



Mrs Belinda Walter
69 Pine Street
CAMMERAY NSW 2062

D418/18
TH3 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 418/18/4 - APPROVAL**

Development Consent Number: 418/18

Land to which this applies: 69 Pine Street, Cammeray
Lot No.: 19, DP: 8680

Applicant: Belinda Walter

Proposal: Section 4.55(2) Modification to approved alterations and additions to an existing dwelling house, carport and associated landscaping

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. **418/18** and registered in Council's records as Application No. **418/18/4** relating to the land described as **69 Pine Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **15 April 2019**, has been determined in the following manner:

A. Add Condition A7 as follows:

Development in accordance with Plans (s4.55 Amendments)

A7. 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 on:

Plan No.	Rev	Title	Drawn by	Received
A-100	4.55/4	Ground Plan	BW	21/06/2023
A-101	4.55/4	Lower Ground Plan	BW	21/06/2023
A-200	4.55/4	South Elevation	BW	21/06/2023
A-202	4.55/4	West Elevation	BW	21/06/2023

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 Infrastructure)

Reasons for Approval:

The proposed modifications are considered to be generally 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 material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the grant of development consent to the originally approved development and are considered to be acceptable.

The proposed modifications meet the development standards and relevant provisions of *NSLEP 2013* and are generally in accordance with the objectives of the *NSDCP 2013*. The proposed modifications are consistent with the character of the approved development and would not have an adverse impact on the amenity of the surrounding dwellings or the character of the area.

Having regard to the provisions of section 4.55 and 4.15(1) 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:

The subject application was notified to adjoining properties and the Bay Precinct inviting comment between 21 July to 04 August 2023. There were no submissions that were raised following notification of the modification application. Nevertheless, the potential impacts of the proposed modifications on the amenity of the surrounding properties have been considered.

The conditions attached to the original consent for Development Application No. **418/18** by endorsed date of **15 April 2019** still apply.

ADVISINGS

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

10 November 2023

DATE

Thomas Holman

Signature on behalf of consent authority
THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER