

Original signed by **Robyn Pearson** on **10/05/2021**

Cradle Design
C/- James Tray
Shop 1, 316 Sydney Road
BALGOWLAH NSW 2093

D329/16
RP (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 329/16/3 - APPROVAL

Development Consent Number: 329/16/3

Land to which this applies: 1 Rowlison Parade, Cammeray
Lot No: B, DP: 184453

Applicant: James Tray

Proposal: Alterations and additions to an existing dual occupancy - lift access to Unit 2, new windows, glazed door to balcony

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. **329/16** and registered in Council's records as Application No. **329/16/3** relating to the land described as 1 Rowlison Parade, Cammeray.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 April 2017, has been determined in the following manner: -

1. Condition A1 is amended to include the following revised plans:-

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.	Date	Title	Drawn by	Received
DA-01 Rev. B	03.01.17	Site Analysis, Stormwater and Sediment Control Plan. Ground and First Floor Demolition Plans	Cradle Design	3 February 2017
DA-02 Rev. B	03.01.17	Garage, Ground, First and Upper Floor Proposed Plans	Cradle Design	3 February 2017
DA-03 Rev. B	03.01.17	External Elevations	Cradle Design	3 February 2017
DA-04 Rev. B	03.01.17	Landscape, Site and Unbuilt Upon Area Plan, Section A-A and Photomontage	Cradle Design	3 February 2017
DA-19 Rev. B	03.01.17	Schedule of External Finishes and Materials	Cradle Design	3 February 2017

As amended by the following revised plans:-

Plan No.	Date	Title	Drawn by	Received
DA-02 Rev. C	24.09.19	Garage, Ground, First and Upper Floor Proposed Plans	Cradle Design	2 October 2019
DA-03 Rev.	24.09.19	External Elevations	Cradle Design	2 October 2019
DA-04 Rev. B	24.09.19	Landscape, Site and Unbuilt Upon Area Plan, Section A-A and Photomontage	Cradle Design	2 October 2019

As further amended by the following revised plans:

Plan No.	Date	Title	Drawn by	Received
DA-02 Rev. D	08.2026	Garage, Ground, First and Upper Floor Proposed Plans	Cradle Design	10 March 2021
DA-03 Rev. D	08.2026	External Elevations	Cradle Design	10 March 2021
DA-04 Rev. D	08.2026	Landscape, Site and Unbuilt Upon Area Plan, Section A-A and Photomontage	Cradle Design	10 March 2021

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

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 maintain streetscape character and residential amenity)

2. One new condition to be included in the consent as follows:-

Skylight(s)

C17 Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply 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 fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

The development application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and generally found to be satisfactory.

Reason for Approval:

The minor nature of the proposed changes would not cause any loss of amenity for adjoining properties in terms of view loss or overshadowing given that there would be no additional height to the building.

The new sliding doors on the front elevation on the middle level would not cause a loss of privacy given that they would overlook Rowlison Parade. The new glazed door to provide entry/exit to the front balcony on the middle level would not cause a loss of privacy given that there would be considerable distance between the glazed door and the neighbour at No. 1A Rowlison Parade so as not to cause a loss of privacy. Furthermore, the southern wall of No. 1A Rowlison Parade facing the subject site has few windows that are mostly fitted with obscure glazing. It is for these reasons that the elongated windows on the northern elevation would not cause a loss of privacy for the neighbours at No. 1A Rowlison Parade.

The applicant has requested permission to allow the lift to service the lower unit which is acceptable given that the applicants own Units 1 and 2 in the subject building. This aspect of the proposal would not compromise the safety and security of the building given that the lift is likely to be fitted with a mechanism to limit entry to each unit depending on the access needs of the lift occupant.

Having regard to the provisions of Section 4.55 of the EP&A Act 1979 the application is satisfactory and is therefore recommend for approval subject to modification to relevant conditions of consent and/or additional conditions.

How community views were taken into account:

The subject application was notified to adjoining properties and the Bay Precinct 14 days inviting comment on the proposed changes to the plans. There were no submissions, nevertheless, appropriate conditions of consent were imposed with the original consent to maintain the residential amenity of adjoining properties.

The conditions attached to the original consent for Development Application No. 329/16 by endorsed date of 5 April 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robyn Pearson** 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)