

MDV Design Studio
Attention: Giuseppe Dal Vera
10 Woodfield Avenue
BUNDEENA NSW 2230

D228/18
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 228/18/2 – APPROVAL**

Development Consent Number: 228/18/2

Land to which this applies: 71 Benelong Road, Cremorne
Lot No.: 2, DP: 557851

Applicant: MDV Design Studio

Proposal: Section 4.55 (2) modifications to the approved alterations and additions to a semi-detached dwelling to change the roof form of the approved first floor addition.

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. **228/18** and registered in Council's records as Application No. **228/18/2** relating to the land described as **71 Benelong Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 November 2018, has been determined in the following manner: -

1. To modify the development consent (D228/18) and modify Condition A1 to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings:

Drawing No.	Rev	Date	Drawn by	Received
A002	B	20/09/2018	Moehtar Dal Vera Design Studio	25 September 2018
A102	B	20/09/2018	Moehtar Dal Vera Design Studio	25 September 2018
A103	B	20/09/2018	Moehtar Dal Vera Design Studio	25 September 2018
A301	B	20/09/2018	Moehtar Dal Vera Design Studio	25 September 2018

A302	B	20/09/2018	Moechtar Dal Vera Design Studio	25 September 2018
A311	B	20/09/2018	Moechtar Dal Vera Design Studio	25 September 2018
A321	B	20/09/2018	Moechtar Dal Vera Design Studio	25 September 2018

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D228/18/2:

Drawing No.	Rev	Date	Drawn by	Received
A002	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A102	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A103	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A301	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A302	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A311	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A312	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019
A321	C	09/09/2019	Moechtar Dal Vera Design Studio	10 September 2019

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

2. To insert a new condition A4 to read as follows:

Terms of Consent (D228/18/2)

A4. Approval is granted for modifications to the roof form above bedroom 2 on the front (north-eastern) section of the approved first floor addition from a hipped roof form to a gable roof form.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

Reason for approval:

The proposed modifications satisfy the provisions of Section 4.55 (2) in that the proposal is considered to be a development which would be substantially the same development as that which was originally approved by Council.

The proposed modifications would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013.

The proposed modifications would have no material impacts on the residential amenity of the subject site and the adjoining properties as well as the character of the locality.

How community views were taken into account:

The adjoining properties and the Brightmore Precinct were notified about the proposed development for the period between 4 and 18 October 2019. The notification resulted in one (1) submission raising no objection to the proposed modifications.

The conditions attached to the original consent for Development Application No. 228/18 by endorsed date of 21 November 2018 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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