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D47/20
MR3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 47/20/6 - APPROVAL**

Development Consent Number: 47/20/6

Land to which this applies: 2-4 Blue Street & 1-5 William Street, North Sydney
Lot No.: 4, 5 & 6, DP: 18103, SP: 12328 & SP: 16506

Applicant: Shane Bleyer

Proposal: Modification of DA 47/20 including minor internal modifications, inclusion of additional sanitary facilities on the Lower Ground Level and Levels 1-5, addition of generator flue discharging at the LG façade, addition of main entry ramp handrail and boom-gate in response to fire engineering updates; and addition of a safety guardrail on the rooftop as an additional fall protection device.

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. **47/20** and registered in Council's records as Application No. **47/20/6** relating to the land described as **2-4 Blue Street & 1-5 William Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 July 2020, has been determined in the following manner:

1. To amend Condition A1 of the consent to read as follows:

Development in Accordance with Plans

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.

Drawing No.	Revision	Title	Drawn by	Dated
DA2200	R	Basement	Woods Bagot	07/04/22
DA2201	R	Lower Ground	Woods Bagot	07/04/22
DA2202	R	Ground	Woods Bagot	07/04/22
DA2203	R	Level 01	Woods Bagot	07/04/22
DA2204	R	Level 02	Woods Bagot	07/04/22
DA2205	R	Level 03	Woods Bagot	07/04/22
DA2206	R	Level 04	Woods Bagot	07/04/22
DA2207	R	Level 05	Woods Bagot	07/04/22
DA2208	R	Level 06	Woods Bagot	07/04/22
DA2209	R	Level 07	Woods Bagot	07/04/22
DA2210	R	Level 08	Woods Bagot	07/04/22
DA2211	Q	Roof	Woods Bagot	07/04/22
DA3001	R	Section 1	Woods Bagot	07/04/22
DA3002	R	Section 2	Woods Bagot	07/04/22
DA3003	R	Section 3	Woods Bagot	07/04/22
DA3004	R	Section 4	Woods Bagot	07/04/22
DA3005	R	Section 5	Woods Bagot	07/04/22
DA3006	Q	Section 6	Woods Bagot	07/04/22
DA3200	R	North/South Elevation	Woods Bagot	07/04/22
DA3201	Q	East Elevation	Woods Bagot	07/04/22
DA3202	Q	West Elevation	Woods Bagot	07/04/22

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

2. To add Condition A3 of the consent as follows:

Guardrails within Roof including Area comprising Plant Zone

A3. The final construction plans must be amended to indicate the maximum RL's of the guardrails as follows:

- Guardrail on roof (Level 9) - RL 100.90 (max.)
- Guardrail on Core box / plant zone - RL 103.00 (max.)

(Reason: To reflect the approved height of the building)

3. To add Condition I12 of the consent as follows:

Rooftop including Area comprising Plant Zone

I12. The entire rooftop of the building must remain a non-trafficable area at all times and may be accessed for maintenance purposes only.

(Reason: To ensure that any privacy and amenity impacts resulting from the proposed modification are consistent with the approved commercial building and that the privacy and amenity of surrounding properties are maintained)

4. To add Condition I13 of the consent as follows:

Diesel Generator

I13. The diesel generator in the basement level must only be used for emergency purposes and to enable the appropriate and safe functioning and operations of the building (such as during power outages).

(Reason: To minimise any emissions generated by the diesel generator and to maintain an acceptable level of air quality within the premises and locality)

The proposal involves minor internal modifications, inclusion of additional sanitary facilities on the Lower Ground Level and Levels 1-5, addition of generator flue discharging at the LG façade, addition of main entry ramp handrail and boom-gate in response to fire engineering updates; and addition of a safety guardrail on the rooftop as an additional fall protection device; to an approved commercial building within No. 2-4 Blue Street and No.1-5 William Street, North Sydney.

The merits of the proposed modification and an assessment of this modification against relevant provisions and controls under environmental planning instruments (including the NSLEP 2013) have been described and detailed throughout this report. In summary, the proposed modification is considered acceptable and supportable, satisfying the above requirements and the provisions under Section 4.55 of the Environmental Planning and Assessment Act 1979.

Reason for approval:

Accordingly, it is recommended that the following conditions are amended in the consent:

- Amend Condition A1 to include the new set of architectural plans that reflect the proposed and supported changes to the building; and
- Add Condition A3 to amend the approved construction plans to indicate the maximum RL's of the new guardrails.
- Add Condition I12 to ensure that the rooftop of the building must remain a non-trafficable area at all times and may be accessed for maintenance purposes only.
- Add Condition I13 to ensure that the diesel generator must only be used for emergency purposes and to enable the appropriate and safe functioning of the building (such as during power outages).

How community views were taken into account:

In accordance with the provisions of Council's Community Participation Plan, the subject application was not required to be notified. Therefore, no submissions have been received.

The conditions attached to the original consent for Development Application No. 47/20 by endorsed date of 22 July 2020 still apply.

ADVISINGS

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

29 June 2022

DATE

Signature on behalf of consent authority
MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER (PLANNING)