



Ms Allyson Small
Boutique Design and Project Management
260 Military Road
DOVER HEIGHTS NSW 2030

D247/21
AB7 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 247/21/3 - APPROVAL**

Development Consent Number:	247/21
Land to which this applies:	20 Cammeray Road, Cammeray Lot No.: 91, DP: 213703
Applicant:	Allyson Small, Boutique Design and Project Management
Proposal:	Section 4.55 modification application for minor internal and external alterations

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. **247/21** and registered in Council's records as Application No. **247/21/3** relating to the land described as **20 Cammeray Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **9 December 2021**, has been determined in the following manner:

1. Condition A5 is amended as follows:

Development in Accordance with Plans (S4.55 Amendments)

- A1. The development must be carried out in accordance with plans identified in Condition A1 of the consent and A5 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on the following drawings for DA 247/21/2:

Plan No.	Issue	Title	Drawn by	Received
DA02	D	Shop, Level 1 + 2 Demolition Plan	Boutique Design & Project Management	9/02/2022
DA10	D	Retail - Ground Floor Plan	Boutique Design & Project Management	9/02/2022
DA11	D	Residential - Level 1 Floor Plan	Boutique Design & Project Management	9/02/2022
DA12	D	Residential - Level 2 + 3 Floor Plan	Boutique Design & Project Management	9/02/2022
DA13	D	Site Plan/Roof Plan	Boutique Design & Project Management	9/02/2022
DA20	C	Section A-A	Boutique Design & Project Management	9/02/2022
DA21	A	Section B-B Section C-C	Boutique Design & Project Management	9/02/2022
DA30	C	North & South Elevation	Boutique Design & Project Management	9/02/2022
DA31	C	West Elevation	Boutique Design & Project Management	9/02/2022

Except as modified as such on the following drawings for DA 247/21/3:

Plan No.	Rev.	Title	Drawn By	Date	Received
S4.55.02	F	Level 1 + 2 Demolition Plan	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.10	F	Retail - Ground Floor Plan	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.11	F	Level 1 Floor Plan	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.12	F	Level 2 & 3 Floor Plan	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.13	F	Roof Plan	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.20	F	Section A-A	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.21	F	Section B-B	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.30	F	North & South Elevation	Boutique Design & Project Management	4/08/2023	6/09/2023
S4.55.31	F	West Elevation	Boutique Design & Project Management	4/08/2023	6/09/2023

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

2. Condition C21 is amended as follows:

BASIX Certificate

- C21. Under clause 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A1373131** (dated **19 October 2023**) for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)

3. A New Condition G3 is added as follows:

BASIX Completion Receipt

- G5. In accordance with Section 45 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Reasons for Approval:

The proposed modifications satisfies the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 247/21. The proposal will not alter the use of the development and will have minimal environmental impacts given that the works will be within the existing footprint of the building and will not be highly visible from any adjoining property or the public domain.

The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. Notably, the proposal is wholly contained within the footprint of the development and will not alter the building height, bulk and massing, setbacks, site coverage, landscaped area, and unbuilt-upon area, of the approved scheme.

The minor changes to the approved development will not result in any adverse environmental impacts upon the surrounding area or nearby upon nearby commercial and residential uses. Accordingly, the proposal remains consistent with 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 precinct committee seeking comment, and no submissions were received. Nevertheless, it is considered that the proposed modifications would not substantially alter the potential impacts in comparison to the approved development 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. **247/21** by endorsed date of **9 December 2021** 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 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

30 October 2023

DATE



Signature on behalf of consent authority
ISOBELLA LUCIC
TEAM LEADER (ASSESSMENTS)