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D430/16
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 430/16/2 – APPROVAL**

Development Consent Number: 430/16/2

Land to which this applies: 66 Colin Street, Cammeray
Lot No.: 24, DP: 2407

Applicant: Sharon Addington & Paul Johnston

Proposal: Modification of consent for alterations and additions to the existing dwelling including a rear two storey addition and a swimming pool in the rear setback of the site.

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. **430/16** and registered in Council's records as Application No. **430/16/2** relating to the land described as **66 Colin Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 December 2016, has been determined in the following manner: -

Conditions A1, C11, C12 to be amended 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.

Drawing Number	Revision	Title	Drawn by	Dated
DA01	C	Cover and Site Plan	Contemporary Architecture Pty Ltd	8/6/2017
DA02	C	Site Analysis and Location Map	Contemporary Architecture Pty Ltd	8/6/2017

DA03	C	Perspectives	Contemporary Architecture Pty Ltd	8/6/2017
DA07	C	Ground Floor Plan – Part 1	Contemporary Architecture Pty Ltd	8/6/2017
DA08	C	Ground Floor Plan – Part 2	Contemporary Architecture Pty Ltd	8/6/2017
DA09	C	Level 1 Plan	Contemporary Architecture Pty Ltd	8/6/2017
DA10	C	Roof Plan	Contemporary Architecture Pty Ltd	8/6/2017
DA11	C	Elevation Street, 1 & 3	Contemporary Architecture Pty Ltd	8/6/2017
DA12	C	Elevation 2	Contemporary Architecture Pty Ltd	8/6/2017
DA13	C	Elevation 4	Contemporary Architecture Pty Ltd	8/6/2017
DA14	C	Section A & B	Contemporary Architecture Pty Ltd	8/6/2017
DA15	C	Section C, D & E	Contemporary Architecture Pty Ltd	8/6/2017
DA16	C	Section F	Contemporary Architecture Pty Ltd	8/6/2017
DA40	A	Finishes Schedule	Contemporary Architecture Pty Ltd	6/12/2016

All as amended by the plans approved under s.4.55 application DA430/16/2, in accordance with the following drawings:

Drawing Number	Revision	Title	Drawn by	Dated
S4.55-01		Cover and Site Plan	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-03		Ground Floor Plan – Part 1	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-04		Ground Floor Plan – Part 2	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-05		Elevation Street, 1 & 3	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-06		Elevation 2	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-07		Elevation 4	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-08		Section A & B	Contemporary Architecture Pty Ltd	30/11/2018
S4.55-09		Section C & D	Contemporary Architecture Pty Ltd	30/11/2018

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

Protection of Trees

C11. The following tree is required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height (m)
Tree 6 <i>Tristania laurina</i>	Council's verge	7.5

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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C12. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
1. <i>Plumeria acutifolia</i>	Rear garden	4
2. <i>Jacaranda mimosifolia</i>	Rear garden	9
3. <i>Jacaranda mimosifolia</i>	Rear garden – centre	10
4. <i>Acer palmatum</i>	Rear garden	4
5. <i>Psidium</i> spp.	Rear garden	3.5

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Conditions C23, E20, G12 and I2 to be added, as follows:

New Window

C23. New replacement window to Bedroom 3 on Elevation E2 is to be timber framed. 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To retain the character of the conservation area)

Trees to be Removed

E20. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal: -

Trees that are acceptable to remove	Location	Height (m)
<i>1. Plumeria acutifolia</i>	Rear garden	4
<i>2. Jacaranda mimosifolia</i>	Rear garden	9
<i>3. Jacaranda mimosifolia</i>	Rear garden – centre	10
<i>4. Acer palmatum</i>	Rear garden	4
<i>5. Psidium spp.</i>	Rear garden	3.5

(Reason: To ensure compliance with the terms of this development consent)

Required Tree Planting

G12. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in the rear garden of 66 Colin Street Cammeray: -

Schedule

Tree Species	Location	Pot Size
1 x <i>Jacaranda mimosifolia</i>	Rear Garden	75L
1 x <i>Lagerstroemia indica</i>	Rear Garden	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 provide to enhance community landscaped amenity and cultural assets)

Maintenance of Approved Landscaping

12. The owner of the premises at 66 Colin Street Cammeray is to maintain the landscaping and replacement planting approved by this consent generally in accordance with drawings received by PCA and as modified by condition G12.

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)

Reason for approval:

The modification application has been assessed against the Environmental Planning and Assessment Act 1979, North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013, relevant State Planning Policies and with regard to the original decision of the NSIPP. Subject to additional conditions of consent, the proposal is considered satisfactory and is recommended for approval.

How community views were taken into account:

The owners of adjoining properties and the Plateau Precinct were notified of the proposed development between 21 December 2018 and 25 January 2019. The submissions were addressed in the delegated report.

The conditions attached to the original consent for Development Application No. 430/16 by endorsed date of 6 December 2016 still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**