

Original signed by: Robyn Pearson Dated: 12/5/2021

Mark Solomon  
Plan Urbia  
PO Box 86  
GLEBE NSW 2037

D397/19  
MS3(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 APPLICATION 397/19/2 - APPROVAL**

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**Development Consent Number:** 397/19/2

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**Land to which this applies:** 2 Folly Point, Cammeray  
Lot No.: 34, DP: 8933

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**Applicant:** Mark Solomon – Plan Urbia

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**Proposal:** Section 4.55(2) Modifications to development consent for alteration and additions to an existing dwelling house.

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The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 5 May 2021.

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. **397/19** and registered in Council's records as Application No. **397/19/2** relating to the land described as **2 Folly Point, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 May 2021, has been determined in the following manner: -

**A. The following conditions are to be imposed.**

**Development in Accordance with the Plans (s4.55 modification)**

A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

| Plan No        | Title            | Dated      | Prepared        | Received   |
|----------------|------------------|------------|-----------------|------------|
| S4.55 A101 – A | Site / Roof Plan | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A211 – A | Proposed Level 5 | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A212 – A | Proposed Level 4 | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |

|                |   |            |                 |            |
|----------------|---|------------|-----------------|------------|
| S4.55 A213 – A | Proposed Level 3                          | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A214 – A | Proposed Level 2                          | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A215 – A | Proposed Level 1                          | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A304 – A | Proposed Southern Elevation               | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A311 – A | Proposed Northern Elevation               | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A312 – A | Proposed East Elevation                   | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A313 – A | Proposed West Elevation                   | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A411 – A | Long Section                              | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A412 – A | Cross Section                             | 22/01/2021 | Play Co Pty Ltd | 01/03/2021 |
| S4.55 A605 – A | Level 2 Eastern Balcony<br>Screen Details | 21/01/2021 | Play Co Pty Ltd | 01/03/2021 |

**B.** *The following conditions are to be amended to reflect the amended plan references.*

### **External Finishes & Materials**

A4. External finishes and materials must be in accordance with the submitted Proposed Material Finishes Schedule, drawing ref: **A320 s4.55 Rev A**, dated **22 January 2021**, and received by Council on **1 March 2021** unless otherwise modified by Council in writing.

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

### **Installation of Irrigation System**

C13. An automated irrigation system is to be installed on the roof level to irrigate the approved landscaping shown on drawing **S4.55 A211 – A**, drawn by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**.

(Reason: To ensure that the approved landscaping is able to be adequately maintained)

### **Landscaping**

G1. The landscaping shown in the Level 5 Plan numbered **S4.55 A211 – A**, prepared by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Maintenance of Landscaping**

I4. The owner of the premises at 2 Folly Point, Cammeray is to maintain the landscaping approved by this consent generally in accordance with drawing number **S4.55 A211 – A**, drawn by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**. The automated irrigation system installed as required by condition C13 Installation of Irrigation System is to be appropriately programmed to provide sufficient irrigation to the planters.

The landscaping is to be maintained to ensure that the height does not exceed 1.8m above the finished floor level of the rooftop area.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

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**Reason for approval:**

The Panel considers that that the proposed modification is minor and will have negligible environmental impact.

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

The development application was notified in accordance with Council's Community Engagement Protocol from 19 March 2021 until 6 April 2021, however, no submissions were received. Conditions were imposed on the original consent that are considered to address the potential construction impacts on the surrounding residential area

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The conditions attached to the original consent for Development Application No. 397/19 by endorsed date of 3 June 2020 still apply.

**ADVISINGS**

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

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