

Original signed by: Robyn Person Dated: 11/10/2018

Development Consent No. 21/14 and 233/14

Section 4.56 Application

Applicant's Name

Platform Project Services P/L

Land to which this applies

1 and 3 Premier Street, Neutral Bay
Lot No. 10, DP 1221987

Proposal

Section 4.56 application to modify DA 21/14 and DA 233/14 with regards to the deletion of Condition G21.

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **21/14 and 233/14** and registered in Council's records as Application No. **21/14/6 and 233/14/6** relating to the land described as **1 and 3 Premier Street, Neutral Bay**.

Your request for the modification of the Development Consents DA 21/14 and DA 233/14 that became operational on 17 August 2016.

The following Condition that relates to Development Consents DA 21/14 and DA 233/14 have been modified as follows:-

Delete Condition G21 Access and Circulation under both DA21/14 and DA233/14

No other conditions under either DA21/14 or DA233/14 require amendment under this application.

Reason for approval

The proposed modification has been assessed against Section 4.56 of the *Environmental Planning and Assessment Act, 1979* (as amended), and found to be generally acceptable in the site circumstances.

Condition G21 relating to easements for access and rights of way can therefore be deleted, as proposed, because the site is now one registered lot rather than two lots, as that previously existed. Therefore, there is no requirement for cross easements, relating to circulation and access.

Consequently, the Section 4.56 application is considered to be reasonable in the circumstances and it is recommended for **approval**, subject to the deletion of Condition G21 under both DA21/14 and DA233/14.

How were community views taken into account in making the decision

The application was not required to be notified to the public in accordance with the North Sydney Development Control Plan 2013.

The conditions attached to the original consent for Development Application No. 21/14 and 233/14 by endorsed date of 17 August 2016 still apply.

ADVISINGS

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