

Platino Properties Pty Ltd  
Suite 11, Level 2, 20 Young Street  
NEUTRAL BAY NSW 2089

D392/17  
LH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 392/17/4 – APPROVAL**

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**Development Consent Number:** 392/17/4

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**Land to which this applies:** 6 The Boulevarde, Cammeray  
Lot No.: 7, DP: 24336

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**Applicant:** Platino Properties Pty Ltd

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**Proposal:** To modify a development consent DA 392/17/4 for various modifications to an approved dual occupancy (attached).

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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. **392/17** and registered in Council's records as Application No. 392/17/4 relating to the land described as **6 The Boulevarde, Cammeray**

Your request for the modification of the Development Consent as set out in Notice of Determination dated 10 August 2018, has been determined in the following manner: -

1. **To delete condition A1 of the consent and insert in lieu thereof the following new condition, namely:**

**Development in accordance with Plans/documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp:

Plans	Drawing Nos	Revision	Date
Architectural Plans	DA 000, 100-4, 200-1, 300-1 by PA Studio	D	17 July 2018
Stormwater Plans	07110-01-065 by ING Consulting Engineers	E	18 July 2018
Landscape Plans	L_102 by Elke	C	19 July 2018
	L_102 by Elke	C	19 July 2018

Except as modified in highlighting as follows:

<b>Plan</b>	<b>Rev</b>	<b>Title</b>	<b>Dated</b>	<b>Prepared</b>	<b>Received</b>
DA101	E	Roof plan	24/1/2020	PA Studio	22/7/2020
DA102	F	First floor	9/7/2020	PA Studio	22/7/2020
DA103	E	Ground floor plan	24/1/2020	PA Studio	22/7/2020
DA104	F	Lower ground floor plan	9/7/2020	PA Studio	22/7/2020
DA200	F	Sections S-01 & S-02	9/7/2020	PA Studio	22/7/2020
DA201	F	Section S-02 + 8.5m building height plane	9/7/2020	PA Studio	22/7/2020
DA300	F	North, west & south elevations	9/7/2020	PA Studio	22/7/2020
DA301	F	E + S elevations & materials + finishes	9/7/2020	PA Studio	22/7/2020

Except where amended by the following conditions of this consent.

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

**2. To modify Condition C19 as follows:**

**Section 7.11 Contributions**

C21. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979, in accordance with the North Sydney Council Section 7.11 Contribution Plan for the public amenities/services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

<b>A</b>	<b>B</b>
Administration	\$329.62
Community Centres	\$1,496.38
Childcare facilities	\$570.93
Library and Local Studies Acquisitions	\$279.20
Library Premises and Equipment	\$863.47
Multi-purpose indoor sports facility	\$235.8
Olympic Pool	\$768.00
Open Space Acquisition	\$9,411.34
Open Space Increased capacity	\$18,654.95
Public domain improvements	\$737.41
Traffic improvements	\$905.17
<b>Total</b>	<b>\$34,252.27</b>

The contribution **MUST BE** paid prior to issue of any Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 7.11 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or download via Council's website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

**3. To modify Condition C21 as follows:**

**BASIX Certificate**

C21. Under Clause 97(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No.872680M\_03 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)

**4. To add new Condition C28 as follows:**

**Bushfire Conditions**

C28. The modifications and all works on the site shall comply with the following requirements:

1. New construction shall comply with the requirements of section 3 of Australian Standard 453959-2009 "Construction of buildings in bush fire-prone areas" and,
2. New construction shall comply with the requirements of BAL-29 Australian Standard 453959-2009 "Construction of buildings in bush fire-prone areas" and section 43.7 Addendum Appendix 3 of "Planning for Bush fire Protection".
3. Any new fencing to be property should be in accordance with Rural Fire Service "Fast Fact 2106".
4. New roofing valleys and guttering should be fitted with a non-combustible leaf protection to stop the accumulation of debris.

Where any works, existing or approved, on the site are not compliant with the above requirements, they shall be brought into conformity to ensure the above provisions are complied with having regard to the site in its entirety.

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 compliance with the relevant provisions of sites located within bushfire prone areas)

**5. To add new Condition I11 as follows:**

***I. On-going / operational conditions***

**Use of site as a dual occupancy (attached)**

11. The use of the site is approved as a dual occupancy development. The lower ground floor level shall not be used as a separate dwelling.

(Reason: To clarify the terms of the development consent)

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**Reason for approval:**

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55(1A) of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modification retains the intent of the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55(1A) & 4.15(1) of the Environmental Planning and Assessment Act, 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**

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

Adjoining properties and the Bay Precinct were notified of the proposed development between 21/2/2020 – 6/3/2020. Notification was placed in the Mosman Daily on 20 February 2020. No submissions were received.

The modified plans delete a number of previously proposed amendments to respond to Council's concerns. The modifications did not warrant re-notification in accordance with the Community Engagement Protocol.

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The conditions attached to the original consent for Development Application No. 392/17 by endorsed date of 10 August 2018 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

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Signature on behalf of consent authority  
**LARA HUCKSTEPP  
EXECUTIVE PLANNER**