

Original signed by David Hoy on 4/3/2021

Troy Jacobus McGeachie
17 Rowlison Parade
CAMMERAY NSW 2062

D306/18
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 306/18/3 – APPROVAL**

Development Consent Number: 306/18/3

Land to which this applies: 17 Rowlison Parade, Cammeray
Lot No.: 21, DP: 10001

Applicant: Troy Jacobus McGeachie

Proposal: To modify a Development Consent No. 306/18 for various modifications to a dwelling including canopy over pedestrian entry, increase roof height and external changes including materials.

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. **306/18** and registered in Council's records as Application No. **306/18/3** relating to the land described as **17 Rowlison Parade, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 26 November 2018, has been determined in the following manner: -

1. To insert Condition A1B into the development consent (D306/18) to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1B. The approved development plans referred to Condition A1 of the consent shall be amended to be carried out in accordance with the following drawings:

Drawing No.	Rev	Title	Drawn by	Dated
DA1	G	Site Plan	dawsonvu	1/3/2021
DA2	G	Basement Plan	dawsonvu	1/3/2021
DA3	G	Ground Floor Plan	dawsonvu	1/3/2021
DA4	G	First Floor Plan	dawsonvu	1/3/2021
DA5	G	Roof Plan	dawsonvu	1/3/2021
DA6	G	North Elevation	dawsonvu	1/3/2021

DA7	G	West Elevation	dawsonvu	1/3/2021
DA8	G	South Elevation	dawsonvu	1/3/2021
DA9	G	East Elevation	dawsonvu	1/3/2021
DA10	G	Section A	dawsonvu	1/3/2021

The plans referenced above are those endorsed with Council's approval stamp, reference D306/18/3. The approved plans are modified by all remaining conditions of consent.

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

2. *Condition C23 is amended to update the reference to the BASIX Certificate to read as follows:*

BASIX Certificate

C23. 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. **954938S_02** 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)

3. *The following additional condition is imposed:*

Air conditioning plant

A4. No consent is granted or may be inferred under this consent for the installation of any air conditioning plant which protrudes above the approved roof plane. The Certifying Authority must ensure the development complies with the requirements of this condition prior to the issue of any occupation certificate relating to this consent.

(Reason: to clarify the terms of this consent and to ensure air conditioning plant does not protrude above the roof plane)

Reason for approval:

The proposed modifications have been considered against the relevant provisions of the Environmental Planning and Assessment Act 1979, North Sydney Local Environmental Plan 2013 and Development Control Plan 2013 and all other relevant statutory Instruments and is considered to satisfactorily address those requirements.

The proposed modifications retain the essence of the originally approved development application and would not result in any material adverse amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of Section 4.55 & 4.15 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**.

How community views were taken into account:

The concerns raised during the notification of the application have been considered in relation to the proposed modifications. The matters raised in the submissions relate to the management of ongoing construction, are adequately addressed by existing conditions or relate to the process of the original development application.

The conditions attached to the original consent for Development Application No. 306/18 by endorsed date of 26 November 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

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)