

Original signed by **Robyn Pearson** on **25/07/2022**

Mr J T Trouncer  
117 Bellevue Street  
CAMMERAY NSW 2062

D154/21  
TH2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 154/21/2 - APPROVAL**

**Development Consent Number:** **154/21**

**Land to which this applies:** 117 Bellevue Street, Cammeray  
Lot No.: 1, DP: 120904

**Applicant:** Jeremy Thomas Trouncer

**Proposal:** To modify a consent for alterations and additions to a 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. **154/21** and registered in Council's records as Application No. **154/21/2** relating to the land described as **117 Bellevue Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **28 June 2021**, has been determined in the following manner:

**A. Add Condition A5 and C17 as follows:**

**Development in Accordance with Plans/Documentation (s4.55 Amendments)**

A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and A5 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Issue	Title	Drawn by	Received
A0-1	D	Site Layout Plan and Details	C R Whatman	18 July 2022
A0-2	C	Site Area Calculations	C R Whatman	18 July 2022
A0-3	B	Existing and Demolition Plans	C R Whatman	10 May 2022
A0-4	C	Proposed Floor Plan and Roof Plans	C R Whatman	10 May 2022
A0-5	D	Proposed Elevations	C R Whatman	10 May 2022

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

**Exterior Colour Scheme**

- C17. The exterior colour scheme is to match the existing scheme, or any new scheme, shall either be a traditional colour scheme appropriate to Edwardian period dwellings or shall use neutral tones. White is not to be used for the wall colour. New windows and doors shall have a painted finish not a stained finish.

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 fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the character of the conservation area.)

**B. Modify Conditions A4, C6, C15 and C16 as follows:**

**External Finishes and Materials**

- A4. External finishes and materials must be in accordance with the materials noted on the Proposed Floor and Roof Plans (A0-4 C) and Proposed Elevations (A0-5 D), except where modified in writing by Condition C7, 'Colours, Finishes and Materials (Conservation Areas),' and Condition C6, 'New Windows and Doors.'

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

**New Windows and Doors**

- C6. New Window W01 that addresses the street shall be timber framed and the Door D2 constructed of timber. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber-framed. The Certifying Authority must also 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 be sympathetic to the character of the conservation area and the original dwelling)

**BASIX Certificate**

- C15. Under clause 75 of *the Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A417421\_02 dated 04 May 2022 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)

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**Landscaping**

C16. A Landscape Plan must be prepared as follows to provide an appropriate landscaped setting:

- Additional landscaping is to be provided within the front, side and rear setbacks of the site in accordance with the proposed landscaped areas as shown in the Site Area Calculations (Dwg No. A0-2 Rev C).
- The additional landscaping must be annotated on the Landscape Plan (including species, height at maturity, pot size) detailing plants, grasses and trees only.

A Landscape Plan 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 Landscape Plan and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of planting is provided)

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**Reasons 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 granting of development consent to the originally approved development and is considered to be acceptable.

The modification retains sufficient landscaping within the site including the front garden and a tree is to be planted within the front garden assisting in softening the built form of the site as viewed from the street.

The dwelling would remain as single storey with a pitched roof with a gable end facing the street and the dwelling is suitably sited ensuring a front and rear garden. The dwelling retains built elements that are characteristic of the Plateau Conservation Area.

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**.

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**How community views were taken into account:**

The application was notified to adjoining properties and the Plateau Precinct. Council received no submissions following notification of the development application.

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The conditions attached to the original consent for Development Application No. **154/21** by endorsed date of **28 June 2021** still apply.

**ADVISINGS**

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

**25 July 2022**

DATE



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