

Original signed by Robyn Pearson on 15/10/19

Steve & Alexandra Laliotis
15 Richmond Avenue
CREMORNE NSW 2060

D326/16
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 326/16/3 – APPROVAL**

Development Consent Number: 326/16/3

Land to which this applies: 15 Richmond Avenue, Cremorne
Lot No.: 6, DP: 22892

Applicant: Steve & Alexandra Laliotis

Proposal: Section 4.55 (1A) modifications to D326/16 for changes to the internal layout of the approved attached dual occupancy to accommodate the installation of a lift within each dwelling

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. **326/16** and registered in Council's records as Application No. **326/16/3** relating to the land described as **15 Richmond Avenue, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 18 May 2017, has been determined in the following manner: -

1. To modify the development consent (D326/16) and modify conditions 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,

Plan No.	Rev	Date	Drawn by	Received
DA01	G	05/05/17	Xotta Architects	9 May 2017
DA03	H	22/05/17	Xotta Architects	23 May 2017
DA05	H	22/05/17	Xotta Architects	23 May 2017
DA07	H	22/05/17	Xotta Architects	23 May 2017

DA07B	F	08/03/17	Xotta Architects	9 March 2017
DA08	G	05/05/17	Xotta Architects	9 May 2017
DA09	F	08/03/17	Xotta Architects	9 March 2017
DA10	G	05/05/17	Xotta Architects	9 May 2017
DA11	G	05/05/17	Xotta Architects	9 May 2017
DA12	F	08/03/17	Xotta Architects	9 March 2017
LD 000	0	10.03.17	Tract Landscape Architects	10 March 2017
LD 100	0	10.03.17	Tract Landscape Architects	10 March 2017
LD 200	0	10.03.17	Tract Landscape Architects	10 March 2017

and endorsed with approval stamp, except as modified by highlighting on the following drawings for D326/16/2:

Drawing No.	Issue	Title	Drawn by	Date Printed
CC02	CC2	Site Plan	Dixon Andrews Architects	04/09/2018
CC03	CC2	Plan LGF	Dixon Andrews Architects	04/09/2018
CC04	CC2	Plan GF	Dixon Andrews Architects	04/09/2018
CC05	CC2	Plan FF	Dixon Andrews Architects	04/09/2018
CC06	CC2	Plan Roof	Dixon Andrews Architects	04/09/2018
CC07	CC2	North & South Elevations	Dixon Andrews Architects	04/09/2018
CC08	CC2	East & West Elevations	Dixon Andrews Architects	04/09/2018
CC09	CC2	BASIX & North & South Sections	Dixon Andrews Architects	21/08/2018
CC10	CC2	Window Schedule Part 1	Dixon Andrews Architects	21/08/2018
CC11	CC2	Window Schedule Part 2	Dixon Andrews Architects	21/08/2018

and endorsed with approval stamp, except as modified by highlighting on the following drawings for D326/16/3:

Drawing No.	Issue	Date	Drawn by	Date Received
CC04	02	13/09/2019	Dixon Andrews Architects	17 September 2019
CC05	02	13/09/2019	Dixon Andrews Architects	17 September 2019
CC06	02	13/09/2019	Dixon Andrews Architects	17 September 2019
CC38	03	19/09/2019	Dixon Andrews Architects	19 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 (D326/16/3)

- A4. Approval is granted for changes to the internal layout of the approved attached dual occupancy to accommodate the installation of a lift within each dwelling only as highlighted on the approved plans.

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 involve changes to the internal layout of the approved attached dual occupancy to accommodate the installation of a lift within each dwelling, to satisfy the provisions of Section 4.55(1A) in that the proposed development is substantially the same as what was approved under DA 326/16 as the proposed modifications will not alter the use and the general form of the development as originally approved

The proposed modifications would result in a development which will have minimal or negligible environmental impacts on the locality and adjoining properties.

The non-compliance with the LEP maximum building height is considered to be acceptable due to the nature of the proposed internal works, no change to the approved building height and no adverse impacts on the amenity of the adjoining properties.

The proposed modifications would have no adverse impacts in terms of the envelope, bulk/scale of the approved development and the amenity of the surrounding properties.

How community views were taken into account:

Notification of the subject application was waived in accordance with Section 4.5.1 in Part A of North Sydney DCP 2013.

The conditions attached to the original consent for Development Application No. 326/16 by endorsed date of 18 May 2017 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