

Original signed by: David Hoy Dated: 19/7/2018

Development Consent No. 199/17

Section 4.55 Application

Applicant's Name

Ava Shirley

Land to which this applies

60 Bank Street, North Sydney
Lot No.: 1, DP: 231036

Proposal

Section 4.55 (1A) modification to consent D199/17 proposing various changes to the proposed glazed roof, deletion of carport awning, deletion of gas fireplace and replacement with window and deletion of Condition C23.

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. **199/17** and registered in Council's records as Application No. **199/17/2** relating to the land described as **60 Bank Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 31 October 2017, has been determined in the following manner: -

1. To delete condition A1 of the consent and insert in lieu thereof the following condition:

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. | Issue | Title | Drawn by | Dated | Received |
|--------------------|--------------|--------------------------------|-----------------|--------------|-----------------|
| 001 | A | Site Analysis Plan | Ava Shirley | 4.6.17 | 15.6.17 |
| 100 | A | Roof Plan | Ava Shirley | 4.6.17 | 15.6.17 |
| 101 | A | Ground Floor Plan | Ava Shirley | 4.6.17 | 15.6.17 |
| 102 | A | Lower Ground Floor Plan | Ava Shirley | 4.6.17 | 15.6.17 |
| 200 | A | Eastern and Western Elevations | Ava Shirley | 4.6.17 | 15.6.17 |

| | | | | | |
|-----|---|---------------------|-------------|--------|---------|
| 201 | A | Southern Elevation | Ava Shirley | 4.6.17 | 15.6.17 |
| 202 | A | Northern Elevation | Ava Shirley | 4.6.17 | 15.6.17 |
| 250 | A | North-South Section | Ava Shirley | 4.6.17 | 15.6.17 |
| 251 | A | East-West Section | Ava Shirley | 4.6.17 | 15.6.17 |

except where amended by the following conditions and as amended by the following drawings:

| Drawing No. | Issue | Title | Drawn by | Dated | Received |
|-------------|-------|--------------------------------|-------------|--------|----------|
| 100 | D | Roof Plan | Ava Shirley | 1.7.18 | 1.7.18 |
| 101 | D | Ground Floor Plan | Ava Shirley | 1.7.18 | 1.7.18 |
| 102 | D | Lower Ground Floor Plan | Ava Shirley | 1.7.18 | 1.7.18 |
| 200 | D | Eastern and Western Elevations | Ava Shirley | 1.7.18 | 1.7.18 |
| 201 | D | Southern Elevation | Ava Shirley | 1.7.18 | 1.7.18 |
| 202 | D | Northern Elevation | Ava Shirley | 1.7.18 | 1.7.18 |
| 250 | D | North-South Section | Ava Shirley | 1.7.18 | 1.7.18 |
| 251 | D | East-West Section | Ava Shirley | 1.7.18 | 1.7.18 |

and except as amended by the following conditions.

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

Reason for approval

The proposed modifications are considered to be consistent with the originally approved development application and S4.55 of the Environmental Planning & Assessment Act, 1979. Furthermore, the modifications do not result in any new or material amenity impact to adjoining properties or the surrounding area.

The proposed modification retains the intent of originally approved development and is considered to be acceptable.

Having regard to the provisions of Section 4.55 & Section 4.15 of the Environmental Planning and Assessment Act, 1979, the proposed development as modified is satisfactory. The application is therefore recommended for approval.

How were community views taken into account

The owners of the adjoining properties and the Union Precinct were notified of the development, between 11 May 2018 and 25 May 2018, pursuant to Part A, Section 4 of the North Sydney Development Control Plan 2013. One submission was received and addressed within the delegated report.

The conditions attached to the original consent for Development Application No. 199/17 by endorsed date of 31 October 2017 still apply.

ADVISINGS

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

DATE

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