

Melissa Luella Rimmer  
C/- Dragonfly Architects Pty Ltd  
14 Cook Street  
FORESTVILLE NSW 2087

D384/19  
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 384/19/2 – APPROVAL**

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**Development Consent Number:** 384/19/2

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**Land to which this applies:** 129 Chandos Street, Crows Nest  
Lot No.: , DP: 1265

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**Applicant:** Melissa Luella Rimmer

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**Proposal:** Section 4.55(1A) modifications to DA384/19 to delete conditions.

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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. **384/19** and registered in Council's records as Application No. **384/19/2** relating to the land described as **129 Chandos Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 11 February 2020, has been determined in the following manner: -

**1. To modify the development consent (DA384/19) by the deleting of the following conditions:**

- Condition C2: Chandos Lane Vehicle Crossing
- Condition C12: Required Infrastructure Works – Roads Act 1993
- Condition C21: Point 2 - Amendments to landscape plan.
- Condition C22: Point 2 - Root mapping of Frangipani Tree (Protection of Frangipani).
- Condition D3: Protection of Trees

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**Reason for approval:**

The proposed modifications would not result in significant changes to the form, bulk and scale of the approved development. The proposed deletion would not cause adverse material amenity impacts on the adjoining properties in terms of visual privacy/amenity loss or overshadowing.

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

The development application, due to the minor nature of the proposal, was not required to be notified nor advertised pursuant to Part A Section 4 of the North Sydney Development Control Plan 2013. The development will not have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls.

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The conditions attached to the original consent for Development Application No. 384/19 by endorsed date of 11 February 2020 still apply.

**ADVISINGS**

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

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DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER ASSESSMENTS**