

Original signed by Robyn Pearson on 4 August 2022

Grosvenor Development Co Pty Ltd  
5/95 Pitt Street  
SYDNEY NSW 2000

D237/20  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 237/20/4 - APPROVAL**

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**Development Consent Number:** 237/20/4

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**Land to which this applies:** 30-34 Grosvenor Street, Neutral Bay  
Lot No.: 50, DP: 1278230

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**Applicant:** Grosvenor Development Co Pty Ltd

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**Proposal:** Section 4.55(1A) modifications to DA237/20 for changes to Condition C43.

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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. **237/20** and registered in Council's records as Application No. **237/20/4** relating to the land described as **30-34 Grosvenor Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 March 2021, has been determined in the following manner:

**1. To modify Condition C43 as follows:**

**Sydney Water**

C43. The following Sydney Water requirements must be complied with prior to the issue of a Construction Certificate:

- a) Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-watertap-in/in dex.htm>

(Reason: Compliance with Sydney Water requirements)

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**Reason for approval:**

The proposal satisfies the provisions of Section 4.55(1A) in that the development would be substantially the same as what was approved under DA 237/20 as the proposed modifications will not alter the use and the general form of the development as originally approved.

The proposed modifications would not change the level of compliance with the relevant LEP and DCP provisions and requirements.

The proposed modifications would not change the development outcome in terms of height, bulk and scale, envelope and appearance of the approved apartment building.

The proposed changes to the requirements in Condition C43 would have no material amenity impacts for the adjoining properties.

The applicant is still required to obtain a Section 73 Certificate from Sydney Water to satisfy the requirements of Condition G11.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be approved with modifications to the relevant conditions.

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

Notification of the subject application was waived in accordance with Section 3.4.2 of Council's Community Engagement Protocol because the proposal would not result in physical changes to the approved development as seen from the adjoining properties and there would have no additional amenity impacts for these properties.

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The conditions attached to the original consent for Development Application No. 237/20 by endorsed date of 3 March 2021 still apply.

**ADVISINGS**

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

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER ASSESSMENTS**