



Mr Philip Redmond
50 Blues Point Road
MCMAHONS POINT NSW 2060

D296/22
MR3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 APPLICATION - APPROVAL**

Development Consent Number: 296/22/3

Land to which this applies: 50 Blues Point Road, McMahons Point
Lot No.: 2, DP: 748831

Applicant: Mr Philip Redmond

Proposal: To modify a consent to delete Condition C1

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 13 July 2023.

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. **296/22** and registered in Council's records as Application No. **296/22/3** relating to the land described as **50 Blues Point Road, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 May 2023, has been determined in the following manner: -

1. To delete Condition C1 – Design Changes – Southern Wall

Reason for approval:

The Panel notes this is a modification application to a development application determined by the same Panel dated 3 May 2023. The modification is substantially the same development and is not contrary to the reason the condition was imposed having regard to the fact that it is an existing wall, and for the construction purposes it would be unreasonable to require it to be a setback further from the boundary.

The Panel are satisfied there are no significant environmental adverse impacts arising by the approval of the modification in the circumstances. Furthermore, the reasons for granting consent would remain satisfied if the modification is approved.

How community views were taken into account:

The application was notified in accordance with Council's Community Participation Plan. The notification period ended on 23 June 2023. No submissions were received during this time.

The conditions attached to the original consent for Development Application No. 296/22 by endorsed date of 3 May 2023 still apply.

ADVISINGS

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



21 July 2023

DATE

Signature on behalf of consent authority
MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER