

## Development Consent No. 98/15

### Section 4.55 Application

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#### Applicant's Name

Arlonu Pty Ltd

#### Land to which this applies

1-9B Broughton Street, Kirribilli

Lot No.: 100, DP: 8689015 (3A Broughton Street)

Lot No.: 4, DP: 337445 (1-3 Broughton Street)

Lot No.: 101, DP: 1227471 (1 Broughton Street)

#### Proposal

Section 4.55 (1A) application to modify DA98/15 with regards to an additional access corridor and the deletion of Condition G9

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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. **98/15** and registered in Council's records as Application No. **98/15/2** relating to the land described as **1-9B Broughton Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 September 2015, has been determined in the following manner:

- 1. Modify condition A1 'Development in Accordance with Plans/documentation' to read as follows:*

#### Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp:

Dwg No	Title	Drawn	Dated
DA1A	Site and Roof plan	Michael Standley & Associates Pty Ltd	22/07/15
DA2B	Lower Ground Floor plan	Michael Standley & Associates Pty Ltd	22/07/15
DA3D	Ground Floor plan	Michael Standley & Associates Pty Ltd	19/08/15
DA4A	First Floor plan	Michael Standley & Associates Pty Ltd	22/07/15
DA5A	West and South elevations	Michael Standley & Associates Pty Ltd	22/07/15
DA6	East and North elevation and Section X-X	Michael Standley & Associates Pty Ltd	7/04/15

DA7A	Section B-B	Michael Standley & Associates Pty Ltd	22/07/15
DA8A	Diagrammatic plant layout roof level and Upper ground floor plant room	Michael Standley & Associates Pty Ltd	22/07/15

Except as modified by the following plans that form part of application No. 98/15/2:

Plan No.	Rev/Issue	Title	Drawn by:	Plot Date
1121:A3: 105.1	B	Ground Floor Plan Whole Site	Michael Standley & Associates Pty Ltd	5/10/18
1121:A3: 105.1	-	Stair extension to courtyard	Michael Standley & Associates Pty Ltd	5/10/18

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

2. *Delete Condition G9 'Installation of folding parking bollards'*
3. *Add Condition G18 'Pedestrian safety' to read as follows:*

#### **Pedestrian safety**

G18 Prior to the issue of any occupation certificate, the following must be installed to improve pedestrian safety within the parking area and on Bligh Street:

1. Installation of permanent marking to indicate safe pedestrian paths adjacent to the parking area; and
2. Installation of a sign at the exit to Bligh Street, within the confines of the subject site, to warn pedestrians to "beware of exiting vehicles"

(Reason: To ensure adequate measures are in place to improve pedestrian safety within the site and to pedestrians in Bligh Street)

#### **Reason for approval**

The removal of the folding bollards between the car parking area and the pedestrian path is unlikely to materially compromise pedestrian safety given that the new internal corridor will provide the main access between Broughton Street and the new upper ground floor retail tenancies. An additional condition is however recommended requiring the installation of permanent marking to indicate safe pedestrian paths adjacent to the parking area and the installation of a sign at the exit to Bligh Street to warn pedestrians of exiting vehicles.

Consequently, the proposed modification under Section 4.55(1A) application is consistent with the reasons given for the original approved development and maintains the performance of the development against the applicable planning controls.

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

No submissions received.

The conditions attached to the original consent for Development Application No. 98/15 by endorsed date of 2 September 2015 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.

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DATE

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