

Original signed by: Robyn Pearson Dated: 4/7/2019

David Scobie Architects Pty Ltd
177a Sailors Bay Road
NORTHBRIDGE NSW 2063

D276/18
RP(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 276/18/2 – APPROVAL**

Development Consent Number: 276/18

Land to which this applies: 49 Wycombe Road, Neutral Bay
Lot No.: 0, SP: 14689

Applicant: David Scobie Architects Pty Ltd

Proposal: Alterations and additions to a dwelling house (Heritage Item)

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. **276/18** and registered in Council's records as Application No. **276/18/2** relating to the land described as **49 Wycombe Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 15 January 2019, has been determined in the following manner: -

- (i) **Condition A1 concerned with the approved plans is modified to reflect the proposed changes to the previously approved plans.**

Development in Accordance with the Revised Plans/documentation (Section 4.55 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:

Drawing No.	Date	Description	Drawn By	Received
101 - F	21/3/19	Proposed Ground Floor	David Scobie Architects	3/5/19
102 - F	21/3/19	Proposed First Floor	David Scobie Architects	3/5/19
103 - F	21/3/19	Proposed Roof Plan	David Scobie Architects	3/5/19
201 - F	21/3/19	Proposed West Elevation	David Scobie Architects	3/5/19
202 - F	21/3/19	Proposed North Elevation	David Scobie Architects	3/5/19
203 - F	21/3/19	Proposed South Elevation	David Scobie Architects	3/5/19
204 - F	21/3/19	Proposed Section AA	David Scobie Architects	3/5/19
205 - F	21/3/19	Proposed East elevation	David Scobie Architects	3/5/19

except as amended by the following conditions and this consent.

(ii) New conditions are imposed to maintain the significance of the heritage item as follows:

C16 Slate Roofing

The new slate roofing to the dwelling, shed and garage must satisfy the following requirements:

- a) The slate must be traditionally proportioned natural slate,
- b) The new slate roof must be sympathetic to the architectural style of the dwelling,
- c) The fixing system is not to be visible externally and shall not utilise exposed hooks,
- d) The ridge capping must not be *Colorbond*. Traditional unglazed terracotta ridge capping must be provided on all roof ridges.

Detail drawings illustrating the ridge capping and samples of the slate and terracotta are to be submitted to the satisfaction of Council's Conservation Planner for written approval prior to the issue of any Construction Certificate.

Written concurrence with this condition is to 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 fully satisfy requirements with this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the new roofing is a sympathetic restoration of the heritage item.)

C17 New Timber Shingles to First Level

All timber shingles are to be natural timber. Timber shingles shall not be applied to existing cladding if there is asbestos present. Timber shingles are to be installed on the First Level in accordance with Condition C10.

The Certifying Authority must also 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 original dwelling.)

- (iii) **Condition C15 to be DELETED given that the revised plans satisfy the requirements of condition C15 that formed part of the original approval.**
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Reason for approval:

The section 4.55 application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and generally found to be satisfactory subject to appropriate conditions to ensure an appropriate outcome in terms of the new roof cladding. Council's Conservation Planner raised no objection to the proposal on heritage grounds subject to appropriate conditions.

There would be no amenity impacts for adjoining properties in terms of view loss and/or overshadowing because there would be no change to the height of the dwelling. The new windows/doors would open out into the rear courtyard that is surrounded by high retaining walls, the existing rear shed and/or the double garage located on the western boundary to prevent any overlooking into adjoining properties. The vegetation along the northern boundary would also minimise privacy loss for the neighbour to the north of the subject site.

Having regard to the provisions of Section 4.15(2) of the EP&A Act 1979, the application is satisfactory and can be approved subject to the imposition of appropriate conditions.

How community views were taken into account:

On 9 May 2019, Council notified adjoining properties and the Bennett, Neutral and the Kurraba Precincts about the proposed modifications seeking comment between 17 and 31 May 2019. Council did not receive any submissions. Nevertheless, conditions of consent were imposed with the original consent to preserve neighbour amenity.

The conditions attached to the original consent for Development Application No. 276/18 by endorsed date of 15 January 2019 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
ROBYN PEARSON
TEAM LEADER(ASSESSMENTS)