



RomeoCAD Design
19/174 Willoughby Road
CROWS NEST NSW 2065

D270/22
RT (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 270/22/2 - APPROVAL**

Development Consent Number:	270/22
Land to which this applies:	50 Colin Street, Cammeray Lot No.: 281, DP: 813564
Applicant:	RomeoCAD Design
Proposal:	Section 4.55(1) modifications to Conditions A1 and G7

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. **270/22** and registered in Council's records as Application No. **270/22/2** relating to the land described as **50 Colin Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **10 July 2023**, has been determined in the following manner:

1. To modify Conditions A1 and G7 in Development Consent (D270/22) 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, except where amended by the following conditions of this consent.

Plan No.	Title	Drawn by	Dated
A-02 Rev A	Proposed site plan (revised)	RomeoCAD	15/03/2023
A-04 Rev A	Proposed ground floor plan	RomeoCAD	15/03/2023
A-05 Rev A	Proposed first floor plan	RomeoCAD	15/03/2023
A-07 Rev A	Proposed roof plan	RomeoCAD	15/03/2023
A-08 Rev A	Existing and proposed north elevation	RomeoCAD	15/03/2023
A-09 Rev A	Existing and proposed east elevations	RomeoCAD	15/03/2023
A-10 Rev A	Existing and proposed south elevation	RomeoCAD	15/03/2023
A-11 Rev A	Existing and proposed west elevations	RomeoCAD	15/03/2023
A-12 Rev A	Existing and proposed sections	RomeoCAD	15/03/2023
A-13 Rev A	Existing and proposed long sections	RomeoCAD	15/03/2023

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

Required Tree Planting

G7. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted within the front setback of 50 Colin Street:

Schedule

Tree Species	Location	Pot Size
1 x <i>Lagerstroemia indica</i>	Within the front setback of 50 Colin Street	75L

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Reasons for Approval:

The proposed modifications seek changes to the plan references in Condition A1 and the location of tree plant in Condition G7, satisfy the provisions of Section 4.55(1) in that the proposed development is substantially the same as what was approved under DA270/22 as the proposed modifications will not alter the use and the general form of the development as originally approved.

In addition, the proposed modifications, relating to the rectification of the typographical errors as contained in Conditions A1 and G7, 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*.

The proposal would have no additional impacts for adjoining properties given that the nature of the modifications and no physical changes to the development as originally approved.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1) application be approved with modifications to Conditions A1 and G7.

How community views were taken into account:

Notification of the subject application was waived in accordance with Section 3.4.2 of Council’s Community Engagement Protocol because the modifications would not change the impacts on the adjoining properties as originally approved.

The conditions attached to the original consent for Development Application No. 270/22 by endorsed date of 10 July 2023 still apply.

ADVISINGS

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

8 November 2023

DATE



Signature on behalf of consent authority
ISOBELLA LUCIC
TEAM LEADER ASSESSMENTS