

Development Consent No. 103/16

Section 4.55 Application

Applicant's Name

Simpson Wilson Architects

Land to which this applies

100 Bank Street, North Sydney

Proposal

Section 4.55(2) modifications to DA103/16 for alterations and additions to a 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. **103/16** and registered in Council's records as Application No. **103/16/2** relating to the land described as **100 Bank Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 December 2016, has been determined in the following manner:-

- To insert the following new condition:*

Development in Accordance with Plans (S4.55 Amendments)

- A5.** 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 "clouded" on:

Plan No.	Issue	Title	Drawn by	Received
DA 01	F	Site Plan	Simpson+Wilson	4/5/18
DA 02	F	Ground Floor Plan	Simpson+Wilson	4/5/18
DA 03	F	First Floor Plan	Simpson+Wilson	4/5/18
DA 04	F	Roof Plan	Simpson+Wilson	4/5/18
DA 05	F	Sections	Simpson+Wilson	4/5/18
DA 06	F	North & South Elevations	Simpson+Wilson	4/5/18
DA 07	F	East, West & Courtyard Elevations	Simpson+Wilson	4/5/18

and except as amended by the conditions of this consent.

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

2. To *modify* the following conditions so as to read as follows:

External Finishes & Materials

A4. External finishes and materials must be as specified in the approved architectural drawings, prepared by Simpson + Wilson and received by Council on 11 November 2016, as modified by the approved architectural drawings, prepared by Simpson + Wilson and received by Council on 4 May 2018, unless otherwise modified by Council in writing.

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

BASIX Certificate

C19. 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. A241965_02 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)

Carport structure

C20. The carport structure shall remain as an open-sided structure to provide for visual permeability, as follows:

- (a) A perforated metal carport door (at minimum of 50% permeable) shall be retained and maintained on the western (Ancrum Street) elevation of the carport structure;
- (b) Open slatted multi-leaf operable louvre sliding screens shall be installed and maintained to the full extent of the width shown on plan drawing DA02 (Rev.F) prepared by Simpson + Wilson and received by Council on 4 May 2018.

(Reason: To provide permeability and reduce visual bulk)

New Windows and External Glazed Doors

C21. All new windows and external glazed doors are to have timber framed with paint finish, with the exception of the aluminium-framed windows/doors as indicated in the approved drawings referred to in Condition **A5** of this consent.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: To utilise traditional materials characteristic to the Conservation Area)

Reason for approval

The proposed modifications are compatible with the approved development and will not have any adverse streetscape or residential amenity impacts. The development as proposed to be modified is generally consistent with planning controls for the site.

How were community views taken into account in making the decision

The owners of adjoining properties and the **Union Precinct** were notified of the proposed development between 18 May and 1 June 2018, in accordance with Section A4 of NSDCP 2013. The notification resulted in **no submissions**.

The conditions attached to the original consent for Development Application No. 103/16 by endorsed date of 20 December 2016 still apply.

ADVISINGS

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