

Sally Raffan Vowell
PO Box 251
CAMMERAY NSW 2062

D103/20
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 103/20/2 – APPROVAL**

Development Consent Number: 103/20/2

Land to which this applies: 8/24-26 The Boulevarde, Cammeray
Lot No.: 8, SP: 37396

Applicant: Sally Raffan Vowell

Proposal: Alterations and additions to Unit 8 – Modification to the
main entry of unit 8 and relocation of the Fire Hose Room
cupboard within the level 5 hallway

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. **103/20** and registered in Council's records as Application No. **103/20/2** relating to the land described as **8/24-26 The Boulevarde, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 September 2020, has been determined in the following manner: -

1. Condition A1 to be amended to identify the approved plans under section 4.55(1A) as follows:

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.	Description	Prepared by	Date
P01A	Site Plan/Analysis	Look Design Group	03.04.20
P02C	Floor Plan	Look Design Group	29.04.20

PO3C	Eastern Elevation	Look Design Group	29.04.20
PO4C	Northern Elevation	Look Design Group	29.04.20

As amended by the following plans under application no. 103/20/2

Plan No.	Description	Prepared by	Date
P05 - A	Fire Hose Travel Path	Look Design Group	8/3/21
P02 – D	Unit 8 Floor Plan	Look Design Group	23/8/21

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

Reason for approval:

The minor changes to the plans have been assessed under the relevant planning instruments and policies, in particular NSLEP 2013 and NSDCP 2013, and generally found to be satisfactory.

Given that the proposed changes to the previously approved plans for unit 8 at the subject site would be located within the footprint of the existing building and no higher than the existing building there would be no material loss of residential amenity in terms of overshadowing and/or view loss for adjoining properties. The proposed modifications would not cause a loss of privacy because there would be no new windows nor any increase in the size of the existing large terraces.

The nature of the changes is minor and are internal so there would be no change to the character of the streetscape and/or the exterior to the building. The proposed changes would not cause any loss of landscaping and/or cause any increase in site coverage.

In summary, the proposed changes to the previously approved development application were found to be acceptable in the site circumstances and recommended for approval subject to standard conditions of consent.

How community views were taken into account:

The application was notified for 14 days to adjoining properties and the Precinct but there were no submissions received following notification. Nevertheless, conditions were imposed with the original approval to preserve residential amenity and/or streetscape character.

The conditions attached to the original consent for Development Application No. 103/20 by endorsed date of 21 September 2020 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 & 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

16 December 2021

DATE

Signature on behalf of consent authority
MICHAEL STEPHENS
A/TEAM LEADER (ASSESSMENTS)