

Original signed by: David Hoy Dated:31/1/2019

Development Consent No. 189/18

Section 4.55 Application

Applicant's Name

Martin Hall and Mark Oxenham, Castlepeake Consulting Pty Ltd

Land to which this applies

51 Crows Nest Road, Waverton
Lot No. 58, DP 17495

Proposal

Removal of infill walls to front verandah and new doors between master bedroom and original verandah.

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. **189/18** and registered in Council's records as Application No. **189/18/2** relating to the land described as **51 Crows Nest Road, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 October 2018, has been determined in the following manner:

To modify Condition A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1 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 modifications shown in colour on:

- (a) Plan numbered DA03, revision S4.55, dated 21 January 2019, drawn by Castlepeake Consulting Pty Ltd, and received by Council on 21 January 2019.

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 development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*.

The application improves heritage outcomes within the front rooms. The application does not propose external works and will not affect existing streetscape character.

Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the application is considered to be satisfactory and therefore can be approved.

How were community views taken into account in making the decision

NSDCP 2013 does not require the notification of Modification of Consent Applications that will not substantially change the originally approved development or will not disadvantage neighbouring land.

The application seeks consent for internal alterations and will not affect neighbouring properties or the public domain. In accordance with NSDCP 2013 the application was not notified and no submissions were received.

The conditions attached to the original consent for Development Application No. 189/18 by endorsed date of 4 October 2018 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Michael Doyle**. 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)