

Texco Architecture Pty Ltd
Level 7, 91 Philip Street
PARRAMATTA NSW 2150

D199/18
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 199/18/4 – APPROVAL**

Development Consent Number: 199/18/4

Land to which this applies: 25A Reynolds Street, Cremorne
Lot No.: 2, DP: 734722

Applicant: Texco Architecture Pty Ltd

Proposal: To modify development consent D199/18 including internal layout/floor level changes, enclosure of a void and the installation of privacy louvres to a new window W-10.

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. **199/18** and registered in Council's records as Application No. **199/18/4** relating to the land described as **25A Reynolds Street, Cremorne**.

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

1. To modify conditions A1, C12 and C13 of the consent as follows:

Development in Accordance with Plans (S4.55 Amendments)

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

Dwg No.	Title	Drawn by	Dated	Received by Council
101-A	Ground, First and Loft Floor Plans	Playcoust Churcher Architects	19/10/18	18/6/19
200-A	Elevations and Sections	Playcoust Churcher Architects	19/10/18	18/6/19

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D199/18/4:

Plan No.	Rev	Title	Drawn by	Dated	Received by Council
101	01	Ground Floor Plan	Texco Design	26/06/2020	31/08/2020
102	01	First Floor Plan	Texco Design	26/06/2020	31/08/2020
103	01	Loft Floor Plan	Texco Design	26/06/2020	31/08/2020
104	01	Roof Plan	Texco Design	26/06/2020	31/08/2020
201	01	North & South Elevation	Texco Design	26/06/2020	31/08/2020
202	01	East & West Elevation	Texco Design	26/06/2020	31/08/2020
301	02	Section	Texco Design	23/10/2020	23/10/2020
302	02	Section	Texco Design	23/10/2020	23/10/2020
401	01	Material Schedule	Texco Design	26/06/2020	31/08/2020

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

BASIX Certificate

C12. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A381691 for the development are fulfilled. Plans and specifications complying with this condition must 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Amendment to the Landscape Plan

C13. The landscape Plan (Sheet 1, Rev C prepared by Paul Scrivener Landscape Architect dated 27.6.18) must be revised in accordance with Plan 101 Rev 01, dated 26/06/20 and prepared by Texco Design in Condition A1 of this S4.55 consent (D199/18/4).

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate in relation to Construction Stage 2. The Certifying Authority must 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 ensure residential amenity)

2. *Insert the following new Condition A4 to read as follows:*

Terms of Consent (D199/18/4)

A4. Approval is granted for the following modifications only:

(a) **Main Staircase** – Reconfiguration of the main staircase to comply with the requirements of the NCC;

- (b) **Ground Floor** – Changes to the layout of the laundry/WC and the dwelling entry including the enclosure of void under the main staircase on the eastern elevation and the installation of privacy louvres to the new ground floor staircase window (W-10);
- (c) **First Floor** – Changes to the internal layout including the deletion of an approved rumpus room to provide a bedroom, the relocation of the study and re-configuration of the bathroom; and
- (d) **Family Room above Garage** – the lowering of the finished floor level of the family room by 220mm from RL81.190 to RL80.970;

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 are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979.

The proposed modifications would result in a development which is substantially the same development as originally approved.

The proposed modifications would not result in changes in terms of building height and the overall bulk and scale of the approved development. The proposal does not result in material amenity impacts on adjoining properties or the surrounding area

The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

How community views were taken into account:

The application was notified to adjoining properties and the Precinct under section 3.6 of the North Sydney Community Engagement Protocol inviting comment on the proposal. Council received two (2) submissions and the issues raised have been addressed in the assessment report.

The conditions attached to the original consent for Development Application No. 199/18 by endorsed date of 9 July 2020 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)**