



Chenwenyi Liang
53 Grosvenor Road
LINDFIELD NSW 2070

D377/17
GS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 377/17/4 - APPROVAL**

Development Consent Number: 377/17/4

Land to which this applies: 32 Lord Street, North Sydney
Lot No.: 1, DP: 203244

Applicant: Chenwenyi Liang

Proposal: Section 4.55(1A) modifications to DA 377/17 to modify alterations and additions to the terrace dwelling.

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. **377/17** and registered in Council's records as Application No. **377/17/4** relating to the land described as **32 Lord Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 August 2018, has been determined in the following manner:

1. To modify the development consent (D377/17) and modify conditions A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|------------------------------------|--------------|----------|
| EX06 | F | Demolition & Sediment Control Plan | Eco Republic | 9.7.18 |
| DA 01 | G | Existing Ground Floor Plan | Eco Republic | 9.7.18 |
| DA 11 | G | Lower Ground Floor Plan | Eco Republic | 9.7.18 |
| DA 12 | G | Upper Ground Floor Plan | Eco Republic | 9.7.18 |
| DA 21 | G | North Elevation | Eco Republic | 9.7.18 |

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|-------|---|------------------|--------------|--------|
| DA 22 | G | South Elevation | Eco Republic | 9.7.18 |
| DA 23 | G | East Elevation | Eco Republic | 9.7.18 |
| DA 24 | G | West Elevation | Eco Republic | 9.7.18 |
| DA 31 | G | Sections | Eco Republic | 9.7.18 |
| DA 32 | G | Yard Section | Eco Republic | 9.7.18 |
| DA33 | G | Vehicle Crossing | Eco Republic | 9.7.18 |

Except where amended by the following plans:

| Mod 1 D377/17/2 | | | | |
|------------------------|-------|-------------------------|-----------------|-----------|
| Plan No. | Issue | Title | Drawn By | Received |
| DA01 | J | Site Plan | Archian Pty Ltd | 1.10.2019 |
| DA02 | J | Area Calculations | Archian Pty Ltd | 19.8.19 |
| DA11 | H | Lower Ground Floor Plan | Archian Pty Ltd | 19.8.19 |
| DA12 | H | Upper Ground Floor Plan | Archian Pty Ltd | 19.8.19 |
| DA21 | J | Northern Elevation | Archian Pty Ltd | 1.10.2019 |
| DA22 | H | Southern Elevation | Archian Pty Ltd | 1.10.2019 |
| DA23 | H | Eastern Elevation | Archian Pty Ltd | 1.10.2019 |
| DA24 | H | Western Elevation | Archian Pty Ltd | 1.10.2019 |
| DA31 | H | Sections | Archian Pty Ltd | 1.10.2019 |

And except where amended by the following plans:

| Mod 2 D377/17/4 | | | | |
|------------------------|-------|-------------------------|--------------|-----------|
| Plan No. | Issue | Title | Drawn By | Received |
| DA11 | H | Lower Ground Floor Plan | ECO Republic | 15-6-2022 |
| DA21 | J | Northern Elevation | ECO Republic | 15-6-2022 |

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

Reasons for Approval:

The development application has been assessed against North Sydney Local Environmental Plan 2013 and North Sydney Development Control Plan 2013.

The modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for approval.

The proposal is satisfactory subject to recommended amendments and conditions. Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, the application is considered to be satisfactory and therefore can be approved.

How community views were taken into account:

The development application was not required to be notified pursuant to Section 3.4.2 of the North Sydney Community Participation Plan as the proposed works have minimal impact on the environment; does not substantially change the originally approved development; and no disadvantage will be caused to any owners/occupiers of adjoining or neighbouring land or who has made a submission relating to the original application.

The conditions attached to the original consent for Development Application No. 377/17 by endorsed date of 16 August 2018 still apply.

ADVISINGS

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



13th December 2022

DATE

Signature on behalf of consent authority
GREG SHERLOCK
PLANNING & DEVELOPMENT ADVISOR