

Geoffrey William Colman
8 Illiliwa Street
CREMORNE NSW 2090

D261/21
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 261/21/2 - APPROVAL**

Development Consent Number:	261/21
Land to which this applies:	8 Illiliwa Street, Cremorne Lot No.: D, DP: 900897
Applicant:	Geoffrey William Colman
Proposal:	Modification of Condition C12

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. **261/21** and registered in Council's records as Application No. **261/21/2** relating to the land described as **8 Illiliwa Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **14 October 2021**, has been determined in the following manner:

1. Condition C12 is deleted as follows:

~~Rainwater Tank for Spa Pool~~

~~C12. A rainwater tank, of a minimum of 1,500 litres in capacity size, must be provided on site for the purpose of replenishing swimming pool levels.~~

~~Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.~~

~~The Certifying Authority must also ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, in order to fully satisfy the requirements of this condition.~~

~~(Reason: To ensure the pool can be topped up without the need to rely on potable water supplies and to comply with Council's controls)~~

The proposed modification involving the deletion of Condition C12 satisfies the provisions of Section 4.55(1A) in that the proposal remains consistent with what was approved by DA 261/21. The proposed modification will not alter the use of the development as originally approved and will have a negligible environmental impact as the previously approved spa is of a size and type that will not require excessive amounts of potable water that would require the addition of a rainwater tank for the purpose of maintaining the spa levels.

Reasons for Approval:

The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R2 Low 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(1A) application be approved.

How community views were taken into account:

There is no requirement to advertise a Section 4.55(1A) application, and no neighbour would be impacted by the deletion of Condition C12.

The conditions attached to the original consent for Development Application No. **261/21** by endorsed date of **14 October 2021** 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

13 May 2022

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)