECUTIVE PLANNER