

Development Consent No. 463/17

Section 4.55 Application

Applicant's Name

Adala Bolto
21 Young Street
CREMORNE NSW 2090

Land to which this applies

1/27-35 Grosvenor Street, Neutral Bay
Lot No.: 57, SP: 63503

Proposal

Use of premises as a gym – S. 4.55 to delete a condition requiring shower facilities for the building.

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. **463/17** and registered in Council's records as Application No. **463/17/2** relating to the land described as **1/27-35 Grosvenor Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 9 April 2018, has been determined in the following manner:

- a) Condition No. C4 requiring toilet/shower facilities to be provided for staff who work in the building should be DELETED.

Reason for approval

The proposed fitness studio was approved by Council because it provides a service to the community without causing any impacts upon the amenity of the adjoining properties and/or land uses. It also serves to activate the streetscape at that point being a planning objective for a mixed use zone. The deletion of Condition C4 would not offend Council's approval of the original application.

How were community views taken into account in making the decision

The views of the community were sought with the original application during the notification period and there were no submissions. Any likely concerns for the community were addressed with appropriate conditions of consent at the time of approval.

The conditions attached to the original consent for Development Application No. 463/17 by endorsed date of 9 April 2018 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact the undersigned. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)