



Ms Jacqueline McAllister
51 Blues Point Road
MCMAHONS POINT NSW 2060

D328/20
KRR (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 328/20/4 - APPROVAL**

Development Consent Number: 328/20

Land to which this applies: 51 Blues Point Road, McMahons Point
Lot No.: 2, Sec: G, DP: 8

Applicant: Jacqueline McAllister

Proposal: Modify consent No. 328/20 to make window/façade amendments to the approved dwelling

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. **328/20** and registered in Council's records as Application No. **328/20/4** relating to the land described as **51 Blues Point Road, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **4 August 2021**, has been determined in the following manner:

1. To amend Condition A1, C31, I1 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent

DA328/20 Approved Plan List

Drawing Number	Rev/ Issue	Dated	Title	Drawn by	Received
A-1001	K	4/06/2021	Site Plan Existing	RFA Architects	11/06/2021
A-1002	K	4/06/2021	Site Plan Demolition	RFA Architects	11/06/2021
A-2001	K	4/06/2021	Proposed Site Plan	RFA Architects	11/06/2021
A-2002	H	17/11/2020	Proposed Site Subdivision Plan	RFA Architects	11/12/2020
A-2003	K	4/06/2021	Site Analysis Plan	RFA Architects	11/06/2021

A-2101	K	4/06/2021	Proposed Floor Plan Basement	RFA Architects	11/06/2021
A-2102	K	4/06/2021	Proposed Floor Plan Ground Floor	RFA Architects	11/06/2021
A-2103	K	4/06/2021	Proposed Floor Plan Level 1	RFA Architects	11/06/2021
A-2104	K	4/06/2021	Proposed Floor Plan Level 2	RFA Architects	11/06/2021
A-2105	K	4/06/2021	Proposed Roof Plan	RFA Architects	11/06/2021
A-3001	K	4/06/2021	Proposed Streetscape Elevation	RFA Architects	11/06/2021
A-3002	K	4/06/2021	Proposed West Elevations	RFA Architects	11/06/2021
A-3003	K	4/06/2021	Proposed South Elevations	RFA Architects	11/06/2021
A-3004	K	4/06/2021	Proposed East Elevations	RFA Architects	11/06/2021
A-3005	K	4/06/2021	Proposed North Elevations	RFA Architects	11/06/2021
A-4001	K	4/06/2021	Proposed Section A	RFA Architects	11/06/2021
A-4002	K	4/06/2021	Proposed Section B	RFA Architects	11/06/2021
A-4003	K	4/06/2021	Proposed Section C	RFA Architects	11/06/2021
A-4101	K	4/06/2021	Proposed Vehicular Crossing and Driveway Details	RFA Architects	11/06/2021
A-8001	K	4/06/2021	Materials	RFA Architects	11/06/2021

DA328/20/4 Approved Plan List

Drawing Number	Rev/ Issue	Dated	Title	Drawn by	Received
S4.55 A-2001	L	19/06/2023	Proposed Site Plan	RFA Architects	21/07/2023
S4.55 A-2101	L	19/06/2023	Proposed Floor Plan Basement	RFA Architects	21/07/2023
S4.55 A-2102	L	19/06/2023	Proposed Floor Plan Ground Floor	RFA Architects	21/07/2023
S4.55 A-2103	L	19/06/2023	Proposed Floor Plan Level 1	RFA Architects	21/07/2023
S4.55 A-2104	L	19/06/2023	Proposed Floor Plan Level 2	RFA Architects	21/07/2023
S4.55 A-2105	L	19/06/2023	Proposed Roof Plan	RFA Architects	21/07/2023
S4.55 A-3001	L	19/06/2023	Proposed Streetscape Elevation	RFA Architects	21/07/2023
S4.55 A-3002	L	19/06/2023	Proposed West Elevations	RFA Architects	21/07/2023
S4.55 A-3003	L	19/06/2023	Proposed South Elevations	RFA Architects	21/07/2023
S4.55 A-3004	L	19/06/2023	Proposed East Elevations	RFA Architects	21/07/2023
S4.55 A-3005	L	19/06/2023	Proposed North Elevations	RFA Architects	21/07/2023
S4.55 A-4001	L	19/06/2023	Proposed Section A	RFA Architects	21/07/2023
S4.55 A-4002	L	19/06/2023	Proposed Section B	RFA Architects	21/07/2023
S4.55 A-4003	L	19/06/2023	Proposed Section C	RFA Architects	21/07/2023
S4.55 A-6001	L	19/06/2023	Window Schedule	RFA Architects	21/07/2023
S4.55 A-8001	L	19/06/2023	Materials	RFA Architects	21/07/2023
S4.55 A-4201	A	23/10/2023	Proposed Section D (Boundary Section)	RFA Architects	25/10/2023

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

BASIX Certificate

C31. Under Clause 75 of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **11523255_03** for the development are fulfilled. Plans and specifications complying 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Maintenance of Approved Landscaping

11. The owner of the respective new sites at 51 Blues Point Road, McMahons Point, is to maintain the landscaping approved by this consent generally in accordance with the Condition A3. Additionally, landscaping between 51 and 57 Blues Point Road, McMahons Point in accordance with Plan ID S4.55 A-4201 "*Proposed Section D (Boundary Section)*" Revision A dated 23 October 2023 prepared by RFA architects and received by Council on 25 October 2023 is to be maintained in a fit for purpose condition at all times for the life of the development.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Reasons for Approval:

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for approval.

How community views were taken into account:

All likely impacts of the proposed development have been considered within the context of this report.

The conditions attached to the original consent for Development Application No. **328/20** by endorsed date of **4 August 2021** still apply.

ADVISINGS

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

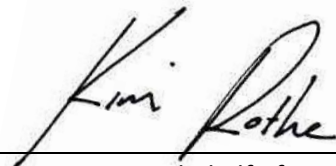
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (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

27 October 2023

DATE



Signature on behalf of consent authority

DAVID HOY

TEAM LEADER (ASSESSMENTS)