

Bevan Seeto
C/-Studio JLA
1 Pittwater Road
GLADESVILLE NSW 2111

D55/20
AB7 (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 55/20/2 – APPROVAL

Development Consent Number: 55/20/2

Land to which this applies: 86 Cammeray Road, Cammeray
Lot No.: B, DP: 412580

Applicant: Bevan Seeto, C/- Studio JLA

Proposal: Modification of a consent for a dwelling for internal and external modifications.

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. **55/20** and registered in Council's records as Application No. **55/20/2** relating to the land described as **86 Cammeray Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 29 June 2020, has been determined in the following manner:

1. Condition A1 is amended as follows:

Development in Accordance with Plans (S4.55 Amendments)

- A1. The development must be carried out in accordance with the following drawings and documents endorsed with Council's approval stamp: -

Drawing No.	Issue	Title	Drawn by	Dated
0333/DA01	E	Site / Roof Plan	Studio JLA	13/05/2020
0333/DA02	E	Ground Floor Plan	Studio JLA	13/05/2020
0333/DA03	E	Level 1 Plan	Studio JLA	13/05/2020
0333/DA04	E	Street and Rear Elevations	Studio JLA	13/05/2020
0333/DA05	E	North and South Elevations	Studio JLA	13/05/2020

0333/DA06	E	Section AA	Studio JLA	13/05/2020
0333/DA07	E	Section BB Section CC	Studio JLA	13/05/2020
0333/DA08	D	Demolition Plan	Studio JLA	14/01/2020

Except as modified as such on the following drawings for DA 55/20/2:

Drawing No.	Issue	Title	Drawn by	Dated	Received
01	C	Site/Roof Plan	Studio JLA	02/08/2021	11/08/2021
02	C	Ground Floor Plan	Studio JLA	02/08/2021	11/08/2021
03	C	Level 1 Plan	Studio JLA	02/08/2021	11/08/2021
04	C	Street and Rear Elevations	Studio JLA	02/08/2021	11/08/2021
05	C	North and South Elevations	Studio JLA	02/08/2021	11/08/2021
06	C	Section AA	Studio JLA	02/08/2021	11/08/2021
07	C	Section BB Section CC	Studio JLA	02/08/2021	11/08/2021

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

2. Condition B1 is amended as follows:

Inconsistency with Development Consent DA166/16

- B1. Pursuant to s4.17(1)(b) and s4.17(5) of the *Environmental Planning and Assessment Act 1979*, consent no DA166/16 for the construction of a new open car space and front fence, shall be modified in accordance with Clause 97 of the *Environmental Planning and Assessment Regulation 2000* prior to the issue of a construction certificate for this consent by adding a new condition D3 as follows:

“Development consent DA55/20, and as subsequently modified under DA55/20/2, authorises additions and alterations to a semi-detached dwelling including ground and first floor extensions, a new pergola over the approved parking space and landscaping in addition to previously approved application for the construction of a new open car space and front fence (DA166/16) at 86 Cammeray Road, Cammeray. Where there is an inconsistency between this consent and consent no DA166/16, then consent no. DA55/20, and as subsequently modified under DA55/20/2, shall prevail to the extent of the inconsistency.”

(Reason: To provide clarity as to the works approved under both development applications)

3. Condition C9 is amended as follows:

Skylight(s)

- C9. Skylight flashings and frames to be coloured to match the roof material. Skylights are to sit no higher than 100mm above roof plane when in a closed position. The two skylights above the ground floor office ('S1' and 'S2') are also to be deleted from the plans.

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 skylights on the roof plane and to comply with BASIX energy efficiency requirements)

4. Condition C21 is amended as follows:

BASIX Certificate

C21. 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. (A369825_03, dated 22 October 2021) 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)

5. Condition I2 is deleted as follows:

~~Pergola to remain uncovered~~

~~I2. The pergola over the parking space within the front setback shall be permanently retained as open to the sky and shall not be covered with any solid roof.~~

~~(Reason: To ensure there is no further increase in site coverage)~~

Reason for approval:

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 55/20. The proposed modifications will not alter the use of the development as originally approved and amenity impacts remain acceptable. The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in NSLEP 2013 and NSDCP 2013.

The deletion of the approved carport and redesigned front fence will remove additional bulk and scale within the front garden, while also retaining a high level of visibility of the front landscaping from the street.

The removal of several openings, the Juliet balcony, and the reconfiguration and reduction in size of other openings will further enhance privacy to and from the subject site. The proposed works will provide resident amenity without negatively impacting the neighbourhood character, and the Cammeray Neighbourhood. The proposal also remains consistent with the objectives of the R2 Low Density Residential Zone and the original reasons for granting consent.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be **approved**.

How community views were taken into account:

The subject application was notified to adjoining properties and the Bay Precinct Committee seeking comment, and no submissions were received. Nevertheless, it is considered that the proposed modifications would not substantially alter the impacts of what has already been approved under the original consent and would not cause any unreasonable impacts to the streetscape and/or adjoining properties.

The conditions attached to the original consent for Development Application No. 55/20 by endorsed date of 29 June 2020 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Andrew Beveridge**. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)