

Original signed by **Robyn Pearson** on **17/9/2020**

Hugh Milton Grant Morrow
16 Rowlison Parade
CAMMERAY NSW 2062

D65/15
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 65/15/7 – APPROVAL**

Development Consent Number: 65/15/7

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

Applicant: Hugh Milton Grant Morrow

Proposal: Alterations and additions to the existing building to create an attached dual occupancy. Section 4.55(2) modification relating to changes to the internal layout of the lower ground floor dwelling, windows and construction of new pergolas.

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. **65/15/7** 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: -

A. Condition A4 is to be amended 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 DA65/2015/2:

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. 65/2015/3:

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. 65/2015/5:

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. 65/2015/6:

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)

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/2015/7:

Drawing Number	Revision	Title	Drawn by	Dated
1	-	Site Plan + Landscaping	Cave Urban Pty Ltd	29 July 2020
2	-	Lower Ground Floor	Cave Urban Pty Ltd	29 July 2020
2a	-	Ground Floor	Cave Urban Pty Ltd	5 August 2020
2b	-	First Floor	Cave Urban Pty Ltd	5 August 2020
2c	-	Roof Plan	Cave Urban Pty Ltd	5 August 2020
3	-	Elevations	Cave Urban Pty Ltd	29 July 2020
4	-	Section	Cave Urban Pty Ltd	29 July 2020

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

B. Following Condition is to be amended:

BASIX Certificate

C15. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A203019_06**, dated **29 July 2020**, for the development are fulfilled. 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.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Reason for approval:

The development, as modified, is considered substantially the same development and has regard to the reasons for approval of the original application. The modification has been assessed against the matters for consideration as outlined in section 4.15(1) of the Act which have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

The proposed modifications would improve the amenity of the approved dwelling located on the lower ground floor and provide an internal connection to the existing dwelling above. The proposed modifications would not have any adverse impacts to the amenity of the surrounding properties and has suitable regard to the location of the site directly adjoining bushland.

The proposed modification is therefore considered reasonable and therefore can be approved.

How community views were taken into account:

The development application was notified in accordance with Council's Community Engagement Protocol from 21 August 2020 until 4 September 2020, however no submissions were received. Conditions were imposed on the original consent that are considered to minimise the potential construction impacts to the surrounding residential area.

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 **Michael Stephens**. 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
ROBYN PEARSON
TEAM LEADER ASSESSMENTS