



Grosvenor Development Co Pty Ltd
Unit 5, 95 Pitt Street
SYDNEY NSW 2000

D237/20
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 APPLICATION 237/20/7 - APPROVAL**

Development Consent Number: **237/20/7**

Land to which this applies: 34 Grosvenor Street, Neutral Bay
Lot No.: 50, DP: 1278230

Applicant: Grosvenor Development Co Pty Ltd

Proposal: To modify an approved four (4) storey residential flat building including changes to the plant area on the roof level.

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 1 February 2023.

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. **237/20/7** 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 3 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)

- A1. 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 B	Basement 02 Floor Plan	Team 2 Architects	29 November 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

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/7:

Plan Nos.	Description of works	Prepared by	Dated
A0103 Rev G	Level 03 Floor Plan	Team 2 Architects	03 November 2022
A0104 Rev G	Roof Plan	Team 2 Architects	03 November 2022
A0200 Rev G	Elevations 01	Team 2 Architects	03 November 2022
A0201 Rev G	Elevations 02	Team 2 Architects	03 November 2022
A0300 Rev G	Section 01	Team 2 Architects	03 November 2022
A4302 Rev 1	Roof Privacy Screens	Team 2 Architects	07 November 2022

(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_07 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, C46 and C47 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 A11, C46 and C47 to read as follows:

Terms of Consent (D273/20/7)

A11. Approval is granted for the following modifications only:

(a) Roof Level (RL91.55)

An extension of the rooftop plant area to accommodate air conditioning units and a compliant hot water plant storage tank.

(b) Ventilation Louvres

Modifications to kitchen and hallway windows on Ground Level, Levels 1 to 3 on the northern and southern elevations to incorporate ventilation louvres.

No other approval is given or implied in this consent for any other works, both internal and external, within the subject property.

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

Acoustic Review

C46. A detailed acoustic review of all mechanical plants to be located on the roof shall be undertaken prior to the issue of a construction certificate for the plant areas on the roof level.

The review shall be undertaken by an appropriately qualified acoustical consultant eligible for membership of the Association of Acoustical Consultants and shall identify acoustic treatments required to control noise emissions to satisfactory levels as per the relevant noise criteria as contained in the Acoustic Assessment, dated 14/12/2020, prepared by Acoustic Logic and the requirements of Condition C31 (Noise from Plant and Equipment) of this Development Consent. The acoustic review and its recommendations for any acoustic treatments shall be submitted to Council for information.

The acoustic review must be submitted to the Certifying Authority for approval prior to the issue of a construction certificate for the plant areas on the roof level. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure the amenity of the adjoining properties.)

Screens for Rooftop Plant Area

C47. The design details and materials for the screens to be installed along the perimeter of the rooftop plant area must be consistent with the details as contained in drawing numbered A4302 Rev 1, dated 7 November 2022 and prepared by Team 2 Architects. The colour of the screens shall match the light grey colour to be applied to the lift overrun adjacent to the rooftop plant area.

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 considers the modification application will not create adverse environmental impacts.

How community views were taken into account:

The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2023/1_February_2023)

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

13 February 2023

DATE



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