

Original signed by: Geoff Mossemenear Dated: 13/11/2019.

Sharon Addington and Paul Johnston
C/- Contemporary Architecture Pty Ltd
Suite 203, 10-12 Clarke Street
CROWS NEST NSW 2065

D430/16
GJY(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION [Records No] – APPROVAL**

Development Consent Number: 430/16/3

Land to which this applies: 66 Colin Street, Cammeray
Lot No.: 24, Sec: 5 DP: 2407

Applicant: Sharon Addington and Paul Johnston
C/- Contemporary Architecture Pty Ltd

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. **430/16/3** 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 19 September 2017, has been determined in the following manner: -

Conditions A1, C14 to be amended as follows:

- 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

All as subsequently amended by the plans approved under s.4.55 application **DA430/16/3**, in accordance with the following drawings:

Drawing Number	Revision	Title	Drawn by	Dated
S4.55-01	S4.55(2)	Cover and Site Plan	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-03	S4.55(2)	Ground Floor Plan – Part 1	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-04	S4.55(2)	Ground Floor Plan – Part 2	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-05	S4.55(2)	Level 1 Floor Plan	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-06	S4.55(2)	Roof Plan	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-07	S4.55(2)	Elevation Street, 1 & 3	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-08	S4.55(2)	Elevation 2	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-09	S4.55(2)	Elevation 4	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-10	S4.55(2)	Section A & B	Contemporary Architecture Pty Ltd	22/7/2019
S4.55-11	S4.55(2)	Section C & D	Contemporary Architecture Pty Ltd	22/7/2019

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

Air Conditioners and Heat Pumps in Residential Premises

C14. The use of any air conditioner and/or heat pump installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day, and

- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

Condition I2 to be inserted as follows:

Air Conditioners and Heat Pumps in Residential Premises

I2. Any air conditioning and/or heat pump installed at the premises must not operate so as to:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
- (i) before 8.00am and after 10.00pm on any Sunday or Public Holiday; or
- (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence. Version: 1, Version

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

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 21/12/18 and 25/1/19. 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 19 September 2017 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**