



Katherine Davies
1 John Street
MCMAHONS POINT NSW 2060

D454/14
JM15 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 454/14/5 - APPROVAL**

Development Consent Number: 454/14

Land to which this applies: 1 John Street, McMahons Point
Lot No.: 1, DP: 776868

Applicant: Katherine Davies, 1 John Street, McMahons Point 2060

Proposal: Modification of DA 454/14 proposing minor changes to the retaining walls and planters

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. **454/14** and registered in Council's records as Application No. **454/14/5** relating to the land described as **1 John Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **3 June 2015**, has been determined in the following manner:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation of Development Consent no. DA454/14 is as follows:

Plan No.	Description	Prepared by	Dated
DA-01, Rev B	Proposed Site Plan	K Davies & J Harvey Architects	31.03.2015
DA-02, Rev B	Demolition Plan	K Davies & J Harvey Architects	31.03.2015
DA-03, Rev B	Ground Floor Plan	K Davies & J Harvey Architects	31.03.2015
DA-04, Rev C	First Floor Plan	K Davies & J Harvey Architects	31.03.2015
DA-05, Rev D	North, South Elevations	K Davies & J Harvey Architects	20.04.2015
DA-06, Rev D	East, West Elevations	K Davies & J Harvey Architects	20.04.2015
DA-07, Rev B	Sections	K Davies & J Harvey Architects	31.03.2015
DA-09, Rev B	1:50 Section A	K Davies & J Harvey Architects	20.04.2015
DA-12, Rev A	Landscape Plan	K Davies & J Harvey Architects	31.03.2015

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 June 2015, has been determined in the following manner:

1. To modify Condition A1 as follows:

Development is Accordance with Plans/Documentation

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.

Plan No.	Description	Prepared by	Dated
S4.5501 Rev B	Proposed Site Plan	K Davies & J Harvey Architects	19.07.2022
S4.5502 Rev B	Demolition Plan	K Davies & J Harvey Architects	19.07.2022
S4.5503 Rev B	Ground Floor Plan	K Davies & J Harvey Architects	04.07.2022
S4.5505Rev B	North South Elevations	K Davies & J Harvey Architects	19.07.2022
S4.5507 Rev B	1:100 Sections	K Davies & J Harvey Architects	19.07.2022

Reasons for Approval:

The application has been assessed against the *Environmental Planning and Assessment Act 1979*, *North Sydney Local Environmental Plan 2013* and *North Sydney Development Control Plan 2013*.

The application does not propose any physical alteration/s, physical addition/s, or Notice of Determination amendment/s that would allow or require physical alterations to the approved development. The proposal is consistent with the reasons given for the approval of the original application and with the approved development for the site. The proposal satisfies Section 4.55 of the Act.

How community views were taken into account:

No submissions were received.

The conditions attached to the original consent for Development Application No. **454/14** by endorsed date of **3 June 2015** still apply.

ADVISINGS

(a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Ms Josie Maejiirs**. 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

3 March 2023

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)