

Miki Katherine Glasfurd  
PO Box 518  
CAMMERAY NSW 2062

D174/17  
RP(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 174/17/2 – APPROVAL**

**Development Consent Number:** 174/17/2

**Land to which this applies:** 1A Greens Drive, Cammeray  
Lot No.: C, DP: 345875

**Applicant:** Miki Katherine Glasfurd

**Proposal:** Alterations and additions to an existing dwelling – minor changes to windows and the internal layout.

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. **174/17** and registered in Council's records as Application No. **174/17/2** relating to the land described as **1A Greens Drive, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 September 2017, has been determined in the following manner: -

**A Condition A1 to be amended to reflect the revised plans as follows:**

**Development in accordance with the plans/documents**

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.

Plan No.	Dated	Title	Drawn by	Received
DA1003 – Rev B	18/4/17	Site Plan	Rapid Plans	23/5/17
DA1004 – Rev B	18/4/17	Existing Ground Floor	Rapid Plans	23/5/17
DA1005 – Rev B	18/4/17	Existing first floor plan	Rapid Plans	23/5/17
DA1006 – Rev B	18/4/17	Demolition ground floor	Rapid Plans	23/5/17
DA1007 – Rev B	18/4/17	Demolition first floor	Rapid Plans	23/5/17
DA2001 – Rev B	18/4/17	Ground floor plan	Rapid Plans	23/5/17
DA2002 – Rev B	18.4/17	First floor plan	Rapid Plans	23/5/17

DA2003 – Rev B	18/4/17	Attic plan	Rapid Plans	23/5/17
DA2004 – Rev B	18/4/17	Roof plan	Rapid Plans	23/5/17
DA3001 – Rev B	18/4/17	Section 2	Rapid Plans	23/5/17
DA3002 – Rev B	18/4/17	Section 3	Rapid Plans	23/5/17
DA3003 – Rev B	18/4/17	Section 5	Rapid Plans	23/5/17
DA4001 – Rev B	18/4/17	North & East elevations	Rapid Plans	23/5/17
DA4002 – Rev B	18/4/17	South & West elevations	Rapid Plans	23/5/17

**As amended by the following plans:**

<b>Plan No.</b>	<b>Dated</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
DA2001 – Rev B	18/4/17	Ground floor plan	Rapid Plans	14/9/20
DA2002 – Rev B	18.4/17	First floor plan	Rapid Plans	14/9/20
DA2003 – Rev B	18/4/17	Attic plan	Rapid Plans	14/9/20
DA3003 – Rev B	18/4/17	Section 5	Rapid Plans	14/9/20
DA4001 – Rev B	18/4/17	North & East elevations	Rapid Plans	14/9/20
DA4002 – Rev B	18/4/17	South & West elevations	Rapid Plans	14/9/20

**B. The BASIX Certificate condition (C18) should be amended below to reflect the window changes:-**

**BASIX Certificate**

C9. 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. A391755 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 proposed changes have been assessed under the relevant planning instruments including NSLEP 2013 and NSDCP 2013 and generally found to be acceptable.

There would be no undesirable impacts in terms of overshadowing, visual and /or acoustic privacy nor any view loss for adjoining properties arising from the proposed changes.

The appearance of the building with the proposed changes would not be greatly altered so the proposed changes are acceptable in terms of the streetscape.

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The modification application is acceptable in terms of its impacts on residential amenity and the streetscape and thus recommended for approval subject to amendments to A1 (Development in accordance with the plans) and C18 (BASIX Certificate).

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

The subject application was notified to adjoining properties and the Precinct for 14 days inviting comment on the proposal but there were no submissions. Nevertheless, appropriate conditions of consent to maintain residential amenity were imposed with the original approval.

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The conditions attached to the original consent for Development Application No. 174/17 by endorsed date of 22 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**

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**