

## Development Consent No. 423/16

### Section 4.55 Application

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#### Applicant's Name

Christopher Screen, C/- Contemporary Architecture

#### Land to which this applies

26 Alan Street, Cammeray  
Lot No.: 48B, DP: 14815

#### Proposal

New garage – s.4.55 application for minor changes to the design of the garage, entry pergola and front gate.

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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. **423/16** and registered in Council's records as Application No. **423/16/2** relating to the land described as **26 Alan Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 February 2017, has been determined in the following manner:

1. **Amend Conditions A1, C5 and C7 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 no.	Description	Drawn by	Dated
S96.01 Issue C	Cover/Site plan	Contemporary Architecture	19/11/18
S.96.04 Issue A	Existing plans	Contemporary Architecture	3/9/18
S96.05 Issue A	Existing plans	Contemporary Architecture	3/9/18
S96.06 Issue A	Ground floor plan	Contemporary Architecture	3/9/18
S96.07 Issue A	Ground floor plan	Contemporary Architecture	3/9/18
S96.08 Issue A	Lv 1 & roof plan	Contemporary Architecture	3/9/18
S96.09 Issue A	Street elevation	Contemporary Architecture	3/9/18
S96.10 Issue B	Elevations 2 & 4	Contemporary Architecture	19/11/18

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

**Bond for Damage and Completion of Infrastructure works – Stormwater, Kerb and Gutter Footpaths, Vehicular crossing and road pavement**

- C5. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$3,000** to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
  - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
  - c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

**Security Deposit/Guarantee Schedule**

- C7. All fees and security deposits/guarantees in accordance with the schedule below must be provided prior to the issue of any Construction Certificate:

<b>Security deposit/guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council property)	\$1,000
Engineering Construction Bond	\$3,000
<b>TOTAL BONDS</b>	<b>\$4,000</b>

(Reason: Compliance with the development consent)

### **Reason for approval**

The section 4.55 application has been assessed against the North Sydney Local Environmental Plan 2013, the North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be acceptable.

The proposed changes to the garage would not cause any unreasonable bulk and scale to the site and considered to be acceptable in the site circumstances given that the new garage would be submissive in scale to the existing two storey dwelling. The flat roof form would be acceptable in the site circumstances because there is a diverse range of architectural styles in the streetscape.

The additional non-compliance (2%/10.89m<sup>2</sup>) with the site coverage control in NSDCP 2013 is considered acceptable as it will not result in an overdevelopment of the site and garages located forward of the front building line are characteristic on the northern side of Alan Street.

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

The recommended approval of the application is unlikely to offend the public interest for the reasons provided throughout this report. No submissions were received against the application.

The conditions attached to the original consent for Development Application No. 423/16 by endorsed date of 16 February 2017 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)