

Mark Daly
131 Chandos Street
CROWS NEST NSW 2065

D439/14
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 439/14/5 – APPROVAL**

Development Consent Number: 439/14

Land to which this applies: 131 Chandos Street, Crows Nest
Lot No.: A, DP: 439698

Applicant: Mark Daly

Proposal: Section 4.55(2) modifications to DA439/14 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. **439/14** and registered in Council's records as Application No. **439/14/5** relating to the land described as **131 Chandos Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 March 2015, has been determined in the following manner: -

1. To modify the development consent (D439/14) as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Reference No.	Sheet	Revision	Title	Drawn by	Received
14/08	1 of 5	A	Site Plan/Site Analysis	Tony Martin Planning	17 February 2015
14/08	2 of 5	-	Roof Plan; Floor Plan	Tony Martin Planning	11 December 2014
14/08		-	Section AA; East Elevation/ Section; West Elevation	Tony Martin Planning	11 December 2014

14/08	4 of 5	-	North Elevation; South Elevation; Section BB; Section CC; Carport Detail	Tony Martin Planning	11 December 2014
14/08	5 of 5	A	Section AA; Section; Rear Yard/ Carport Plan; North Elevation	Tony Martin Planning	17 February 2015
14/08	1 of 1	A	Landscape Plan	Tony Martin Planning	17 February 2015

as amended by the following plans:

Plan No.	Issue	Title	Drawn By	Received
14/08	B	Eastern and Western Elevation	Tony Martin Planning	15.10.2019
14/08	B	Roof and Floor Plan	Tony Martin Planning	14.02.2020

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

2. Add condition A4 as follows:

Terms of Consent

A4. No consent is given to the proposed works to the rear, which include the proposed carport structure and the double crossing on the Chandos Lane.

(Reason: To ensure adequate soft landscaping is retained and the terms of the consent are clear)

Reason for approval:

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, subject to the deletion of the rear carport and the double crossing on Chandos Lane.

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

The development application was notified pursuant to the North Sydney Community Participation Program 2019. The notification of the application went from 25 October 2019 to 8 November 2019 and resulted in nil (0) submissions.

The conditions attached to the original consent for Development Application No. 439/14 by endorsed date of 4 March 2015 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