

Original signed by Michael Stephens (A/TL) on 20/12/2021

Matthew and Bindi Codrington  
40 Wycombe Road  
NEUTRAL BAY NSW 2089

D315/20  
TH2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 315/20/2 - APPROVAL**

<b>Development Consent Number:</b>	<b>315/20</b>
<b>Land to which this applies:</b>	40 Wycombe Road, Neutral Bay Lot No.: 9, DP: 666648
<b>Applicant:</b>	Matthew Codrington
<b>Proposal:</b>	To modify development consent (DA315/20) for alterations and additions to a dwelling house involving changes to the rear windows/doors

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. **315/20/2** and registered in Council's records as Application No. **315/20** relating to the land described as **40 Wycombe Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 May 2021, has been determined in the following manner:

**A. Add Condition A5 as follows:**

**Development in Accordance with Plans (s4.55 Amendments)**

- 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 on:

Plan No.	Issue	Title	Drawn by	Received
02	A	Site/Roof Plan	Corrado Palleschi	17 August 2021
03	A	First Floor Plan	Corrado Palleschi	17 August 2021
04	A	Ground Floor Plan	Corrado Palleschi	17 August 2021
05	A	Lower Ground Floor Plan	Corrado Palleschi	17 August 2021
06	A	Elevations	Corrado Palleschi	17 August 2021
07	A	Elevations	Corrado Palleschi	17 August 2021
08	A	Section AA	Corrado Palleschi	17 August 2021
09	A	Section BB	Corrado Palleschi	17 August 2021

**B. Modify Conditions A4, C6, C14, C17 and G5 as follows:**

**External Finishes and Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule dated ~~23 March~~ **30 June 2021**, prepared by Corrado Palleschi and received by Council, except where modified by condition **C6 - Heritage Requirements**. 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Heritage Requirements**

- C6. The following heritage requirements are to be met to ensure that the character of the Arts and Crafts style dwelling is retained:
- a) Metal Roof Sheetting - the new metal roof cladding to the dormer and skillion roofs of the rear additions are to be zinc or copper with a rolled seam, or a product that has a rolled seam appearance similar to Fielders Neo-Roman. No approval is given for standing seam roof sheetting due to its crisp contemporary appearance that is unsympathetic to the Arts and Crafts style.
  - b) New Windows and Doors - the following amendments are required:
    - i) New windows and doors are to be timber-framed.
    - ii) ~~The glazing on the Rear Elevation of the Ground Level Living/Dining Room is to be amended such that it comprises two casement windows (not doors) with highlights to match the highlights to the Rear Elevation of the first floor Master Bedroom. The surrounds of the two casement windows are to comprise of texture rendered walls. The two windows to be retained are clouded in red on the approved rear elevation (Dwg No. 07 Rev C).~~
    - iii) ~~The window on the North Elevation on the Ground Level Living/Dining Room (clouded in red) is to be similarly designed to that on the Rear Elevation of the Living/Dining Room with a pair of casement windows and upper highlight windows that match the highlights to the Rear Elevation of the Master Bedroom.~~
    - iv) ~~The doors to the Ground Level Kitchen are to be amended from 4 kitchen doors to 2 doors. The doors to be retained are clouded in red on the approved rear elevation (Dwg No. 07 Rev C). The surrounds of the two casement windows are to comprise of texture rendered walls. The kitchen doors shall have highlights to match the highlights of the Master Bedroom on the Rear Elevation.~~
    - v) ~~Glazing on the Rear Elevation of the Rumpus Room is to be amended comprising of 1 door only, not 3 with 2 windows either side of the door. The snug room door to be retained is clouded in red on the approved rear elevation (Dwg No. 07 Rev C) and the doors either side are to be modified to window openings with a minimum sill height of 1m from ground floor with the underside of the windows comprising of sandstone blockwork.~~

- c) Sandstone Blockwork - new sandstone is to match the existing sandstone blockwork in dimension, texture and colour.
- d) Exterior Colour Scheme - the colour scheme provided on the Schedule of Finishes is to be amended accordingly:
  - i) Window and door frames - "Whisper White;"
  - ii) Posts, balustrades, new decking, gutters, bargeboards and fascias - "Namadji;"
  - iii) Rough cast render - to match the existing colour of the render on the dwelling.

The Certifying Authority must also 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 be sympathetic to the Arts and Crafts style of the heritage item and traditional palette used in the conservation area)

#### Privacy

C14. The following privacy devices are to be provided:

- a) Opal laminated glass shall be applied to the ground level bathroom window proposed on the side/south elevation of the dwelling as annotated in the Elevations (Dwg. 07 Rev CA).

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 an adequate level of privacy is provided to adjoining property located at 36 Wycombe Road)

#### BASIX Certificate

C17. 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. ~~A386320\_02~~ **A386320\_03** 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)

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**Landscaping**

- G5. The landscaping annotated and clouded in red within the southern side setback of the site shown in the approved Lower Ground Floor Plan numbered 05 Rev ~~€ A~~ prepared by Corrado Palleschi dated ~~18 March 2021~~ **30 June 2021** and received by Council on ~~24 March 2021~~ **17 August 2021** must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

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**Reasons for Approval:**

The proposed modifications are considered to be generally consistent with the originally approved development application and s4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and are considered to be acceptable.

The proposed changes to the form of the dwelling are minor, with no increase to site coverage and no further height exceedances.

Landscaping is to remain subject to an amended condition of consent, requiring compliance with Section 1.5.6 of Part B in NSDCP 2013.

The proposed alterations to the windows and doors on the northern side elevation and western rear elevation are supported, having a positive heritage outcome for the property due to the windows and doors being designed with heavy timber framing, additional casements improve the vertical proportions of the windows and doors, and the size of the openings are reduced, ensuring a satisfactory balance between the solidity of the render/sandstone surrounds and proposed window/door openings.

The increased pitch of the skillion roof for the rear addition is supported because it forms a more sympathetic roof plane, similar to the steep pitch of the current dwelling.

The windows and doors proposed satisfy deletion of Condition C6(b)(ii-v) of DA 315/20, however it is recommended by Council's Heritage Officer to retain the requirement for conditions dictating the appropriate material and finishes for the metal roof sheeting and doors/windows as these elements have not been clearly detailed in the submitted modification plans.

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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 and the proposed modifications were considered reasonable in the circumstances and therefore the application is recommended for **approval**.

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

The application was notified to adjoining properties and the Hayes Precinct initially between 3 September 2021 to 17 September 2021. Council received no submissions.

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The conditions attached to the original consent for Development Application No. 315/20 by endorsed date of 14 May 2021 still apply.

**ADVISINGS**

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

**20 December 2021**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
Michael Stephens  
**A/TEAM LEADER - ASSESSMENTS**