



Mr Peter Clinch  
3/99 Kurraba Road  
KURRABA POINT NSW 2089

D211/22  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 211/22/2 - APPROVAL**

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**Development Consent Number:** 211/22

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**Land to which this applies:** 3/99 Kurraba Road, Kurraba Point  
Lot No.: 3 DP: 5118

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**Applicant:** Peter Clinch

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**Proposal:** Modification to DA 211/22, involving various internal modifications

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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. **211/22** and registered in Council's records as Application No. **211/22/2** relating to the land described as **3/99 Kurraba Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 December 2022, has been determined in the following manner:

**1. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documents endorsed with Council's approval stamp: -

Plan No.	Revision	Title	Drawn by	Dated	Received
DA03	B	Site Survey/Strata plan	Giles Tribe	18/07/2022	19/07/2022
DA04	B	Existing floor plan	Giles Tribe	18/07/2022	19/07/2022
DA05	B	Existing elevations	Giles Tribe	18/07/2022	19/07/2022
DA06	B	Existing elevations	Giles Tribe	18/07/2022	19/07/2022
DA07	B	Existing sections	Giles Tribe	18/07/2022	19/07/2022
DA08	B	Existing sections	Giles Tribe	18/07/2022	19/07/2022
DA09	B	Proposed floor plan	Giles Tribe	18/07/2022	19/07/2022
DA10	B	Proposed elevations	Giles Tribe	18/07/2022	19/07/2022
DA11	B	Proposed elevations	Giles Tribe	18/07/2022	19/07/2022
DA12	B	Proposed sections	Giles Tribe	18/07/2022	19/07/2022
DA13	B	Proposed sections	Giles Tribe	18/07/2022	19/07/2022

Except as modified as such on the following drawings for DA 211/22/2:

Plan No.	Revision	Title	Drawn by	Dated	Received
DA03	C	Site Survey/Strata plan	Giles Tribe	01/03/2023	07/03/2023
DA09	C	Proposed floor plan	Giles Tribe	01/03/2023	07/03/2023
DA10	C	Proposed Elevations	Giles Tribe	01/03/2023	07/03/2023
DA11	C	Proposed Elevations	Giles Tribe	01/03/2023	07/03/2023
DA12	C	Proposed Sections	Giles Tribe	01/03/2023	07/03/2023
DA13	C	Proposed Sections	Giles Tribe	01/03/2023	07/03/2023

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

**Reasons for Approval:**

The proposed modifications satisfy the provisions of Section 4.55(1A) in that the proposed development remains substantially the same as what was approved by DA 211/22. The proposed modifications will not alter the use of the development and will have minimal environmental impacts given that the works will be internal works within the existing footprint of the building and not be 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. There would be no impact on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R4 High Density Residential zone, and 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(1A) application be **approved**.

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

The proposed modifications were not required to be notified. Nevertheless, it is considered that the proposed modifications would not result in any additional impacts to adjoining properties.

The conditions attached to the original consent for Development Application No. 211/22 by endorsed date of 14 December 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.

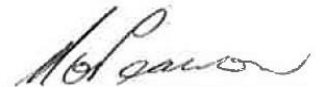
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) 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**

**5 April 2023**

DATE



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