

## Development Consent No. 8/18

### Section 4.55 Application

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#### Applicant's Name

K L Perry, C/- Haviland Architects

#### Land to which this applies

268 West Street, Cammeray  
Lot No.: 10, DP: 749655

#### Proposal

Section 4.55(2) modification to DA8/18 for internal alterations and minor external alterations to approved development.

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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. **8/18** and registered in Council's records as Application No. **8/18/2** relating to the land described as **268 West Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 March 2018, has been determined in the following manner:

- To modify the development consent (D8/18) and modify condition A1 to include the revised plans:**

#### Development in Accordance with Plans (S 4.55 Amendments)

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

| Drawing Number | Issue | Title                                | Drawn by            | Dated    |
|----------------|-------|--------------------------------------|---------------------|----------|
| DA00           | A     | Titlesheet                           | Haviland Architects | 13/12/17 |
| DA01           | A     | Site Analysis and Existing Roof Plan | Haviland Architects | 13/12/17 |
| DA02           | A     | Existing Ground Floor Plan           | Haviland Architects | 13/12/17 |
| DA03           | A     | Site and Roof Plan                   | Haviland Architects | 13/12/17 |
| DA04           | A     | Ground Floor Plan                    | Haviland Architects | 13/12/17 |
| DA05           | A     | East Elevation                       | Haviland Architects | 13/12/17 |
| DA06           | A     | West Elevation                       | Haviland Architects | 13/12/17 |

|           |   |  |                          |            |
|-----------|---|--|--------------------------|------------|
| DA07      | A | South Elevation                                  | Haviland Architects      | 13/12/17   |
| DA08      | A | North Elevation                                  | Haviland Architects      | 13/12/17   |
| DA09      | A | Section AA                                       | Haviland Architects      | 13/12/17   |
| DA10      | A | Section BB                                       | Haviland Architects      | 13/12/17   |
| H883-S1/1 | A | Stormwater Drainage and Sediment Control Details | TAA Consulting Engineers | 27/02/2018 |

and endorsed with Council's approval stamp, except as modified by highlighting in red on the following drawings for D8/18/2:

| Drawing Number | Issue | Title                                | Drawn by            | Dated      |
|----------------|-------|--------------------------------------|---------------------|------------|
| DA00           | D     | Titlesheet                           | Haviland Architects | 21/12/2018 |
| DA01           | D     | Site Analysis and Existing Roof Plan | Haviland Architects | 21/12/2018 |
| DA02           | D     | Existing Ground Floor Plan           | Haviland Architects | 21/12/2018 |
| DA03           | D     | Site and Roof Plan                   | Haviland Architects | 21/12/2018 |
| DA04           | D     | Ground Floor Plan                    | Haviland Architects | 21/12/2018 |
| DA05           | D     | East Elevation                       | Haviland Architects | 21/12/2018 |
| DA06           | D     | West Elevation                       | Haviland Architects | 21/12/2018 |
| DA07           | D     | South Elevation                      | Haviland Architects | 21/12/2018 |
| DA08           | D     | North Elevation                      | Haviland Architects | 21/12/2018 |
| DA09           | D     | Section AA                           | Haviland Architects | 21/12/2018 |
| DA10           | D     | Section BB                           | Haviland Architects | 21/12/2018 |

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

**2. To insert new condition no. A4 as follows:**

**Terms of Consent (D8/18/2)**

A4. Approval is granted for the following works highlighted in red on the drawings listed in Condition A1 above.

- New enclosed study to replace the existing open plan dining area.
- Door to approved bedroom 3 to be relocated.
- New shower room to replace the approved WC, along with a relocated wall between the approved laundry and new shower room.
- External walls moved to provide for the extended shower and laundry room, and to accommodate external gas services.
- Relocated skylight over approved laundry.
- Approved window 04 reduced in width.

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**

This application which seeks internal alterations and minor external alterations to the approved development at 268 West Street, Cammeray, satisfies the provisions of Section 4.55(2) in that the proposed development is substantially the same as what was approved under DA 8/18, and the proposed modifications will not alter the use or the form of the development as originally approved.

The proposed modifications would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no undue impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R3 (Medium Density Residential) Zone, and the reasons for granting consent originally.

The application was advertised and no submissions were received. Amenity impacts have been considered and are acceptable.

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 were community views taken into account in making the decision**

The plans were notified to adjoining properties and Bridgeview Precinct between 11 January and 2 February 2019. No submissions were received.

The conditions attached to the original consent for Development Application No. 8/18 by endorsed date of 14 March 2018 still apply.

### **ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Lisa Kamali**. 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (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 Certifying Authority 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.

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)