

Original signed by: Robyn Pearson Dated: 18/12/2020

Progressive Plans Building Design
Suite 2A, 2C Bungan Street
MONA VALE NSW 2103

D96/20
MS3(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 96/20/2 – APPROVAL**

Development Consent Number: 96/20/2

Land to which this applies: 12 Margaret Street, North Sydney
Lot No.: 20, Sec: 1, DP: 2432

Applicant: Progressive Plans Building Design

Proposal: Alterations and additions to an existing dwelling house.
Section 4.55(2) modification relating to the size of windows and the roof form.

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. **96/20** and registered in Council's records as Application No. **96/20/2** relating to the land described as **12 Margaret Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 15 July 2020, has been determined in the following manner: -

A. Condition A5 is to be imposed as follows:

Development in Accordance with Plans (S4.55 Amendments)

A5 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on the plans that form part of DA 96/2020

Plan No	Issue	Title	Dated	Prepared	Received
S4.55 04	J	Site Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 06	J	Existing Ground Floor Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 07	J	Ground Floor Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 08	J	Existing First Floor Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 09	J	First Floor Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 10	J	Existing Roof Plan	25/9/2020	Progressive Plans	28/10/2020
S4.55 11	J	Roof Plan	25/9/2020	Progressive Plans	28/10/2020

S4.55 17	J	Street Elevation	25/9/2020	Progressive Plans	28/10/2020
S4.55 12	J	Northern Elevation	25/9/2020	Progressive Plans	28/10/2020
S4.55 13	J	South Elevation	25/9/2020	Progressive Plans	28/10/2020
S4.55 14	J	East & West	25/9/2020	Progressive Plans	28/10/2020
S4.55 16	J	Section BB & CC	25/9/2020	Progressive Plans	28/10/2020

except as amended by the following conditions and this consent.

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

B. The following Conditions are to be amended:

External Finishes and Materials

- A1. External finishes and materials must be in accordance with the drawing titled '**Sample Board**' s**4.55 18 Rev J**, dated **25 September 2020**, prepared by **Progressive Plans** and received by Council on unless otherwise modified by Council in writing.

Plans and specifications which comply 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 that the form of the development undertaken is in accordance with the determination of Council, Public Information)

C18 BASIX Certificate

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. (A**375999_03**) dated **25 September 2020** 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)

Reason for approval:

The development, as proposed to be modified, is considered substantially the same development and has regard to the reasons for approval of the original application. The modification has been assessed against the matters for consideration as outlined in section 4.15(1) of the Act which have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

The proposed modifications would improve the amenity of the approved dwelling and would not result in any additional undue impacts to the amenity of the surrounding properties. The proposed modifications are consistent with the character of the conservation area.

The proposed modification is therefore considered reasonable and is recommended for approval.

How community views were taken into account:

The development application was notified in accordance with Council's Community Engagement Protocol from 13 November 2020 until 27 November 2020, however no submissions were received. Conditions were imposed on the original consent that are considered to minimise the potential construction impacts to the surrounding residential area.

The conditions attached to the original consent for Development Application No. 96/20 by endorsed date of 15 July 2020 still apply.

ADVISINGS

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