

Stephen Alexander MacKay
6/1B Hazelbank Road
WOLLSTONECRAFT NSW 2065

D274/18
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 274/18/3 – APPROVAL**

Development Consent Number: 274/18/3

Land to which this applies: 6/1B Hazelbank Road, Wollstonecraft
Lot No.: 6, DP: 12299

Applicant: Stephen Alexander MacKay

Proposal: To modify consent for alterations and additions to existing loft level & addition of skillion roof dormer and windows at rear – Deletion of condition D2 (Sydney Water Approvals)

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. **274/18** and registered in Council's records as Application No. **274/18/3** relating to the land described as **6/1B Hazelbank Road, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 October 2018, has been determined in the following manner: -

1. To delete condition D2

~~Sydney Water Approvals~~

~~D2. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.~~

Notes:

- ~~Sydney Water Building Plan Approvals~~ can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information, visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: ~~To ensure compliance with Sydney Water requirements~~)

Reason for approval:

The proposed modification is considered to be entirely consistent with the originally approved development application and the provisions of s.4.55 of the EPA Act 1979. Furthermore, the modification does not result in any amenity impact to adjoining properties or the surrounding area. The proposed modification is 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(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to and is satisfactory in relation to merit. The application is therefore recommended for **approval**.

How community views were taken into account:

Notification was not required and no submissions were received.

The conditions attached to the original consent for Development Application No. 274/18 by endorsed date of 8 October 2018 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

Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**