

Original signed by: Lara Huckstepp Dated: 21/1/2021.

Peter Princi Architects
Attention: Peter Princi
PO Box 615
FRENCHS FOREST NSW 1640

D271/19
HS1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 271/19/2 – APPROVAL**

Development Consent Number: 271/19/2

Land to which this applies:

101 Blues Point Road, McMahons Point
Lot No.: 1, DP: 216475

Applicant:

Peter Princi Architects

Proposal:

Section 4.55(2) modifications to DA 271/19 including internal and external alterations to an approved use being medical consulting rooms.

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. **271/19** and registered in Council's records as Application No. **271/19/2** relating to the land described as **101 Blues Point Road, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 December 2019, has been determined in the following manner: -

1. To modify the development consent (D271/19) and modify conditions A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans

Plan No.	Issue	Date	Title	Drawn by	Received
D01	A	Aug '19	Demolition plan	Peter Princi Architects	9 September 2019
DA01	A	Aug '19	Site plan	Peter Princi Architects	9 September 2019
DA02	B	Oct '19	Floor plan	Peter Princi Architects	8 October 2019
DA03	D	Oct '19	Elevation	Peter Princi Architects	5 November 2019
DA04	B	Oct '19	Elevation	Peter Princi Architects	8 October 2019
DA05	B	Oct '19	Elevation	Peter Princi Architects	8 October 2019
DA06	A	Aug '19	Section	Peter Princi Architects	9 September 2019
DA08	A	Aug '19	Sign and awning	Peter Princi Architects	9 September 2019

As amended by the following plans:

Plan No.	Issue	Title	Drawn By	Received
MOD01	A	Site Plan	Peter Princi Architects	21.8.2020
MOD02	A	Floor Plan	Peter Princi Architects	21.8.2020
MOD03	A	Elevation	Peter Princi Architects	21.8.2020
MOD04	A	Elevation 2	Peter Princi Architects	21.8.2020
MOD05	A	Elevation 3	Peter Princi Architects	21.8.2020
MOD06	A	Section	Peter Princi Architects	21.8.2020

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

Terms of Consent (D271/19/2)

A4. The following works are not approved and shall be deleted from the proposed works:

- Reconstruction of the existing chimney.
- A new internal doorway which has been constructed within the building (the new internal doorway was constructed without prior consent).

(Reason: To ensure the terms of the consent are clear.)

C. Prior To The Issue of a Construction Certificate (And Ongoing, Where Indicated)

Corner Entrance

C13 No approval is granted or implied to increase the width of the door opening on the south-west corner of the building.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To retain the heritage fabric of the building and ensure the new works are reversible in the future.)

Reason for approval:

The proposed modifications do satisfy Section 4.55(2)(a) in that the proposal is considered to be substantially the same development as that which was originally approved by Council, subject to the deletion of the proposed works that have adverse heritage impacts, being the internal doorway and the reconstruction of the existing chimney

The application was notified for a period of fourteen (14) days to adjoining properties. The application resulted in one (1) submissions.

In summary, the proposal was found to be satisfactory for the reasons discussed throughout the report and that the Section 4.55(2) application is recommended for approval.

How community views were taken into account:

The development application was notified pursuant to the North Sydney Community Participation Program 2019. The notification of the application went from the 4 September 2020 and 18 September 2020 and resulted in one (1) submission.

The conditions attached to the original consent for Development Application No. 271/19 by endorsed date of 5 December 2019 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

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE PLANNER