

Development Consent No. 200/13

Section 4.55 Application

Applicant's Name

North Sydney Leagues Club Ltd, C/- Abeo Architects

Land to which this applies

12 Abbott Street, Cammeray
Lot No's. 1 and 2, DP 219968
Lot No's 4 and 5, DP 17777

Proposal

Modification of consent for demolition of internal bar, kitchen amenities, walls and partitions within the ground floor level, fitout to provide new bistro, bars, dining areas, TAB, new stage and children's room, and provision of two glazed frameless openings in western elevation ground level of club.

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. **200/13** and registered in Council's records as Application No. **200/13/4** relating to the land described as **12 Abbott Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 30 July 2013, has been determined in the following manner:

Modify Condition A1 as follows:

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans

A1. The development being carried out in accordance with drawings numbered A-000 and A200, Revision 3, and A110, Revision 5, all dated 17 April 2018, drawn by Abeo Architects, received by Council on 4 May 2018 and all endorsed with Council's approval stamp, except where amended by the following conditions.

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

Reason for approval

The proposed modifications to the approved alterations at the North Sydney Leagues Club have been assessed in terms of the relevant planning controls. The proposed modifications are minor and are satisfactory with regard to the provisions of S.4.55 of the *Environmental Planning and Assessment Act 1979*, North Sydney Local Environmental Plan 2013 and North Sydney DCP 2013, in addition to all other statutory considerations.

How were community views taken into account in making the decision

The proposal was advertised and notified to surrounding properties and one submission was received by Council. The matters raised in the submission have been considered in the assessment of this application and the proposed modification is satisfactory in relation to the submitters concerns.

The conditions attached to the original consent for Development Application No. 200/13 by endorsed date of 30 July 2013 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
GEORGE YOUHANNA
EXECUTIVE PLANNER