

Original signed by **Robyn Pearson** on **6/5/2021**

Atlas Urban
69 Pine Street East
CAMMERAY NSW 2062

D292/19
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 292/19/2 - APPROVAL**

Development Consent Number: 292/19/2

Land to which this applies: 1A Rowlison Parade, Cammeray
Lot No: Y DP: 400611

Applicant: Belinda Walter

Proposal: Modifications to Development Consent D292/19 including an extension of the approved first floor kitchen and an extension to the ground floor ensuite bathroom and walk in robe.

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. **292/19** and registered in Council's records as Application No. **292/19/2** relating to the land described as **1A Rowlison Parade, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 30 April 2021, has been determined in the following manner:-

- To modify the development consent (D292/19) and modify conditions A1 and C21 read as follows:*

Development in Accordance with Plans (S4.55 Amendments)

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

Drawing No.	Rev	Dated	Drawn by	Received
DA100	DA	11.09.19	BW	25 September 2019
DA101	DA-2	26.09.19	BW	26 September 2019
DA102	DA	11.09.19	BW	25 September 2019
DA103	DA	11.09.19	BW	25 September 2019

DA200	DA-6	13.03.20	BW	16 March 2020
DA201	DA-6	13.03.20	BW	16 March 2020
DA202	DA-6	13.03.20	BW	16 March 2020
DA203	DA-6	13.03.20	BW	16 March 2020
DA300	DA	11.09.19	BW	25 September 2019
DA301	DA	11.09.19	BW	25 September 2019

and the following drawings relating to the sandstone retaining walls on Council land:

Drawing No.	Rev	Title	Prepared by	Dated
A102		Garage Plan	BW	5.11.20
A106		Sandstone Retaining Wall on Council Land	BW	5.11.20
C01	1	General Notes	ISTRUCT Consulting Engineers	16.10.20
C02	2	Retaining Wall Plan and Details	ISTRUCT Consulting Engineers	28.10.20

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D292/19/2:

Drawing No.	Rev	Dated	Drawn by	Received
A001	4.55	18.03.21	BW	26 March 2021
A002	4.55	18.03.21	BW	26 March 2021
A102	4.55b	30.04.21	BW	30 April 2021
A103	4.55	18.03.21	BW	26 March 2021
A201	4.55	18.03.21	BW	26 March 2021
A202	4.55	18.03.21	BW	26 March 2021
A203	4.55	18.03.21	BW	26 March 2021
A300	4.55	18.03.21	BW	26 March 2021

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

BASIX Certificate

C21. Under clause 97A(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. A354492_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)

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and S.4.55 of the EP&A Act 1979.

The proposed modifications would result in a development which is substantially the same development as originally approved.

The proposed modifications would not result in changes in terms of the overall height, bulk/scale and the overall form of the approved development.

The proposed modifications would maintain compliance with the LEP maximum building height control, DCP's setbacks, site coverage, unbuilt upon area and landscaped area requirements.

There would be no material impacts on the amenity of the adjoining properties.

Having regard to the provisions of section 4.55 and 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**.

How community views were taken into account:

The proposal was notified to surrounding properties and the Bay Precinct between 9 and 23 April 2021. The notification attracted no submissions.

The conditions attached to the original consent for Development Application No. 292/19 by endorsed date of **23 March 2020** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

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