

Cable Residences Pty Ltd
PO Box 222
CAMMERAY NSW 2062

D420/18
GM(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 420/18/3 – APPROVAL**

Development Consent Number: 420/18/3

Land to which this applies: 1 The Boulevarde, Cammeray
Lot No.: 0, SP: 11273

Applicant: Cable Residences Pty Ltd

Proposal: To Modify consent for alterations and additions to a residential flat building including two additional apartments, basement parking, tree removal, landscaping and associated works.

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. **420/18** and registered in Council's records as Application No. **420/18/3** relating to the land described as **1 The Boulevarde, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 April 2019, has been determined in the following manner: -

To delete condition A5 and add the following new condition, namely:

Development in Accordance with Plans (S4.55 Amendments)

A5. 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 by clouding on:

Plan No.	Issue	Title	Drawn by	Received
S4.55 003	A	Site Plan	Cracknell & Lonergan	24 January 2020
S4.55 101	A	Basement	Cracknell & Lonergan	24 January 2020
S4.55 102	-	L1 Floor Plan	Cracknell & Lonergan	27 September 2019
S4.55 103	-	L2 Floor Plan	Cracknell & Lonergan	27 September 2019

S4.55 104	-	L3 Floor Plan	Cracknell & Lonergan	27 September 2019
S4.55 105	-	L4 Floor Plan	Cracknell & Lonergan	27 September 2019
S4.55 106	-	Roof Plan	Cracknell & Lonergan	27 September 2019
S4.55 201	-	N & S elevations	Cracknell & Lonergan	27 September 2019
S4.55 202	-	E & W elevations	Cracknell & Lonergan	27 September 2019
S4.55 301	-	Sections A & B	Cracknell & Lonergan	27 September 2019

AND

Plan No.	Issue	Title	Drawn by	Received
S4.55 003	B	Site Plan	Cracknell & Lonergan	9 April 2020
S4.55 101	A	Basement	Cracknell & Lonergan	9 April 2020
S4.55 102	A	L1 Floor Plan	Cracknell & Lonergan	9 April 2020
S4.55 103	-	L2 Floor Plan	Cracknell & Lonergan	9 April 2020
S4.55 104	B	L3 Floor Plan	Cracknell & Lonergan	9 April 2020
S4.55 105	B	L4 Floor Plan	Cracknell & Lonergan	9 April 2020
S4.55 106	A	Roof Plan	Cracknell & Lonergan	9 April 2020
S4.55 201	A	N & S elevations	Cracknell & Lonergan	9 April 2020
S4.55 202	A	E & W elevations	Cracknell & Lonergan	9 April 2020
S4.55 301	A	Sections A & B	Cracknell & Lonergan	9 April 2020

And, except as amended by the following conditions and this consent.

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

The existing residential flat building is a prohibited use on the R2 Low Density Residential site and such the building is a non-conforming use under the North Sydney LEP 2013. The proposal enjoys the benefit of existing use rights and the proposal has been assessed on a merit basis.

Council's notification of the proposal attracted no submissions.

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modification would not result in any material amenity impact to adjoining properties or the surrounding area.

The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development.

How community views were taken into account:

The owners of adjoining properties and the Bay and Plateau Precincts were notified of the proposed development on 1 May 2020. The notification resulted in no submissions.

The conditions attached to the original consent for Development Application No. 420/18 by endorsed date of 3 April 2019 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
**GEOFF MOSSEMENEAR
EXECUTIVE PLANNER**