

**Original signed by: Robyn Pearson Dated: 30/11/2020**

Kirsten Perry  
C/- Haviland Architects  
267 High Street  
NORTH WILLOUGHBY NSW 2068

D8/18  
AB7(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 8/18/3 – APPROVAL**

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**Development Consent Number:** 8/18/3

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**Land to which this applies:** 268 West Street, Cammeray  
Lot No.: 10, DP: 749655

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**Applicant:** Kirsten Perry  
C/- Haviland Architects

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**Proposal:** Modification of Consent No. 8/18 including façade and parapet modifications, skylight modifications and internal modifications.

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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. **8/18** and registered in Council's records as Application No. **8/18/3** relating to the land described as **268 West Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 March 2018, has been determined in the following manner: -

**1. Condition A1 is modified as follows:**

***Conditions that Identify Approved Plans***

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development being carried out in accordance with the following drawings:

Drawing Number	Issue	Title	Drawn by	Dated
DA00	A	Titlesheet	Haviland Architects	13/12/17
DA01	A	Site Analysis and Existing Roof Plan	Haviland Architects	13/12/17
DA02	A	Existing Ground Floor Plan	Haviland Architects	13/12/17

DA03	A	Site and Roof Plan	Haviland Architects	13/12/17
DA04	A	Ground Floor Plan	Haviland Architects	13/12/17
DA05	A	East Elevation	Haviland Architects	13/12/17
DA06	A	West Elevation	Haviland Architects	13/12/17
DA07	A	South Elevation	Haviland Architects	13/12/17
DA08	A	North Elevation	Haviland Architects	13/12/17
DA09	A	Section AA	Haviland Architects	13/12/17
DA10	A	Section BB	Haviland Architects	13/12/17
H883-S1/1	A	Stormwater Drainage and Sediment Control Details	TAA Consulting Engineers	27/02/2018

and endorsed with Council’s approval stamp, except as modified by highlighting in red on the following drawings for D8/18/2:

<b>Drawing Number</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>
DA00	D	Titlesheet	Haviland Architects	21/12/2018
DA01	D	Site Analysis and Existing Roof Plan	Haviland Architects	21/12/2018
DA02	D	Existing Ground Floor Plan	Haviland Architects	21/12/2018
DA03	D	Site and Roof Plan	Haviland Architects	21/12/2018
DA04	D	Ground Floor Plan	Haviland Architects	21/12/2018
DA05	D	East Elevation	Haviland Architects	21/12/2018
DA06	D	West Elevation	Haviland Architects	21/12/2018
DA07	D	South Elevation	Haviland Architects	21/12/2018
DA08	D	North Elevation	Haviland Architects	21/12/2018
DA09	D	Section AA	Haviland Architects	21/12/2018
DA10	D	Section BB	Haviland Architects	21/12/2018

and endorsed with Council’s approval stamp, except as modified by highlighting in red on the following drawings for D8/18/3:

<b>Drawing Number</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>
DA00	F	Titlesheet	Haviland Architects	28/08/2020
DA02	F	Site and Roof Plan	Haviland Architects	28/08/2020
DA04	F	Ground Floor Plan	Haviland Architects	28/08/2020
DA05	F	East Elevation	Haviland Architects	28/08/2020
DA06	F	West Elevation	Haviland Architects	28/08/2020
DA07	F	South Elevation	Haviland Architects	28/08/2020
DA08	F	North Elevation	Haviland Architects	28/08/2020
DA09	F	Section AA	Haviland Architects	28/08/2020
DA10	F	Section BB	Haviland Architects	28/08/2020

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

**2. New Condition A5 is added as follows:**

**Terms of Consent (D8/18/3)**

A5. Approval is granted for the following works highlighted in red on the drawings listed in Condition A1 above.

- New external detailing to the approved facades and parapet
- Extend approved parapet wall toward garage opening along southern elevation
- Relocated approved window 'W02' and service access door along southern elevation
- Remove the approved parapet wall along the western elevation
- Remove the approved skylight over approved laundry
- Relocate existing skylight from approved hallway to approved study
- New door between the approved hallway and living room
- New nib walls to approved living room and kitchen

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)

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**Reason for approval:**

The development application has been assessed against the relevant planning instruments and policies, in particular the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013, and generally found to be satisfactory.

There would be no unreasonable overshadowing, view loss, privacy loss and/or excessive bulk and scale as a result of the proposed modifications given that the works are primarily located within the approved footprint the dwelling on site. The works will generally be sympathetic to the overall design of the subject dwelling and the character of the Palmer Neighbourhood. As a result, the proposed works as conditioned will provide additional resident amenity without negatively impacting the dwelling or neighbourhood amenity or character.

The application is considered to be acceptable in the circumstances and it is recommended for **approval**, subject to standard and site specific conditions.

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

The subject application was notified to adjoining properties and the Bay Precinct Committee seeking comment and no submissions were received. Nevertheless, it is considered that the proposed modifications will provide improved amenity for the residents of the subject site without having any adverse impact upon the streetscape, the amenity of adjoining properties and the character of the locality.

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The conditions attached to the original consent for Development Application No. 8/18 by endorsed date of 14 March 2018 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Andrew Beveridge**. 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  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**