

**Original signed by: Robyn Pearson Dated: 12/3/2019**

Anne Colville Architect Pty Ltd  
2 Toongarah Road  
WAVERTON NSW 2060

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 402/11/5 – APPROVAL**

RP(CIS)

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**Development Consent Number:** 402/11

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**Land to which this applies:** 8 & 8A Baden Road, Neutral Bay  
Lot No. 2, SP 83783

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**Applicant:** Anne Colville Architect Pty Ltd

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**Proposal:** To modify a consent for a double garage to retain the central sandstone pier.

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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. **402/11** and registered in Council's records as Application No. **402/11/5** relating to the land described as **8 & 8A Baden Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 30 April 2012, has been determined in the following manner: -

- A. Condition A1 concerned with the approved plans for the development is amended to reflect the changes to the original proposal:**

**Development in Accordance with Plans**

- A1. The development being carried out in accordance with drawings numbered 10.B.20C(dated 15 Dec. 11), 10.GB.21C (dated 16 Dec 11), 10.GB.22D (dated 15 Dec 11), 10.GB.23D (dated 13 April 2012), 10.GB.24C (dated 04 Aug 11), 10.GB.25B (dated 04 Aug 11), 10.GB.26C (dated 04 Aug 11), 10.GB.27D (dated 04 Aug 11), 10.GB.28C (dated 04 Aug 11), 10.GB.29D (dated 30 Aug 11), 10.GB.30 (undated), drawn by Anne Colville Architect, and drawings numbered Sheet 1 of 5 and Sheet 2 of 5, undated, drawn by James Patrick Thorpe, received by Council on 21 December 2011 and endorsed with Council's approval stamp, except where amended by the following conditions.
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**As amended by the following plans:**

Drawings numbered 10.B.20F dated Nov 14; 10.GB.21G dated Nov 14; 10.B.21F dated Nov 14; 10.G.B.22F dated Nov 14; 10G.B.27H dated Nov 14 all plans prepared by Anne Colville

**As further amended by the following plans:**

Drawings numbered 10 GB21/J, 10 GB27/J, dated Dec 18 all plans prepared by Anne Colville and received at Council on 11 December 2018

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

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**Reason for approval:**

The proposed retention of the central sandstone pier on the façade of the southern double garage is desirable from a heritage viewpoint and supported by Council's Conservation Planner. Consequently, the Section 4.55 application is recommended for approval.

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**How community views were taken into account:**

Given the minor nature of the change to the approved plans, there would be no adverse impacts to the streetscape and/or adjoining properties so it was considered unnecessary to notify adjoining properties and/or the precinct.

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The conditions attached to the original consent for Development Application No. 402/11 by endorsed date of 30 April 2012 still apply.

**ADVISINGS**

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

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**