

Original signed by: George Youhanna Dated: 23/11/2020

Modog Pty Ltd  
**Attention: Nick Rickard**  
PO Box 222  
CAMMERAY NSW 2062

D311/16  
GJY(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.56 MODIFICATION 311/16/2 – APPROVAL**

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**Development Consent Number:** 311/16/2

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**Land to which this applies:** 89 Colin Street, Cammeray  
Lot No.: 24, Sec. 4, DP: 2407

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**Applicant:** Modog Pty Ltd

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**Proposal:** Modification of consent for construction of a new dwelling house and partial retention of existing dwelling.

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Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **311/16** and registered in Council's records as Application No. **311/16/2** relating to the land described as **89 Colin Street, Cammeray**.

Your request for the modification of the Development Consent as set out in the Order issued by the Land & Environment Court, dated 12 July 2017, has been determined in the following manner: -

**Condition A1 to be modified as follows:**

**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, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
S4.55 01	E	Site and roof plan, basement floor plan	Max Wessels	26/8/20
S4.55 02	E	Ground floor and first floor plans	Max Wessels	26/8/20
S4.55 03	E	Attic floor plan and elevations	Max Wessels	26/8/20

S4.55 04	E	Elevations and sections	Max Wessels	26/8/20
10	G	Materials/Finishes	Cracknell & Lonergan	04/07/17
LPS4.55 15 – 328	B	Landscape Plan	Conzept Landscape Architects	17/10/19
LPS4.55 15 – 328	B	Specification and Detail	Conzept Landscape Architects	17/10/19

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

**Conditions A7 and C6A to be added:**

**Amended Plans**

A7. The approved palisade fencing located to the north of the Living/Formal Dining room shall be retained and is not to be replaced with solid fencing.

(Reason: To reduce bulk and improve the streetscape and landscape setting.)

**Geotechnical Report**

C6A. All recommendations and requirements contained in the document titled “*Geotechnical Assessment and Recommendations regarding support of boundary conditions during development works at 89 Colin Street, Cammeray*”, prepared by Crozier Geotechnical Consultants, dated 14 September 2020, must be complied with at all times.

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 structural integrity of the subject site and adjoining sites during the excavation process)

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The modification application has been assessed against s.4.56 and s.4.15 of the EPA Act 1979, North Sydney LEP 2013 and North Sydney DCP 2013 and generally found to be satisfactory.

**Reason for approval:**

The proposed development complies with the relevant development standards in NSLEP 2013. The proposal was also generally found to be compliant with the relevant DCP controls in particular setbacks, site coverage, landscaped/unbuilt areas. There would be no amenity loss for adjoining properties in terms of view loss, overshadowing and privacy were found to be acceptable subject to the imposition of appropriate conditions.

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The issues raised by the residents/owners of the adjoining properties have been addressed throughout the report and conditions will be applied in relation excavation and geotechnical engineering recommendations.

Having regard to the provisions of Section 4.15 of the EP&A Act, 1979 the application is considered to be satisfactory and therefore can be approved

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

The subject application was originally notified to adjoining property owners and the Plateau and Bay Precincts between 10 July 2020 and 24 July 2020. The notification of the original application attracted two (2) submissions.

The amended application included additional sections and a geotechnical report and was notified to adjoining property owners and the Plateau and Bay Precincts between 9 September 2020 and 23 September 2020. The notification of the amended application resulted in no submissions.

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The conditions attached to the original consent for Development Application No. 311/16 by endorsed date of 12 July 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  
**GEORGE YOUHANNA  
EXECUTIVE PLANNER**