

## Development Consent No. 160/17

### Section 4.55 Application

---

#### Applicant's Name

Susan Meagher

#### Land to which this applies

11 Victoria Street, McMahons Point  
Lot No. 1, DP 702307

#### Proposal

To modify development consent DA 160/17 for partial demolition and substantial alterations and additions to a dwelling, including 2 storey addition to rear, garage to Mitchell Street, pergola, landscaping and associated works.

---

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. **160/17** and registered in Council's records as Application No. **160/17/2** relating to the land described as **11 Victoria Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 December 2017, has been determined in the following manner:

(A) To **modify** the following condition so as to read as follows:

#### Construction Management Program

**B1.** A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by Council's Manager, Traffic & Transport Operations PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
  - i. Proposed signage for pedestrian management to comply with the relevant Australian Standards;

- ii. The locations of any proposed Work Zones in the frontage roadways;
  - iii. Unloading and loading point for all construction vehicles, plant and deliveries;
  - iv. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- b) A detailed construction vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) How access to neighbouring properties will be maintained at all times.
- d) Proposed protection for Council and adjoining properties. Details are to include site fencing.
- e) A Waste Management Plan.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. **A certificate of compliance with this condition must be obtained from Council's Development Engineer.** The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

**Reason for approval**

Approval of the modification will ensure that the process of construction traffic will be properly managed that is commensurate to the scale of the proposed development, and that the condition is reasonable and proportionate to the scale of the approved development.

### **How were community views taken into account in making the decision**

The proposed commercial fitout works were not required to be notified, in accordance with NSDCP 2013.

The conditions attached to the original consent for Development Application No. 160/17 by endorsed date of 6 December 2017 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)