

Linda Jays  
1 Nott Lane  
LONGUEVILLE NSW 2066

D314/21  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 314/21/2 - APPROVAL**

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**Development Consent Number:** 314/21

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**Land to which this applies:** 27 Edward Street, North Sydney  
Lot No.: 7, DP: 210322

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**Applicant:** Linda Jays

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**Proposal:** Amendment to Condition C13 to correct minor error

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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. **314/21** and registered in Council's records as Application No. **314/21/2** relating to the land described as **27 Edward Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **22 February 2022**, has been determined in the following manner:

**1. Condition C13 is modified as follows:**

***Stormwater Disposal***

**C13** *Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)*

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**Reasons for Approval:**

The proposed amendment of Condition C13 (Stormwater Disposal) is to correct a minor error relating to the type of stormwater management system originally approved under DA 314/21 and would not materially change the level of compliance with any environmental planning instruments, NSLEP 2013 or NSDCP 2013. Notification of this application was also not required. Nonetheless, officers consider that there would be no impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains fully consistent with the objectives of the Edward Street Conservation Area, the R2 Low Density Residential Zone, and the reasons for granting consent originally.

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

There is no requirement to advertise a Section 4.55(1) application, and no neighbour would be impacted by this minor amendment of Condition C13.

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The conditions attached to the original consent for Development Application No. **314/21** by endorsed date of **22 February 2022** 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**

**22 August 2022**

DATE

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Signature on behalf of consent authority

ROBYN PEARSON

**TEAM LEADER (ASSESSMENTS)**