

Hugh Morrow  
16 Rowlison Parade  
CAMMERAY NSW 2062

D65/15  
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 65/15/6 – APPROVAL**

**Development Consent Number:** 65/15/6

**Land to which this applies:** 16 Rowlison Parade, Cammeray  
Lot No.: 1, DP: 533204

**Applicant:** Hugh Morrow

**Proposal:** A Section 4.55 (2) application to modify DA65/15 with regards to returning the approved ground floor sunroom to a verandah and changes to the wording of conditions G1, G5, G6, G8 and the deletion of condition G9

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. **65/15** and registered in Council's records as Application No. **65/15/6** relating to the land described as **16 Rowlison Parade, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 17 July 2015, has been determined in the following manner: -

**1. Modify Conditions A4, G1, G6 and G8 as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

A4 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on the plans that form part of DA65/15/2:

Drawing Number:	Revision	Title	Drawn by:	Dated:
1	-	Site Plan and Landscaping	Cave Urban	21/9/16
2	-	First Floor	Cave Urban	21/9/16
3	-	Ground Floor	Cave Urban	21/9/16
4	-	Elevations	Cave Urban	21/9/16
5	-	Elevation	Cave Urban	21/9/16
6	-	Elevation	Cave Urban	21/9/16
8	-	BASIX Commitments	Cave Urban	21/9/16

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/15/3:

Drawing Number	Revision	Title	Drawn by	Dated
1	-	Site Plan and Landscaping	Cave Urban	21 June 2017
2	-	First Floor	Cave Urban	21 June 2017
3	-	Ground Floor	Cave Urban	21 June 2017
4	-	Lower Floor	Cave Urban	21 June 2017
5	-	Minor Changes to Elevations	Cave Urban	21 June 2017
6	-	Elevations	Cave Urban	21 June 2017
7	-	Section	Cave Urban	21 June 2017

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/15/5:

Drawing Number	Revision	Title	Drawn by	Dated
2	-	Ground Floor	Cave Urban Pty Ltd	17 April 2018
3	-	Elevation	Cave Urban Pty Ltd	17 April 2018
4	-	Elevation + Section	Cave Urban Pty Ltd	17 April 2018
5	-	Boundary Wall	Cave Urban Pty Ltd	17 April 2018
2015.46-S33	A	Retaining wall/footing layout	Michael O.K Chuah	-
2015.46-S34	A	Section U-U/S33	Michael O.K Chuah	-
2015.46-S35	A	Section V-V/S33	Michael O.K Chuah	-

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/15/6:

Drawing Number	Revision	Title	Drawn by	Dated
1	-	Site Plan + Landscaping	Cave Urban Pty Ltd	11 March 2019
2	-	Ground Floor	Cave Urban Pty Ltd	11 March 2019
3	-	Proposed Elevations + Section	Cave Urban Pty Ltd	11 March 2019
4	-	Proposed Section	Cave Urban Pty Ltd	11 March 2019

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

### **Infrastructure Repair and Completion of Works**

G1. Prior to the issue of the final Occupation Certificate any and all works relating to the development: a. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired; to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

### **Retaining wall supporting north eastern deck**

G6 Prior to the issue of the final occupation certificate, a qualified structural engineer must certify in writing that the north eastern retaining wall supporting the previously approved north eastern deck, has been constructed in accordance with the approved plans that form part of Condition A4 of this consent.

(Reason: To ensure structural adequacy of the retaining wall)

**Trailing plants**

G8 Prior to the issue of the final occupation certificate, trailing plants must be installed and maintained for the life of the development along the entire length of both the northern and western edges of the cantilevered ramp. There must be no change to the approved level of the stepping stones (RL22.80) that are located along the cantilevered ramp.

(Reason: To assist in minimising the visual impact of the concrete structures.)

**2. Add Condition A5 as follows:**

**Inconsistency between documents**

A5 In the event of any inconsistency between conditions of this consent and the drawings/documents referred to in Condition A4, the conditions of this consent prevail.

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

**3. Delete Condition G9 ‘Western side of re-built block wall along western boundary of the site’.**

**4. Conditions G4 and G5 to remain unchanged.**

The proposed modifications are considered to be generally supportable, with the exception of the proposed changes to the wording of Condition G5, for the reasons summarised below. It is noted that the application no longer seeks to change the wording of Condition G4.

**Reason for approval:**

The proposed modification, as amended, seeks consent to change to the wording of Condition G5, specifically to permit the fill removal in the north western corner of the site to occur prior to 22 December 2019. It is considered most appropriate that Condition G5 remain unchanged, given the current adverse impacts that this fill and runoff is causing to the adjoining property and may continue to do so for the next 7 months. The fill in the north western corner should be removed prior to the issue of any occupation certificate.

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

The issues raised in the submission were considered in the assessment of the application.

The conditions attached to the original consent for Development Application No. 65/15 by endorsed date of 17 July 2015 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  
Luke Donovan  
**A/ EXECUTIVE ASSESSMENT PLANNER**