

Original signed by Robyn Pearson on 23/08/2021

Edwina Bower
Suite 3, Level 1, 8 West Street
NORTH SYDNEY NSW 2060

D306/19
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 309/19/2 - APPROVAL**

Development Consent Number: 306/19

Land to which this applies:

54, 56, 58 and 58A Wycombe Road, Neutral Bay
Lot No.: 6, DP: 86300; Lot No.: 1, DP: 608905
Lot No.: 1, DP: 79297; Lot No.: 1, DP: 999569

Applicant: Edwina Bower, Cranbrook Care

Proposal:

Section 4.55(2) application (D309/2019) seeking various design modifications to an approved development for a residential aged care facility

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. **309/19** and registered in Council's records as Application No. **309/19/2** relating to the land described as 54, 56, 58 and 58A Wycombe Road, Neutral Bay.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 9 September 2020 has been determined in the following manner:

A. Insert Condition A5

Development in Accordance with Plans (s4.55 Amendments)

- A1. 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.	Issue	Title	Dated	Received	Received
1813/DA01	L	Site Plan	26/05/2021	Boffa Robertson Group	05/07/2021
1813/DA06	M	Proposed Basement Floor Plan	26/05/2021	Boffa Robertson Group	05/07/2021
1813/DA07	N	Proposed Lower Ground Floor Plan	26/05/2021	Boffa Robertson Group	05/07/2021
1813/DA08	Q	Proposed Ground Floor Plan	26/05/2021	Boffa Robertson Group	05/07/2021
1813/DA09	P	Proposed First Floor Plan	15/04/2021	Boffa Robertson Group	05/07/2021

1813/DA10	O	Proposed Second Floor Plan	15/04/2021	Boffa Robertson Group	05/07/2021
1813/DA12	M	Elevations - Sheet 1	05/07/2021	Boffa Robertson Group	05/07/2021
1813/DA13	N	Elevations - Sheet 2	05/07/2021	Boffa Robertson Group	05/07/2021
1813/DA14	M	Elevations - Sheet 3	26/05/2021	Boffa Robertson Group	05/07/2021
1813/DA15	J	Sections - Height Plan	15/04/2021	Boffa Robertson Group	05/07/2021
1813/DA15A	K	Sections - Height Plan	26/05/2021	Boffa Robertson Group	05/07/2021
SKO1	Q	Overall Site Plan	June 2021	Umbaco Landscape	05/07/2021
SKO9	Q	Landscape Plan Ground Floor	June 2021	Umbaco Landscape	05/07/2021
SK10	Q	Landscape Plan First and Second Floor	June 2021	Umbaco Landscape	05/07/2021
SK07	Q	Sections Elevations	June 2021	Umbaco Landscape	05/07/2021

except as amended by the following conditions and this consent.

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

B. Amend Condition C27

Condition C27 Amendments to the Landscape Plan

The landscape plan must be amended, as follows to provide an appropriate landscaped setting:

- 2 x *Callistemon viminalis* (100l) shall be conditioned to be planted along the Aubin Street frontage of No. 54 Wycombe Road
- The 5 x Ornamental Pear "Frontier" (*Pyrus calleryana*) shown on the Aubin Street frontage of the site are to be replaced by the same number of a suitable evergreen species capable of achieving the same or greater height, width and foliage density
- Plant species, number and pot sizes shall be shown on all drawings
- The areas of lawn depicted for the narrow garden between Nos. 58 and 58a Wycombe Road are not considered likely to be a viable solution in this location, and a more suitable shade tolerant planting option shall be used in this location
- The stormwater and drainage plan, and location of OSD shall be redesigned such that they do not impact the TPZ of any of trees nominated for protection and retention

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

C. Impose condition C44 Heritage Requirements

C44 Heritage Requirements

The following heritage requirements are to be to the satisfaction of Council's Conservation Planner prior to the issue of the relevant construction certificate:

- a) **New fencing to front boundary of 58 Wycombe Road** - New fencing shall be either a sandstone block wall but with some detailing difference such that the works may be identified as new or shall be a timber picket fence on a sandstone base or matching the existing at 58A.
- b) **New fencing to 54-56 Wycombe Road** - Existing sandstone is to be salvaged and re-used on site. New additional sandstone is to have similar colour, texture and dimension but with a detailing difference such that it may be identified as new works. The location of the original gate entries to 54 and 56 Wycombe Road is to be identifiable by being inset approximately 15 mm and the sandstone coursing separated from the main wall so that it appears as an infill panel. The sandstone block with house name 'Perim' is to be salvaged and reinstated in a location approximate to its existing location.
- c) **Signage to Wycombe Road boundary wall** - Signage is to be limited to the property name and street number and is to be detailed in a style sympathetic to the Inter-war Georgian style heritage item and using traditional materials sympathetic to the character of the conservation area.
- d) **New sandstone wall to Aubin Street frontage** - Existing sandstone blocks are to be salvaged for re-use on site. Any new sandstone should have a similar colour, texture and dimension but have detailing difference so that they may be identified as new works. The sandstone pier on the western boundary is to be retained in-situ or salvaged and reinstated on the boundary. The eastern sandstone pier is to be re-instated on the eastern side of the driveway/ambulance bay or east of the booster valve enclosure. The sandstone retaining wall on the boundary between No. 66 Aubin Street and No. 54 Wycombe Road that returns to the existing western sandstone pier is to be retained or, salvaged and reconstructed.
- e) **Western boundary retaining wall** - New wall to be painted a neutral tone, sympathetic to the new development and to No. 66 Aubin Street.
- f) **New door to conservatory of the heritage item** - New door to be timber framed to and to be detailed to be sympathetic to the character and style of the existing windows.

Plans and specifications which comply with this condition must be submitted to the Council's Conservation Planner for approval prior to the issue of the relevant 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 that the works are appropriately detailed having regard to the heritage significance of the heritage item and the Conservation Area)

Reason for Approval:

The proposed modifications are considered to be substantially the same development as originally approved by the Sydney North Planning Panel and has regard to the reasons for approval. The proposed modifications would address a number of construction and design related issues arising through the construction certification documentation process and also seeks to reduce the potential impact of the approved development on the amenity of the adjoining properties.

The proposed modifications are considered satisfactory having regard to the heritage significance of the heritage listed dwelling and the Kurraba Point Conservation Area.

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 considered reasonable and therefore the application is recommended for **approval**.

How community views were taken into account:

The application was notified in accordance with Council's Community Engagement Protocol from 16 July 2021 until 30 July 2021. The proposed modifications, in part, have been proposed to further minimise the potential impact of the facility on the amenity of the adjoining property. Other conditions of consent exist that seek to minimise the potential ongoing and construction impact of the development.

The conditions attached to the original consent for Development Application No. 309/19/2 by endorsed date of 20 September 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 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)
