

Nix Anderson Pty Ltd
17 Chuter Street
MCMAHONS POINT NSW 2060

D461/16
(KRR) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **461/16** and registered in Council's records as Application No. **461/16/3** relating to the land described as **51 Berry Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 August 2017, has been determined in the following manner:-

1. To modify Condition A1 as follows:

Development in Accordance with Plans (S96 Amendments)

A1. The development being carried out in accordance with plans identified in the table below of the consent and endorsed with Council's approval stamp:

(a) DA461/2016 Plan References

No.	Rev	Title	Dated	Prepared by	Date Received
DA004	12	Site Plan	3/3/2017	Sissons Architects	9/3/2017
DA010	12	B2 GA Plan – Existing & demolition	3/3/2017	Sissons Architects	9/3/2017
DA011	12	B2 GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA012	12	B1 GA Plan – Existing and demolition	3/3/2017	Sissons Architects	9/3/2017
DA014	12	Ground GA Plan – Existing & demolition	3/3/2017	Sissons Architects	9/3/2017
DA015	12	Ground GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA016	12	Level 1 GA Plan – Existing & Demolition	3/3/2017	Sissons Architects	9/3/2017
DA017	12	Level 1 GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA018	12	Levels 2-5 GA Plan – Existing & Demolition	3/3/2017	Sissons Architects	9/3/2017
DA019	12	Levels 2-5 GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA021	12	Level 6 GA Plan – Existing &	3/3/2017	Sissons Architects	9/3/2017

		Demolition			
DA022	12	Level 6 GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA023	12	Roof GA Plan – Existing & Demolition	3/3/2017	Sissons Architects	9/3/2017
DA024	12	Roof GA Plan – Proposed	3/3/2017	Sissons Architects	9/3/2017
DA028	12	Existing and Proposed Entry Terrace	3/3/2017	Sissons Architects	9/3/2017
DA029	12	Existing and Proposed Entry Terrace	3/3/2017	Sissons Architects	9/3/2017
DA50	12	North and South Elevations – Existing and proposed	3/3/2017	Sissons Architects	9/3/2017
DA051	12	West and East elevations – Existing and proposed	3/3/2017	Sissons Architects	9/3/2017
DA075	12	Section AA – Existing and Proposed	3/3/2017	Sissons Architects	9/3/2017

Except as modified under DA461/2016/3 by the modifications shown in colour on:

(b) DA461/2016/3 Plan References

No.	Rev	Title	Dated	Prepared by	Date Received
DA_030	A	Proposed Elevation - South	25/10/17	Sissons Architects	14/11/17
DA_031	A	Proposed Elevation - East	25/10/17	Sissons Architects	14/11/17

And except as amended by the following conditions and this consent.

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

The conditions attached to the original consent for Development Application No. 461/16 by endorsed date of 16 August 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Kim Rothe**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2) (a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

DATE

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