

Hancock Architects
174 Jersey Road
PADDINGTON NSW 2021

D2/21
DWH (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 2/21/2 - APPROVAL

Development Consent Number: 2/21

Land to which this applies: 1 Shirley Road, Wollstonecraft
Lot No.: 1 & 2, SEC: 14, DP: 6622

Applicant: Hamish Taitoko
1 Shirley Road
WOLLSTONECRAFT NSW 2065

Proposal: Modification of DA 2/21 for alterations and additions to dwelling to include internal layout changes, new staircase and external alterations including skylights, windows and French doors

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. **2/21** and registered in Council's records as Application No. **2/21/2** relating to the land described as 1 Shirley Road, Wollstonecraft.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 15 June 2021 has been determined in the following manner:

1. To Modify Condition A1 to read as follows:

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp.

Plan No.	Issue date/Rev	Description	Prepared by	Dated
DA-02-01	C	Proposed Site Plan/Site Analysis	Hancock Architects	7/05/2021
DA-02-02	C	Proposed Site Plan	Hancock Architects	7/05/2021
DA-02-03	C	Proposed Lower Ground Floor Plan	Hancock Architects	7/05/2021
DA-02-04	C	Proposed Ground Floor Plan	Hancock Architects	7/05/2021
DA-02-05	C	Proposed Garage and Pool Plan	Hancock Architects	7/05/2021
DA-02-06	C	Proposed Attic Plan	Hancock Architects	7/05/2021
DA-02-07	C	Proposed Roof Plan	Hancock Architects	7/05/2021
DA-02-08	C	Proposed Roof Plan Garage	Hancock Architects	7/05/2021
DA-02-09	C	Proposed West Elevation	Hancock Architects	7/05/2021
DA-02-10	C	Proposed West Elevation 2	Hancock Architects	7/05/2021
DA-02-11	C	Proposed North Elevation	Hancock Architects	7/05/2021
DA-02-12	C	Proposed East Elevation	Hancock Architects	7/05/2021
DA-02-13	C	Proposed South Elevation	Hancock Architects	7/05/2021
DA-02-14	C	Proposed North and South Street Elevation	Hancock Architects	7/05/2021
DA-02-15	C	Proposed Section 1-1	Hancock Architects	7/05/2021
DA-02-16	C	Proposed Section 2-2	Hancock Architects	7/05/2021
DA-02-17	C	Proposed Section 3-3	Hancock Architects	7/05/2021
DA-02-18	C	Proposed Section 3-3	Hancock Architects	7/05/2021
DA-02-19	C	Proposed Section 4-4	Hancock Architects	7/05/2021
DA-02-20	B	Proposed Section 5-5	Hancock Architects	24/03/2021
DA-02-21	A	Proposed RCP - Ceiling Mouldings	Hancock Architects	7/05/2021
DA-04-01	C	Proposed Finishes and Materials Schedule	Hancock Architects	7/05/2021
DA-04-02	C	Proposed Finishes and Materials Schedule	Hancock Architects	7/05/2021
DA01-D0420	Rev I, Issue 01	Landscape Plan	Landscape Design Sydney	25/03/2021
DA02-D0420	Rev I, Issue 01	Landscape Plan	Landscape Design Sydney	25/03/2021

Modification 2/21/2

The approved development is modified under the provisions of Section 4.55 of the Act and the plans referenced above shall be amended in accordance with the amendments shown on the following drawings and documentation endorsed with Council's approval stamped

Plan No.	Issue date/Rev	Description	Prepared by	Dated
DA-02-01	E	Proposed Site Plan/Site Analysis	Hancock Architects	8/10/2021
DA-02-02	E	Proposed Site Plan	Hancock Architects	8/10/2021
DA-02-03	E	Proposed Lower Ground Floor Plan	Hancock Architects	8/10/2021
DA-02-04	E	Proposed Ground Floor Plan	Hancock Architects	8/10/2021
DA-02-05	E	Proposed Garage and Pool Plan	Hancock Architects	8/10/2021
DA-02-06	E	Proposed Attic Plan	Hancock Architects	8/10/2021
DA-02-07	E	Proposed Roof Plan	Hancock Architects	8/10/2021
DA-02-08	E	Proposed Roof Plan Garage	Hancock Architects	8/10/2021
DA-02-09	E	Proposed West Elevation	Hancock Architects	8/10/2021
DA-02-10	E	Proposed West Elevation 2	Hancock Architects	8/10/2021
DA-02-11	E	Proposed North Elevation	Hancock Architects	8/10/2021
DA-02-12	E	Proposed East Elevation	Hancock Architects	8/10/2021
DA-02-13	E	Proposed South Elevation	Hancock Architects	8/10/2021
DA-02-14	E	Proposed North and South Street Elevation	Hancock Architects	8/10/2021
DA-02-15	E	Proposed Section 1-1	Hancock Architects	8/10/2021
DA-02-16	E	Proposed Section 2-2	Hancock Architects	8/10/2021
DA-02-17	E	Proposed Section 3-3	Hancock Architects	8/10/2021
DA-02-18	E	Proposed Section 3-3	Hancock Architects	8/10/2021
DA-02-19	E	Proposed Section 4-4	Hancock Architects	8/10/2021
DA-02-20	E	Proposed Section 5-5	Hancock Architects	8/10/2021
DA-02-21	E	Proposed RCP - Ceiling Mouldings	Hancock Architects	8/10/2021
DA-04-01	E	Proposed Finishes and Materials Schedule	Hancock Architects	8/10/2021
DA-04-02	E	Proposed Finishes and Materials Schedule	Hancock Architects	8/10/2021
DA01-D0420	Rev A Issue 01	Landscape Plan	Dangar Barin Smith Landscape Design Sydney	14/09/2021
DA02-D0420	Rev A Issue 01	Landscape Plan	Dangar Barin Smith Landscape Design Sydney	14/09/2021

And except where modified by the following conditions.

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

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. Furthermore, the modifications do not result in any material amenity impact to 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 and 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 in accordance with Council's Community Consultation Plan between 1 and 22 October and 5 November 2021. No submissions were received in response to Council's Notification.

The conditions attached to the original consent for Development Application No. 2/21 by endorsed date of 15 June 2021 still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

1 February 2022

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER - ASSESSMENTS