



Efficio Projects  
PO Box 4205  
DENISTONE EAST NSW 2112

D105/10  
TH2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 105/10/3 - APPROVAL**

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**Development Consent Number:** 105/10/3

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**Land to which this applies:** 90 Cammeray Road, Cammeray  
Lot No.: 1, DP: 221790

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**Applicant:** Efficio Projects

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**Proposal:** To modify a consent for alterations and additions including carport.

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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. **105/10** and registered in Council's records as Application No. **105/10/3** relating to the land described as **90 Cammeray Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 June 2010, has been determined in the following manner:

**1. Add Condition A5, C19 and E20 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 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
A01	A	Site Plan	Efficio Projects	12 May 2022
A02	A	Floor and Roof Plan	Efficio Projects	12 May 2022
A03	A	Elevations	Efficio Projects	12 May 2022
A04	A	Sections	Efficio Projects	12 May 2022

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

### Tree Bond for Public Trees

- C19. Prior to the issue of any construction certificate, security in the sum of \$3,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

#### SCHEDULE

Tree Species (Height)	Location	Bond
1 x Callistemon viminalis (3m)	Council verge in front of 90 Cammeray Road	\$3,000.00

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

### No Removal of Trees on Public Property

- E20. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

### 2. *Modify Condition C8 as follows:*

#### External Colours and Finishes

- C8. The external colours and finishes shall match those colours and finishes on the front façade and front fence of 90 Cammeray Road. A schedule of external colours and finishes 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 completed colours and finishes of the works are compatible with surrounding development)

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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 granting development consent for the originally approved development and are considered to be acceptable.

The carport as modified would have a hipped roof being an appropriate design response sympathetic to the character of the semi-detached dwelling.

The carport as proposed would have a hipped roof rather than the previously approved gable roof, with less supporting posts and increased front setback to improve the appearance and bulk of the carport also maintaining existing landscaping within the site.

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 can therefore be **approved**.

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

The subject application was notified to surrounding properties and the Bay Precinct inviting comment between 27 May and 10 June 2022. There were no submissions received following notification of the modification application.

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The conditions attached to the original consent for Development Application No. **105/10** by endorsed date of **22 June 2010** 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**

07 November 2022



\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER ASSESSMENTS**