

Mark Sydney  
Pamada 142 Pty Ltd and  
Sanctuary Cammeray Pty Ltd  
Level 9, 189 Kent Street  
SYDNEY NSW 2000

D305/05  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.56 MODIFICATION 305/05/8 – APPROVAL**

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**Development Consent Number:** 305/05/8

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**Land to which this applies:** 2 Vale Street (aka 18 Cambridge Street) Cammeray  
Lot No.: 2, DP: 1170092

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**Applicant:** Mark Sydney

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**Proposal:** Section 4.56 modifications to DA305/05 for various  
modifications to the approved development

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Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **305/05** and registered in Council's records as Application No. **305/05/8** relating to the land described as **2 Vale Street (aka 18 Cambridge Street) Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 23 August 2011, has been determined in the following manner: -

- 1. To modify the development consent (D305/05), in particular conditions C42 and I1 to read as follows:*

**External colours and finishes**

C42. A schedule of colours, materials and finishes to be used on the exterior of the building shall be submitted for approval of Council prior to the release of the Construction Certificate. The colour palette to be used initially and for the life of the development shall include only muted/earth-toned colours such as taupes, browns and greys. Light colours, including white, creams and the like and bright primary shall not be used. The colours, materials and finishes for the lift overrun must be in accordance with those indicated on the approved plans for D305/05/8.

(Reason: To ensure external colours are compatible to the adjacent bushland)

**Restriction on Paving and Hard Landscaping**

11. Paving or non-vegetated landscaping shall be limited to those area shown as stairways, pathways, decking and the like in the approved landscaped plans for the apartment building and its curtilage and the approved modified architectural plans (D305/05/8) and the approved architectural plans for the alterations and additions to the dwelling house. Such paving or hard landscaping shall not exceed a total of 250sqm in area.

(Reason: To ensure appropriate high proportion of soft landscaping is maintained)

2. *To insert new conditions A5, A6 and G19 to read as follows:*

**Development in accordance with Plans (D305/05/8)**

- A5. The development being carried out in accordance with drawings/documentation identified in Condition A1 of this consent and endorsed with Council's approved stamp, except as modified by the following plans:

<b>Drawing No.</b>	<b>Rev</b>	<b>Date</b>	<b>Drawn by</b>	<b>Received</b>
A1002	14	09.01.19	Beta Solutions Architects	17 April 2019
A1003	16	09.01.19	Beta Solutions Architects	17 April 2019
A1004	13	06.01.19	Beta Solutions Architects	17 April 2019
A1005	8	06.09.18	Beta Solutions Architects	17 April 2019
A1006	5	30.08.16	Beta Solutions Architects	17 April 2019
A1007	7	06.09.18	Beta Solutions Architects	17 April 2019
A1008	8	09.01.19	Beta Solutions Architects	17 April 2019
A1009	1	02.05.16	Beta Solutions Architects	17 April 2019
A1020	6	05.09.19	Beta Solutions Architects	5 September 2019
A1021	4	05.09.19	Beta Solutions Architects	5 September 2019
A1022	3	06.09.18	Beta Solutions Architects	17 April 2019
A1023	3	05.09.19	Beta Solutions Architects	5 September 2019
A1030	2	05.09.19	Beta Solutions Architects	5 September 2019
A1031	2	05.09.19	Beta Solutions Architects	5 September 2019
A1032	2	05.09.19	Beta Solutions Architects	5 September 2019

Except as amended by the following conditions and this consent.

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

**Terms of Consent (D305/05/8)**

- A6. Approval is granted for the works listed below as shown on the following drawings:

<b>Drawing No.</b>	<b>Rev</b>	<b>Date</b>	<b>Drawn by</b>	<b>Received</b>
A1002	14	09.01.19	Beta Solutions Architects	17 April 2019
A1003	16	09.01.19	Beta Solutions Architects	17 April 2019
A1004	13	06.01.19	Beta Solutions Architects	17 April 2019

A1005	8	06.09.18	Beta Solutions Architects	17 April 2019
A1006	5	30.08.16	Beta Solutions Architects	17 April 2019
A1007	7	06.09.18	Beta Solutions Architects	17 April 2019
A1008	8	09.01.19	Beta Solutions Architects	17 April 2019
A1009	1	02.05.16	Beta Solutions Architects	17 April 2019
A1020	6	05.09.19	Beta Solutions Architects	5 September 2019
A1021	4	05.09.19	Beta Solutions Architects	5 September 2019
A1022	3	06.09.18	Beta Solutions Architects	17 April 2019
A1023	3	05.09.19	Beta Solutions Architects	5 September 2019
A1030	2	05.09.19	Beta Solutions Architects	5 September 2019
A1031	2	05.09.19	Beta Solutions Architects	5 September 2019
A1032	2	05.09.19	Beta Solutions Architects	5 September 2019

- a. Deletion of a 1.2m high aluminium fence on the northern elevation of Basement L1 and Basement L2;
- b. Replacement of the approved aluminium louvres by metal mesh screens to openings on the northern elevation of Basement L1 and Basement L2;
- c. Deletion of the approved communal open space on the First Level;
- d. Deletion of the approved opening on the southern elevation of the lift shaft to provide pedestrian access to the approved communal open space on the First Level;
- e. Deletion of wheelchair access to the approved communal open space;
- f. Modification to the bedroom 2 window on the eastern elevation of Apartment 1 on the Ground Level to provide a doorway to an outdoor terrace;
- g. Replacement of the approved bathroom within Apartment 14 on the Attic Level with a wine cellar;
- h. Deletion of the approved sunhoods to First and Second Level windows on the southern elevation of the apartment building;
- i. Replacement of glazing with solid cladding materials on the approved lift overrun above the Roof Level;

All approved seating on the roof level must be retained. No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

### **Emergency Egress**

- G19. A report, prepared by a suitably qualified consultant, must be submitted to the PCA to demonstrate that adequate provision is available for alternative egress from the apartment building in an emergency. This report must be submitted to the satisfaction of the Principle Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: To ensure the provision of suitable alternative emergency egress.)

3. *To delete condition C4 (Emergency Egress) and Condition G18 (Wheelchair Access) in relation to the provision of wheelchair access to the proposed communal open space deleted as part of D305/05/8.*

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The proposed modifications involve various changes to the design of the approved apartment building and alternative building solution to address the issue of emergency egress. There would be no change to the Voluntary Planning Agreement (VPA) and any measures relating to bushland protection. The proposed modifications would not offend the reasons for the approval of the original application.

**Reason for approval:**

Furthermore, the proposed modifications satisfy the provisions of Section 4.56 in that the proposed development is substantially the same as what was approved under DA 305/05 as the proposed modifications will not alter the use, scale and form of the development as originally approved.

In addition, the proposed modifications 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.

Furthermore, there would be no material impacts on the residential amenity of the subject site and the adjoining properties as well as the character of the locality.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.56 application be approved with modifications to the relevant conditions.

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

The subject application was notified to the owners of the adjoining properties and Bridgeview Precinct between 3 and 17 May 2019 and attracted no submissions.

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The conditions attached to the original consent for Development Application No. 305/05 by endorsed date of 23 August 2011 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **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 4.56 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 4.56 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**