



Mr Andrew Costi
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D54/23
TH2 (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 54/23/3 - APPROVAL**

Development Consent Number: 54/23

Land to which this applies: Unit 7, 30-34 Parraween Street, Cremorne
Lot No.: 7, SP: 19099

Applicant: Costi Architects

Proposal: Modification application to replace proposed glazed western wall of approved balcony enclosure with new double-brick wall to comply with NCC 2022 fire protection requirements

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. **54/23** and registered in Council's records as Application No. **54/23/3** relating to the land described as **Unit 7, 30-34 Parraween Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **15 June 2023**, has been determined in the following manner:

Condition A4 is to be added as follows:

Development in Accordance with Plans (S4.55 Amendments)

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent endorsed with Council's approval stamp, except as modified by the modifications shown on: -

Plan No.	Rev	Description	Prepared by	Dated
A-0013	A1	Site/Roof Plan	Costi Architects	25 March 2024
A-0102	A1	Level 2 Floor Plan	Costi Architects	25 March 2024
A-0500	A1	Elevations	Costi Architects	25 March 2024
A-0501	A1	Sections	Costi Architects	25 March 2024

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

Reasons for Approval:

The modification application has been assessed against the North Sydney Local Environmental Plan (NSLEP) 2013 and the North Sydney Development Control Plan (NSDCP) 2013 and generally found to have no major impacts on adjoining properties, natural elements and the physical and environmental characteristics of the Waters Neighbourhood. As a result, the application is considered satisfactory and is recommended for approval.

How community views were taken into account:

Given that the proposed modifications are considered minor in nature and of minimal environmental impact, the application was not required to be notified in accordance with Council's Community Engagement Protocol.

The conditions attached to the original consent for Development Application No. **54/23** by endorsed date of **15 June 2023** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr 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 May 2024

DATE

Thomas Holman

Signature on behalf of consent authority
THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER