

## Development Consent No. 31/16

### Section 4.55 Application

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#### Applicant's Name

A E Crawford

#### Land to which this applies

29 Milner Crescent, McMahons Point  
Lot No.: 102, DP: 771446

#### Proposal

Modifications to DA31/16 for alterations and additions to an existing dwelling including a new tool shed, relocation of bin storage, increase in height of rear lane brick fence, change shape of pool, new skylight to laundry.

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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. **31/16** and registered in Council's records as Application No. **31/16/2** relating to the land described as **29 Milner Crescent, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 15 February 2017, has been determined in the following manner:

*1. To Modify Condition A1 of the consent so as to read 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.	Issue	Title	Drawn by	Dated	Received
DA00		Cover Sheet, BASIX & Schedule of materials	Welsh + Major	16.12.16	19-12-16
DA01	G	Site & Roof Plan	Welsh + Major	11.11.16	19-12-16
DA02	D	Ground Floor Plan 1	Welsh + Major	27.06.16	19-12-16
DA03	E	Ground Floor Plan 2	Welsh + Major	27.06.16	19-12-16
DA04	D	First Floor Plan	Welsh + Major	27.06.16	19-12-16
DA05	G	Sections A & B	Welsh + Major	11.11.16	19-12-16
DA06	F	South Elevations	Welsh + Major	11.11.16	19-12-16

DA07	F	North & East Elevations	Welsh + Major	11.11.16	19-12-16
DA08	G	West Elevation & Sections C & D	Welsh + Major	11.11.16	19-12-16
DA11	D	Landscape Plan	Welsh + Major	27.06.16	19-12-16
DA15	F	Pool Plan / Sections	Welsh + Major	11.11.16	19-12-16

Except where amended by the following plans:

Plan No.	Issue	Title	Drawn by	Dated	Received
DA00		Cover Sheet, BASIX & Schedule of materials	Welsh + Major	24.09.18	25.09.18
DA01	I	Site & Roof Plan	Welsh + Major	24.09.18	25.09.18
DA02	G	Ground Floor Plan 1	Welsh + Major	24.09.18	25.09.18
DA03	G	Ground Floor Plan 2	Welsh + Major	24.09.18	25.09.18
DA04	G	First Floor Plan	Welsh + Major	24.09.18	25.09.18
DA05	I	Sections A & B	Welsh + Major	24.09.18	25.09.18
DA06	H	South Elevations	Welsh + Major	24.09.18	25.09.18
DA07	H	North & East Elevations	Welsh + Major	24.09.18	25.09.18
DA08	I	West Elevation & Sections C & D	Welsh + Major	24.09.18	25.09.18
DA11	G	Landscape Plan	Welsh + Major	24.09.18	25.09.18
DA15	H	Pool Plan / Sections	Welsh + Major	24.09.18	25.09.18
DA18	E	Driveway Sections	Welsh + Major	27.06.16	19-12-16
DA18	E	Driveway Sections	Welsh + Major	27.06.16	19-12-16

### Documents

1. Schedule of Conservation Works, Appendix A of the Heritage Impact Statement written by Urbis, dated 17 June 2016 received by Council on 19 July 2016

and except where amended by the following conditions.

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

### Reason for approval

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

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

In accordance with the provisions of Section 4 of NSDCP 2013 notification is not required on the grounds that the proposed modifications are minor in nature and would not result in any additional or new adverse impact to surrounding areas. No submissions were received in relation to the original proposal.

The conditions attached to the original consent for Development Application No. 31/16 by endorsed date of 15 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  
DAVID HOY  
TEAM LEADER (ASSESSMENTS)