

## Development Consent No. 394/17

### Section 4.55 Application

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#### Applicant's Name

Angus James Sharp

#### Land to which this applies

34 Cranbrook Avenue, Cremorne  
Lot No.: 22, DP: 8862

#### Proposal

Alterations and additions to existing dwelling – S 4.55 including minor changes to pergola and first floor bathroom and bedroom.

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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. **394/17** and registered in Council's records as Application No. **394/17/2** relating to the land described as **34 Cranbrook Avenue, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 February 2018, has been determined in the following manner:

**A. Condition A1 is modified to include the proposed changes to the plans:**

**A1 Development in Accordance with Plans**

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	Description	Drawn By	Received
A-01	1	Site Plan	Mass design	7 November 2017
A-02	1	Main Level Plan	Mass design	7 November 2017
A-03	1	Upper Level and Street Elevation	Mass design	7 November 2017
A0-05	1	Pool Area	Mass design	7 November 2017
A-06	1	Western & Northern Elevation	Mass design	7 November 2017
SW-01	1	Drainage Plan	Mass design	7 November 2017

**As amended by the following plans:-**

<b>Plan No.</b>	<b>Issue</b>	<b>Description</b>	<b>Drawn By</b>	<b>Received</b>
A-01	3	Site Plan	Mass design	20 July 2018
A-02	2	Main level plan	Mass design	20 July 2018
A-03	3	Upper level & street elevation	Mass design	20 July 2018
A-04	4	Lower Level Plan	Mass design	20 July 2018
A-06	3	West elevation & section	Mass design	20 July 2018
A-07	3	East & North elevation	Mass design	20 July 2018

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

**B. A new condition is required to maintain the significance of the Heritage Item as follows:**

**C17 Heritage Amendments**

The plans must be amended to include the following heritage requirements:

- (i) **Operable Roof** – The new operable roof is to be painted to match the exterior colour scheme of the dwelling. A non-metallic finish is to be used.
- (ii) **Interior Details** – Any new internal timber joinery to match the existing joinery on the ground and first floor Levels.

The Certifying Authority must ensure that the building plans and specifications submitted referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the character of the heritage item.)

**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 subject application was notified to adjoining properties and the Precinct whereupon Council received two (2) submissions that raised concerns about heritage impacts and the loss of available parking on site and the demand for parking within the locality. Council considered the issues raised in the submission that were addressed in either the original approval, or in the case of heritage, with additional conditions of consent.

The conditions attached to the original consent for Development Application No. 394/17 by endorsed date of 14 February 2018 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.

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)