



Ms Edwina Bower
Suite 3, Level 1, 8 West Street
NORTH SYDNEY NSW 2060

D306/19
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 306/19/4 - APPROVAL**

Development Consent Number:	306/19
Land to which this applies:	58A Wycombe Road, Neutral Bay (formerly known as 54, 56, 58 and 58A) Lot No.: 100, DP: 1269535
Applicant:	Edwina Bower
Date of Determination:	28 July 2023
Proposal:	Section 4.55(1A) application seeking various design modifications to an approved residential aged care facility development

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. **306/19** and registered in Council's records as Application No. **306/19/4** relating to the land described as **58A Wycombe Road, Neutral Bay (formerly known as 54, 56, 58 and 58A)**.

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

A. Insert Condition A6

Development in Accordance with Plans (s4.55 Amendments)

A6. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in coloured on:

Plan No.	Issue	Title	Dated	Received	Received
1813/DA09	R	Proposed First Floor Plan	11/04/2023	Boffa Robertson Group	18/04/2023
1813/DA10	Q	Proposed Second Floor Plan	11/04/2023	Boffa Robertson Group	18/04/2023
1813/DA11	H	Proposed Roof Plan	11/04/2023	Boffa Robertson Group	03/07/2023
1813/DA12	P	Elevations - Sheet 1	11/04/2023	Boffa Robertson Group	18/04/2023
1813/DA13	Q	Elevations - Sheet 2	11/05/2023	Boffa Robertson Group	03/07/2023
1813/DA14	O	Elevations - Sheet 3	11/04/2023	Boffa Robertson Group	18/04/2023

1813/DA15a	M	Sections B & C	04/11/2023 [Sic]	Boffa Robertson Group	03/07/2023
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except as amended by the following conditions and this consent.

(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 are considered to be of minimal environmental impact and are substantially the same development as that originally approved by the Sydney North Planning Panel. Regard has been taken to the original reasons for approval. The proposed modifications seek to partially enclose the approved rooftop access staircases to prevent water ingress during severe inclement weather.

The proposed modifications are considered satisfactory having regard to the heritage significance of the heritage listed building and the Kurraba Point Conservation Area in which the site is located. The proposed additional roof structures would not have a material impact on the amenity of the surrounding properties.

Having regard to the provisions of Section 4.55 and 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the proposed modified development is considered reasonable and therefore the application is recommended for **approval**.

How community views were taken into account:

The application was notified in accordance with Council's Community Engagement Protocol from 5 May 2023 until 19 May 2023. No submissions were received, nevertheless, the potential impacts to the surrounding properties have been considered in the assessment.

The conditions attached to the original consent for Development Application No. **306/19** by endorsed date of **9 September 2021** still apply.

ADVISINGS

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

28 July 2023

DATE



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