

Tiffany Hellyer
PO Box 78
CAMMERAY NSW 2062

D329/16
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 329/16/4 - APPROVAL**

Development Consent Number: 329/16

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

Applicant: Tiffany Hellyer

Proposal: Alterations and additions to an existing dual occupancy –
Changes to materials, colours

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. **329/16/4** 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. Conditions A1 and A4 are amended to include the revised Schedule of External Finishes & Materials:-

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 Oct 2019
DA-03 Rev.	24.09.19	External Elevations	Cradle Design	2 Oct 2019
DA-04 Rev. B	24.09.19	Landscape, Site and Unbuilt-upon Area Plan, Section A-A and Photomontage	Cradle Design	2 Oct 2019

As further amended by the following revised plans:

Plan No.	Date	Title	Drawn by	Received
DA-02 Rev. D	Aug 20126	Garage, Ground, First and Upper Floor Proposed Plans	Cradle Design	10.3.21
DA-03 Rev. D	Aug 20126	External Elevations	Cradle Design	10.3.21
DA-04 Rev. D	Aug 20126	Landscape, Site and Unbuilt Upon Area Plan, Section A-A and Photomontage	Cradle Design	10.3.21

As further amended by the following revised schedule of materials:

DA-19 Rev. C	Dec 2021	Schedule of External Finishes and Materials	Cradle Design	7.12.21
-----------------	----------	---	---------------	---------

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

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule dated Dec 2021, prepared by Cradle Design and received by Council on 7 December 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)

Reasons for Approval:

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

The changes to the palette of materials/colours would not have a detrimental impact upon the streetscape and/or the character of the building given that the minor changes to the previously approved schedule of external materials and colours that is considered to be acceptable in the site context.

Having regard to the provisions of Section 4.55(1A) 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 for 14 days inviting comment on the proposed changes to the schedule of external finishes and materials. 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

16 March 2022

DATE

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