

Alison Gwen Masters  
80 Blues Point Road,  
MCMAHONS POINT NSW 2060

D465/16  
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 465/16/3 - APPROVAL**

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**Development Consent Number:** 465/16

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**Land to which this applies:** 80 Blues Point Road, McMahons Point  
Lot No.: 101, DP: 731853

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**Applicant:** Alison Gwen Masters

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**Proposal:** To modify consent 456/2016 to change in windows,  
extended balcony

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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. **465/16** and registered in Council's records as Application No. **465/16/3** relating to the land described as 80 Blues Point Road, McMahons Point.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 April 2017, has been determined in the following manner:

*1. To modify condition A1 of the consent so as to read as follows:*

**A1 Development in Accordance with Plans/Documentation**

The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approved stamp.

**465/16 Approved Plans**

Plan No.	Issue	Title	Drawn By	Dated	Received
JB# 2499 Sheet# 01	B	Proposed Site/Roof, Garage & Lower Ground Floor Plan	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 02	B	Proposed Ground Floor & First Floor	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 03	B	Proposed Elevations & External Finishes Schedule	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 04	A	Section A-A	Innovate Architects	April 17	23/12/2016

**465/16/2 Approved Plans**

Plan No.	Issue	Title	Drawn by	Received on	Dated
01	D	Lower Ground Floor Plan	Innovate	07 Mar 2018	Dec 2017
02	D	Proposed Ground & First Floor	Innovate	13 Dec 2017	Dec 2017
03	D	Proposed Elevations & External Finishes Schedule	Innovate	07 Mar 2018	Dec 2017
04	D	Section A-A	Innovate	13 Dec 2017	Dec 2017

**Amended Plans**

Except where amended by the following plans:

**465/16/3 Approved Plans**

APlan No.	Issue	Title	Drawn by	Received on	Dated
n d01	E	Proposed Site / Roof, Garage & Lower Ground Floor Plan	Innovate	April 2021	22 April 2021
e 02	E	Proposed Ground & First Floor	Innovate	April 2021	22 April 2021
x03 c	E	Proposed Elevations & External Finishes Schedule	Innovate	April 2021	22 April 2021
e04	E	Section A-A	Innovate	April 2021	22 April 2021
p SA t	E	Site Analysis & Construction Management Plan	Innovate	April 2021	22 April 2021

where modified by the following conditions of consent.

(Reason: To clarify the scope of the consent.)

**BASIX Certificate**

C13. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A411214** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. 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 ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

(Condition Modified by **465/16/3**)

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**Reason for Approval:**

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are 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 and 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

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

The owners of adjoining properties and the Local Precinct were notified of the proposed development for a 14-day period, in accordance with section 4 of NSDCP 2013. The notification resulted in **no submissions** being received. The public interest is served via the consideration and detailed in this report.

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The conditions attached to the original consent for Development Application No. 465/16 by endorsed date of 20 April 2017 still apply.

**ADVISINGS**

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

19 July 2021

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DATE

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

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