

Original signed by: David Hoy Dated: 31/7/2019

Hannah Kelly
2 Honda Road
KURRABA POINT NSW 2089

D309/18
HS1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 309/18/2 – APPROVAL**

Development Consent Number: 309/18

Land to which this applies: 2 Honda Road, Kurraba Point
Lot No.: A, DP: 405794

Applicant: Hannah Kelly

Proposal: Section 455 (2) modifications to DA 309/18 to relocate the swimming pool.

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. **309/18** and registered in Council's records as Application No. **309/18/2** relating to the land described as **2 Honda Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 February 2019, has been determined in the following manner: -

1. *To modify the development consent (D309/18/2) and modify conditions A1 as follows:*

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans

Issue	Title	Drawn By	Received
LS00	Landscape Site Plan and Calculations	Melissa Wilson Landscape Architects	24 June 2019
LS01	Site Plan	Melissa Wilson Landscape Architects	24 June 2019
LS02	Landscape Section	Melissa Wilson Landscape Architects	24 June 2019

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

Reason for approval:

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. The proposed works result do not result in major non-compliance with Council's site coverage, landscaped area or and un-built upon area requirements. Whilst the proposed relocation of the swimming pool is non-compliant with the numerical site coverage control, there is no unreasonable impact on the privacy or amenity of neighbouring properties. The proposal is also consistent with the objectives outlined in the NSDCP 2013.

The proposed works maintain a relatively low density, form and scale commensurate with the surrounding area and are also consistent with the reasons for the original grant of consent. Having regard to the provisions of Section 4.15(1) of the Environmental Planning & Assessment Act 1979, the proposed development will not have any unreasonable amenity or environmental impacts. The application is considered to be satisfactory and therefore can be approved.

How community views were taken into account:

In accordance with Notifications Section of NSDCP 2013, the application was notified between 5th July to the 19th of July 2019. One (1) submission in favour of the application was received by Council. The proposed modifications are consistent with the reasons for the original grant of consent.

The conditions attached to the original consent for Development Application No. 309/18 by endorsed date of 28 February, 2019 still apply.

ADVISINGS

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

DATE

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