

Steven McInerney
PO Box 7002
MCMAHONS POINT NSW 2060

D17/18
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 17/18/2 – APPROVAL**

Development Consent Number: 17/18/2

Land to which this applies: 3 King George Street, McMahons Point
Lot No.: 1, DP: 1031468

Applicant: Steven McInerney

Proposal: Modify consent for alterations and additions to the existing terrace house.

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. **17/18** and registered in Council's records as Application No. **17/18/2** relating to the land described as **3 King George Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 September 2018, has been determined in the following manner: -

To delete conditions A4 and insert the following new conditions:

External Finishes & Materials

A4. External finishes and materials must be in accordance with the following schedule unless otherwise modified by Council in writing:

Material Description	Colour
Metal Roof Sheeting	Colorbond "Shale Grey"
Eaves, Gutters	Colorbond "Basalt" or "Ironstone"
Down pipes	Colorbond "Basalt" or "Ironstone"

Render paint finish – external walls	Dulux “Puddle” or similar compatible with colours of adjoining terraces
Balustrade, decorative lace, front security door, window security bars, front fence, entry gate	“Ironstone” or Dulux “Raku” or a blue hue such as “Enterprise”, “Rainmaker” or “Snap-Shot”
Front Door	Dulux “Raku” or a blue hue such as “Enterprise”, “Rainmaker” or “Snap-Shot”
Front windows and doors	Dulux “Raku” or a blue hue such as “Enterprise”, “Rainmaker” or “Snap-Shot”
Rear windows – first floor	Dulux “Raku” or a blue hue such as “Enterprise”, “Rainmaker” or “Snap-Shot”

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council and appropriate within a Conservation Area)

Development in Accordance with Plans (S4.55 Amendments)

A5. 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 plans indicating the roof skylight on:

Plan No.	Issue	Title	Drawn by	Received
CC.02	-	Existing demolition and Proposed Ground Floor	Lindsay Henry Drafting and Design	18 February 2019
CC.03	-	Existing demolition and Proposed Ground Floor	Lindsay Henry Drafting and Design	18 February 2019

and 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)

Coach House wall

C13. The Coach House wall on/near the common boundary between No.1 and No.3 shall be treated with a waterproof coating below the brickwork. No structures, pergolas, timber shall be attached to the wall. Garden beds shall have waterproofing between the soil and the wall.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. 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 ensure appropriate treatment of the wall to prevent water penetration to the adjoining room)

Reason for approval:

The proposed modifications are considered to be 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 other than the proposed change in colours to the external finishes that are not acceptable.

Having regard to the provisions of section 4.55 & 4.15(1) 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 community views were taken into account:

The owners of adjoining properties and the Lavender Bay Precinct were notified of the proposed development on 1 March 2019. The submissions were addressed in the delegated report.

The conditions attached to the original consent for Development Application No. 17/18 by endorsed date of 7 September 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.
- (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 Certifier 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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEOFF MOSSEMENEAR
EXECUTIVE PLANNER**