



Timothy and Carmel Creswell
C/- Blue Sky Building Designs
1 Bridgeview Avenue
CAMMERAY NSW 2062

D392/21
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 392/21/2 - APPROVAL**

Development Consent Number:	392/21
Land to which this applies:	1 Bridgeview Avenue, Cammeray Lot No.: 3, DP: 13787
Applicant:	Timothy and Carmel Creswell C/- Blue Sky Building Designs
Proposal:	Modification to DA 392/21 proposing various internal and external changes including new wall to western side of the carport, configuration changes to kitchen, window changes, new bay windows, retaining wall changes, roof line changes, skylight, and solar panels to roof.

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. **392/21** and registered in Council's records as Application No. **392/21/2** relating to the land described as **1 Bridgeview Avenue, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **17 March 2022**, has been determined in the following manner:

1. Condition A1 is amended as follows:

Development in Accordance with Plans (S4.55 Amendments)

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

No.	Title	Drawn by	Dated	Received
A101	Site Plan	Blue Sky Building Designs	05/07/2021	24/11/2021
A105	Plan View and Sections - Pool	Blue Sky Building Designs	05/07/2021	24/11/2021
A106	Plan View - Garage Level	Blue Sky Building Designs	05/07/2021	24/11/2021
A107	Plan View - GFL	Blue Sky Building Designs	05/07/2021	24/11/2021
A108	Plan View - FFL	Blue Sky Building Designs	05/07/2021	24/11/2021
A109	Roof Plan and Finishes	Blue Sky Building Designs	05/07/2021	24/11/2021
A110	Elevations	Blue Sky Building Designs	05/07/2021	24/11/2021
A111	Elevations	Blue Sky Building Designs	05/07/2021	24/11/2021
A112	Sections	Blue Sky Building Designs	05/07/2021	24/11/2021
102/1	Hardscape Plan	Conzept Landscape Architects	13/09/2021	24/11/2021
102/2	Landscape Plan	Conzept Landscape Architects	13/09/2021	24/11/2021
102/3	Sections	Conzept Landscape Architects	13/09/2021	24/11/2021

Except as modified as such on the following drawings for DA 392/21/2:

No.	Title	Drawn by	Dated	Received
A101	Site Plan	Blue Sky Building Designs	14/02/2023	14/03/2023
A105	Plan View and Sections - Pool	Blue Sky Building Designs	14/02/2023	14/03/2023
A106	Plan View - Garage Level	Blue Sky Building Designs	14/02/2023	14/03/2023
A107	Plan View - GFL	Blue Sky Building Designs	14/02/2023	14/03/2023
A108	Plan View - FFL	Blue Sky Building Designs	14/02/2023	14/03/2023
A109	Roof Plan and Finishes	Blue Sky Building Designs	14/02/2023	14/03/2023
A110	Elevations	Blue Sky Building Designs	14/02/2023	14/03/2023
A111	Elevations	Blue Sky Building Designs	14/02/2023	14/03/2023
A112	Sections	Blue Sky Building Designs	14/02/2023	14/03/2023

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

2. Conditions C19 is amended as follows:

BASIX Certificate

C23. 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. **A423018_03** (dated 10 March 2023) 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)

3. Condition G6 is amended as follows:

BASIX Completion Certificate

G11. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

4. Condition G7 is amended as follows:

Landscaping

G7. The landscaping shown in the approved landscape plan the landscape plans numbered 102/1, 102/2 and 102/3, prepared by Concept Landscape Architects, dated 24 November 2021, and as further modified by Condition A1 of this consent, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

5. Condition 12 is amended as follows:

Maintenance of Approved Landscaping

12. The owner of the premises at 1 Bridgeview Avenue is to maintain the landscaping approved by this consent generally in accordance with the landscape plans numbered 102/1, 102/2 and 102/3, prepared by Concept Landscape Architects, dated 24 November 2021, and as further modified by Condition A1 of this consent.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access, and views of adjoining properties)

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 392/21. The proposed modifications will not alter the use of the development as originally approved and amenity impacts remain acceptable. The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in NSLEP 2013 and NSDCP 2013.

Reasons for Approval:

Overall, the proposed works will provide improved resident amenity without negatively impacting the neighbourhood character, the amenity of adjoining properties, and the Palmer Neighbourhood. The proposal also remains consistent with the objectives of the R3 Medium Density Residential Zone and the original reasons for granting consent. The proposal was found to be acceptable in the site circumstances and it is recommended that the subject Section 4.55(2) application be **approved**.

How community views were taken into account:

The subject application was notified to adjoining properties and the Bay Precinct Committee seeking comment, and no submissions were received. Nevertheless, it is considered that the proposed modifications would not substantially alter the impacts of what has already been approved under the original consent and would not cause any unreasonable impacts to the streetscape and/or adjoining properties.

The conditions attached to the original consent for Development Application No. **392/21** by endorsed date of **17 March 2022** still apply.

ADVISINGS

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

28 April 2023

DATE



Signature on behalf of consent authority
ROBIN TSE
A/TEAM LEADER (ASSESSMENTS)