

Alison Brown  
80 Blues Point Road  
MCMAHONS POINT NSW 2060

D465/16  
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 465/16/4 – APPROVAL**

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**Development Consent Number:** 465/16/4

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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 Brown

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**Proposal:** Section 4.55(1) To modify consent 465/2016 for minor modification/correction to Condition C15.

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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. **465/16/4** 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 C15 of the consent so as to read as follows:**

**Privacy Screens**

C15. The proposed fixed glass louvers to be attached to; window 6 7; and the northern and southern sides of the ground floor terrace, must provide sufficient visual privacy to neighbouring dwellings at 78 & 82-84 Blues Point Road, McMahons Point. This can be achieved by the use of translucent glass louvres; the louvres should be angled to obstruct overlooking whilst allowing for daylight penetration. 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 an adequate level of privacy is provided to adjoining property located at Nos 78 & 82-84 Blues Point Road, McMahons Point and reasonable view sharing is maintained)

(Condition Modified by **465/16/4**)

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**Reason for approval:**

The proposed change has resulted from a minor error made during the course of the assessment in this instance and are generally supported in this regard. The mechanism of Section 4.55(1) for the correction of this error is appropriate in its usage in this instance. The modification is supported in this regard.

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

Given the minor nature of the application, the proposal was not notified in accordance with Council policy. Accordingly, no submissions have been received in relation to the proposal.

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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 **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 & 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**

**22 March 2022**

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DATE

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