

Original signed by:

Robyn Pearson

Dated: 11 July 2022

Platform Project Services Pty Ltd
5/95 Pitt Street
SYDNEY NSW 2000

D237/20
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 APPLICATION 237/20/3 - APPROVAL**

Development Consent Number: 237/20/3

Land to which this applies: 30-34 Grosvenor Street, Neutral Bay
Lot No.: A, DP: 341243

Applicant: Platform Project Services Pty Ltd

Proposal: Section 4.55(2) modification application to modify development consent DA 237/20 relating to an approved four (4) storey residential flat building including internal layout changes, building height increases, level 3 extension and a reduced communal terrace.

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 1 June 2022.

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. **237/20** and registered in Council's records as Application No. **237/20/3** relating to the land described as **30-34 Grosvenor Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 31 March 2021, has been determined in the following manner: -

1. *To modify the conditions of (D237/20) in particular, conditions A1, C40 and G21 to read as follows:*

Development in Accordance with Plans (S4.55 Amendments)

The development being carried out in accordance with the following drawings:

Drawing No.	Date	Drawn by	Received
A0011 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0098 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0099 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0100 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0101 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0102 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0103 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0104 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0200 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0201 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0300 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/2:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098 Rev D	Basement 01 Floor Plan	Team 2 Architects	3 September 2021
A0099 Rev D	Lower Ground Floor Plan	Team 2 Architects	3 September 2021
A0100 Rev D	Ground Floor Plan	Team 2 Architects	3 September 2021
A0101 Rev D	Level 01 Floor Plan	Team 2 Architects	3 September 2021
A0102 Rev D	Level 02 Floor Plan	Team 2 Architects	3 September 2021
A0103 Rev D	Level 03 Floor Plan	Team 2 Architects	3 September 2021
A0104 Rev D	Level 04 Ground floor Plan	Team 2 Architects	3 September 2021
A0105 Rev D	Roof Plan	Team 2 Architects	3 September 2021
A0200 Rev D	Elevations 01	Team 2 Architects	3 September 2021
A0201 Rev D	Elevations 02	Team 2 Architects	3 September 2021
A0300 Rev D	Section 01	Team 2 Architects	3 September 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/3:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev C	Basement 02 Floor Plan	Team 2 Architects	13 December 2021
A0098 Rev E	Basement 01 Floor Plan	Team 2 Architects	13 December 2021
A0099 Rev E	Lower Ground Floor Plan	Team 2 Architects	13 December 2021
A0100 Rev E	Ground Floor Plan	Team 2 Architects	13 December 2021
A0101 Rev E	Level 01 Floor Plan	Team 2 Architects	13 December 2021
A0102 Rev E	Level 02 Floor Plan	Team 2 Architects	13 December 2021

A0103 Rev E	Level 03 Floor Plan	Team 2 Architects	13 December 2021
A0104 Rev E	Roof Plan	Team 2 Architects	13 December 2021
A0200 Rev D	Elevations 01	Team 2 Architects	13 December 2021
A0201 Rev D	Elevations 02	Team 2 Architects	13 December 2021
A0300 Rev D	Section 01	Team 2 Architects	13 December 2021

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

BASIX Certificate

C40. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1136420M_06 for the development are fulfilled.

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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Compliance with Certain conditions

G21. Prior to the issue of any Occupation Certificate, Conditions A8, A9, A10, C1, C2, C3, must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

2. To insert new conditions A8, A9, A10 and C45 to read as follows:

Terms of Consent (D273/20/3)

A8. Approval is granted for the following modifications only:

- (a) Basement Levels 1 & 2:
 - Modifications to the northern basement piling walls to allow a fire egress door on the lower ground level;
- (b) Lower Ground Floor:
 - Modifications to the design of the fire booster assembly and the temporary bin storage area along the Young Street (eastern) property boundary;
 - Construction of a new retaining wall along the northern property to the north of the basement car park entry;

