

Original signed by Robin Tse (A/TL) on 30 May 2022

Belinda Walter
69 Pine Street East
CAMMERAY NSW 2062

D418/18
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 418/18/3 - APPROVAL**

Development Consent Number: 418/18

Land to which this applies: 69 Pine Street East, Cammeray
Lot No.: 19, DP: 8680

Applicant: Belinda Walter

Proposal: S4.55(1A) Modification to approved alterations and additions to an existing dwelling house, carport and associated landscaping

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. **418/18** and registered in Council's records as Application No. **418/18/3** relating to the land described as **69 Pine Street East, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **15 April 2019**, has been determined in the following manner:

A. The following conditions are to be imposed:

Development in Accordance with Plans (S4.55 Amendments)

A1 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on the plans that form part of DA418/2018:

Plan No	Issue	Title	Dated	Prepared	Received
A-001	4.55/3	Site Plan	22/02/2022	BW	23/02/2022
A-100	4.55/3	Ground Floor	22/02/2022	BW	23/02/2022
A-101	4.55/3	Lower Ground Floor	22/02/2022	BW	23/02/2022
A-102	4.55/3	Garden Level Plan	22/02/2022	BW	23/02/2022
A-200	4.55/3	South Elevation	22/02/2022	BW	23/02/2022
A-201	4.55/3	North Elevation	22/02/2022	BW	23/02/2022
A-202	4.55/3	West Elevation	22/02/2022	BW	23/02/2022

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)

The development, as proposed to be modified, is considered substantially the same development as and has regard to the reasons for approval of the original application. The modification has been assessed against the matters for consideration as outlined in section 4.15(1) of the Act which have been satisfied. The proposed development is permissible, and the proposed modifications meet the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

Reasons for Approval:

The proposed modifications are minor in nature and generally relate to the architectural detailing of the approved development. The proposed modifications to the external materials and finishes are consistent with the character of the approved development and would not have an adverse impact on the amenity of the surrounding dwellings or the character of the area.

The application to modify D418/2018 is therefore considered reasonable and is recommended for approval.

How community views were taken into account:

The development application was notified in accordance with Council's Community Engagement Protocol from 11 March 2022 until 25 March 2022, however no submissions were received. Nevertheless, the potential impacts of the proposed modifications on the amenity of the surrounding properties have been considered. Conditions were imposed on the original consent that are considered to minimise the potential construction impacts to the surrounding residential area.

The conditions attached to the original consent for Development Application No. 418/18 by endorsed date of **15 April 2019** still apply.

ADVISINGS

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

30 May 2022

DATE

Signature on behalf of consent authority
ROBIN TSE
A/TEAM LEADER (ASSESSMENTS)