

Original signed by: **Kim Rothe** on: **23/10/19**

Christina Wood
Unit 1/15 Waiwera Street
LAVENDER BAY NSW 2060

D223/09
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 223/09/4 – APPROVAL**

Development Consent Number: 223/09/4

Land to which this applies: Unit 1 and Unit 2, 15 Waiwera Street, Lavender Bay
Lot No.: 0, SP: 33029

Applicant: Christina Wood

Proposal: Section 4.55(2) modifications to DA223/09 to modify alterations and additions to the dwelling 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. **223/09** and registered in Council's records as Application No. **223/09/4** relating to the land described as **Unit 1 and Unit 2, 15 Waiwera Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 9 November 2009, has been determined in the following manner:

1. To modify the development consent (D223/09) and modify condition A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans

Drawings numbered 02a, 03a, and 04a, dated 17 August, drawn by Martin Pickrell Design, and received by Council on 25 August 2009. Drawing numbered DA 05a, dated 10 August 2009, and drawn by Martin Pickrell Design, and received by Council on 25 August 2009. Drawing numbered SCP H01, dated October 2008, drawn by Hydraulic Design Group, and received by Council on 9 October 2009.

Except where amended by the following plans:

Plan No.	Dated	Title	Drawn by	Received
DA4-01	August 2019	First Floor Plan and East Elevation	Graphic Beam Design	23/08/19
DA4-02	August 2019	Roof Plan East and North Elevations	Graphic Beam Design	23/08/19

And except where modified by the following condition.

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

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

The proposed amended modifications would not result in significant changes to the form, bulk and scale of the approved development.

Reason for approval:

The proposed amended modifications would not cause adverse material amenity impacts on the adjoining properties in terms of visual privacy/amenity loss or overshadowing.

In summary, the proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to the relevant conditions.

How community views were taken into account:

No submissions were made as a result of the notification of the application.

The conditions attached to the original consent for Development Application No. 223/09 by endorsed date of 9 November 2009 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Hugh Shouldice**. 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
David Hoy
TEAM LEADER (ASSESSMENTS)