- (c) Ground Floor:
- Modifications to the main (Grosvenor Street) pedestrian entry with the addition of an awning and the deletion of the entry staircase with the retention of an accessible ramp;
 - Addition of air intake grill adjacent above a plant room adjacent to the basement garage entry;
- (d) Level 3:
- Modifications to the approved layout of Level 3 in accordance with Condition A9 of this consent;
- (e) Roof Level
- An increase in the maximum height of the lift overrun from RL92.85 to RL93.00;
 - Installation of solar panels on the roof as per BASIX requirements;
 - Addition of a plant enclosure for hot water plant and carpark exhaust adjacent to the lift overrun.
- (f) External Works:
- Modifications to the locations of the external screens on all levels to suit the internal layout changes including the provision of sliding screens to the northern living room windows of apartment Nos 002 and 301 as per Condition A10;
 - Modifications to the design of the balustrades to steel flat bar;
- (g) Modifications to the floor levels on Levels 3, Roof and the level at the top of the lift overrun :

Level	Approved	Proposed
Basement 02	RL69.65	RL69.65
Basement 01	RL72.50	RL72.50
Lower Ground	RL75.65	RL75.65
Ground	RL78.85	RL78.85
Level 01	RL82.00	RL82.00
Level 02	RL85.15	RL85.15
Level 03	RL88.30	RL88.45
Roof	RL91.40	RL91.55
Top of Lift overrun	RL92.85	RL93.00

- (h) Various internal layout adjustments to apartments (Proposed unit areas as shown in the table below):

Level/ Nos. of Units & Type	Approved	Proposed
Lower Ground: 1 x 2B + Study	110sqm	110sqm
Ground: 1 x 1B 2 x 3B	66sqm 131sqm & 140sqm	66sqm 130sqm & 139sqm

Level 01: 2 x 3B	119sqm & 158sqm	119sqm & 158sqm
Level 02: 2 x 3B	146sqm & 158sqm	146sqm & 158sqm
Level 03: 1 x 4B	159sqm (3B)	As modified by Condition A9
Level 03: Communal Terrace	208sqm	As Modified by Condition A9

Note: The detailed scope of works on Level 3 is subject to an update following the approval of Condition A9.

(Reason: To ensure the terms of the consent are clear)

Modifications to Level 3 Layout

A9. The design and layout of Level 3 of the subject building are to be modified, and as marked in red on the approved plans, as follows:

- The eastern edge of the proposed roof extension shall be amended to provide a 15.5m setback from the eastern (Young Street) property boundary;
- The design of the private outdoor terrace on the eastern side of apartment 301 shall be amended to provide a private outdoor space measuring 5.6m x 5.6m (maximum) off the eastern glass line of apartment 301;
- The design of the communal roof terrace shall be amended to provide a L-shaped terrace with frontages to the northern, eastern and southern edges of the building

The modified design for Level 3 must be submitted for the written approval of Council's Manager Development Services.

Council's written approval, 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 a generous rooftop terrace with high amenity and value is provided to all the residents while a smaller outdoor space, ample for private use of the level 3 apartment)

External Screens for Apartments 002 and 301

A10. External screens shall be provided for the northern living room windows for Apartment No. 002 on the ground floor and Apartment 301 on level 3 to provide screening for unprotected glazing on the northern elevation of the subject building.

The design and locations of the screens shall match those on same windows on the northern elevation of levels 1 and 2.

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 provide external screens on north facing unprotected glazing on the Ground Level and Level 3)

Solar Panels

C45. The solar panels must be mounted flat on the roof plane to minimise the visual bulk and impacts for the adjoining properties.

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 minimise visual impacts)

Reason for approval:

The Panel was of the view that a generous rooftop terrace would provide high amenity and value to all the residents while a smaller outdoor space, ample for private use of the level 3 apartment and accessible to a larger communal terrace could also be provided.

How community views were taken into account:

The owners of surrounding properties and the Brightmore Precinct were notified between 4 and 18 March 2022 in accordance with Council's Community Engagement Protocol. The notification attracted no submissions

The conditions attached to the original consent for Development Application No. 237/20 by endorsed date of 3 March 2021 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)