



Peter Nochar and Graham Rich
Marstop Pty Ltd
ATF Rich Family Trust
80 and 82 Grasmere Lane
CREMORNE NSW 2090

D346/17
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION DA346/2017/6 - APPROVAL**

Development Consent Number: 346/2017/6

Land to which this applies: 80-82 Grasmere Lane, Cremorne
Lot No.: 3 and 4, SP: 16561

Applicant: Peter Nochar and Graham Rich

Proposal: Modify consent for minor alterations, including a reduction in the scope of works, and to reconfigure the layout of interior spaces

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. **346/17** and registered in Council's records as Application No. **346/17/6** relating to the land described as **80-82 Grasmere Lane, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **on 8 February 2018**, has been determined in the following manner:

1. Condition A1 is amended as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The Development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent:

Plan No.	Issue	Drawn by	Date	Received
DA02	E	Watershed Design	23/11/2017	24/11/2017
DA03	D	Watershed Design	18/09/2017	29/09/2017
DA04	E	Watershed Design	23/11/2017	24/11/2017
DA06	E	Watershed Design	23/11/2017	24/11/2017
DA07	E	Watershed Design	23/11/2017	24/11/2017
DA08	E	Watershed Design	23/01/2018	23/01/2018
DA15	E	Watershed Design	23/11/2017	24/11/2017

Except as modified as such on the following drawings for D346/17/4:

Plan No. DR-4210	Date	Drawn by	Received
Sheet 0.2	24/06/2019	Planshop	24/06/2019
Sheet 0.8	24/06/2019	Planshop	24/06/2019
Sheet 0.9	24/06/2019	Planshop	24/06/2019
Sheet 0.10	24/06/2019	Planshop	24/06/2019
Sheet 0.12	24/06/2019	Planshop	24/06/2019
Sheet 0.13	24/06/2019	Planshop	24/06/2019
Sheet 0.14	24/06/2019	Planshop	24/06/2019
Sheet 0.15	24/06/2019	Planshop	24/06/2019
Sheet 0.16	24/06/2019	Planshop	24/06/2019
Sheet 0.20	24/06/2019	Planshop	24/06/2019
Sheet 0.15	24/06/2019	Planshop	24/06/2019

Except as modified as such on the following drawings for D346/17/6:

Plan No.	Title	Dated	Drawn by	Received
07	S4.55 Ground Floor Plan	21/10/2022	Planshop	25/10/2022
08	S4.55 First Floor Plan	21/10/2022	Planshop	25/10/2022
09	South Elevation	21/10/2022	Planshop	25/10/2022
10	North Elevation	21/10/2022	Planshop	25/10/2022
11	Elevations East and West	21/10/2022	Planshop	25/10/2022

except as amended by the following conditions and this consent.

Note: This consent can only approve the use of any elements constructed prior to the endorsed date. The person(s) relying on this consent should consider the need to apply for a building information certificate to regularise those works in the certification process.

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

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 346/17. The proposed modifications will not alter the use of the development as approved, are sympathetic to the design of the dwellings as approved, and the amenity impacts remain acceptable and unchanged, particularly in regard to privacy, views, and solar access.

Reasons for Approval:

The proposed modifications would not detrimentally change the level of compliance with the relevant development standards and controls as contained in NSLEP 2013 and NSDCP 2013.

The proposed works will provide residential amenity without negatively impacting the neighbourhood character, and the Waters Neighbourhood. The proposal also remains consistent with the objectives of the R3 Medium Density Residential zone and the original reasons for granting consent.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be **approved**.

How community views were taken into account:

The subject application was notified to surrounding properties and the Parks Precinct Committee seeking comment, and one submission was received. Nevertheless, it is considered that the proposed modifications would not substantially alter the impacts of what has already been approved under the original consent and would not cause any unreasonable impacts to the streetscape and/or adjoining properties.

The conditions attached to the original consent for Development Application No. **346/17** by endorsed date of **on 8 February 2018** still apply.

ADVISINGS

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

14 December 2022

DATE



Signature on behalf of consent authority
MICHAEL STEPHENS
A/TEAM LEADER ASSESSMENTS