

Original signed by **Robyn Pearson** on **15 March 2022**

SCECGS Redlands Ltd  
272 Military Road  
CREMORNE NSW 2090

D381/19  
TH5 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 381/19/3 – APPROVAL**

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**Development Consent Number:** **381/19/3**

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**Land to which this applies:** 2-4 Winnie Street & 3 Monford Place, Cremorne  
Lot No.: 33, DP: 537701

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**Applicant:** SCECGS Redlands Ltd

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**Proposal:** To modify a consent for a change of use of the site to an educational establishment, relocation of existing modular classrooms onto the site, associated civil and landscaping works, and use of the classrooms from 8am till 5pm, Monday to Fridays.

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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. **381/19** and registered in Council's records as Application No. **381/19/3** relating to the land described as **2-4 Winnie Street & 3 Monford Place, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 24 April 2020, has been determined in the following manner: -

**1. Add Condition A5 as follows:**

**Development in accordance with Plans (s4.55 Amendments)**

A5. The development being carried out in accordance with plans identified in Condition A2 of the consent and A5 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Issue	Title	Drawn by	Received
AR. DA.1105	D	Pedestrian and Vehicular Movement Diagram	TKD Architects	25 November 2021
AR. DA.1106	D	Site Plan	TKD Architects	25 November 2021

AR. DA.2001	C	Demolition Plan	TKD Architects	25 November 2021
AR. DA.2002	D	Ground Floor Plan	TKD Architects	25 November 2021
AR. DA.2003	D	Roof Plan	TKD Architects	02 February 2022
AR. DA.3001	D	Street Elevation	TKD Architects	25 November 2021
AR. DA.3002	D	Elevations	TKD Architects	25 November 2021
L-01	C	Landscape Plan	SILK	25 November 2021

except as amended by the following conditions and this consent.

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

**2. Modify Conditions G8 and I5 as follows:**

**Landscaping**

G8. The landscaping proposals including all tree planting shown on the approved landscape plan listed in **Condition A5** of this consent, as extended by Condition C4 of this consent must be completed in full prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**Maintenance of Approved Landscaping**

I5. The owners of the property are to maintain the landscaping approved by this consent generally in accordance with the landscaping plans listed in **Condition A5** of this consent.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure the amenity of the locality is maintained)

**Reason for approval:**

The proposed modifications are considered to be generally 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 material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and is considered to be acceptable.

The subject site is zoned R4 (High Density Residential), which is a prescribed zone for the purposes of SEPP (Transport and Infrastructure) 2021 and consequently development for the purpose of a school is permissible on the site with consent under the SEPP.

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The design quality of the modified development has been evaluated in accordance with the design quality principles set out in the SEPP (Transport and Infrastructure) 2021 and was found to be generally acceptable.

Consideration has been given to the performance of the proposal against the relevant controls in the North Sydney Development Control Plan 2013. It is considered that the proposal is generally acceptable given its temporary nature, and unlikely to give rise to undue amenity impacts for the adjoining properties.

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. The application therefore can be approved.

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

The subject application was notified to adjoining properties and Brightmore Precinct inviting comment between 10 December 2021 and 18 January 2022. There were two (2) submissions raising concerns which have been considered and addressed within the assessment report.

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The conditions attached to the original consent for Development Application No. 381/19 by endorsed date of 24 April 2020 still apply.

**ADVISINGS**

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

15 March 2022

\_\_\_\_\_  
DATE

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