

**Original signed by: Luke Donovan Dated: 20/3/2019.**

Joanne Phillips Hall  
C/- Prescott Architects  
U9, 37 Nicholson Street  
EAST BALMAIN NSW 2041

LD(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 359/14/3 – APPROVAL**

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**Development Consent Number:**                    **359/14**

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**Land to which this applies:**                    5 Bank Street, North Sydney  
Lot No. 2, DP 87446

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**Applicant:**    Joanne Phillips Hall, C/- Prescott Architects

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**Proposal:**    A Section 4.55 (1A) application to modify DA 359/14 with regards to minor internal changes involving a new hallway to access storage room and the deletion of two windows on the northern façade of the dwelling.

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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. **359/14** and registered in Council's records as Application No. **359/14/3** relating to the land described as **5 Bank Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 August 2015, has been determined in the following manner: -

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**Modify Conditions A1 and A4 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, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn By	Received
A0002	O	Site Plan	Prescott Architects	3 June 2015
A2000	O	Ground Floor Plan	Prescott Architects	3 June 2015
A2001	O	Level 1	Prescott Architects	3 June 2015
A2002	O	Level 2	Prescott Architects	3 June 2015
A2003	O	Roof Plan	Prescott Architects	3 June 2015
A3100	O	North Elevation	Prescott Architects	3 June 2015
A3101	O	East Elevation	Prescott Architects	3 June 2015
A3102	O	South Elevation (Materials)	Prescott Architects	3 June 2015
A3103	O	West Elevation	Prescott Architects	3 June 2015
A3104	O	Material Board	Prescott Architects	3 June 2015
A3200	O	Section AA	Prescott Architects	3 June 2015
A3201	O	Section BB	Prescott Architects	3 June 2015
A3202	O	Section CC	Prescott Architects	3 June 2015
A3203	O	Section DD	Prescott Architects	3 June 2015
A3204	O	Section EE	Prescott Architects	3 June 2015
A3205	O	Section FF	Prescott Architects	3 June 2015

Except as amended by the following plans that form of Section 4.55 No. 359/14/3:

Dwng No.	Rev,	Date	Title	Drawn By	Received
A2000	R	27/2/2019	Ground Floor Plan	Prescott Architects Pty Ltd	27/2/2019
A2001	R	27/2/2019	Level 1	Prescott Architects Pty Ltd	27/2/2019
A3100	R	27/2/2019	North Elevation	Prescott Architects Pty Ltd	27/2/2019
A3102	R	27/2/2019	South Elevation (Materials)	Prescott Architects Pty Ltd	27/2/2019

### External Finishes & Materials

- A4. External finishes and materials must be in accordance with the submitted schedule in drawings **A3102 South Elevation (Materials) (Issue R) dated 27/2/19** prepared by Prescott Architects and received by Council on 27/2/19 and **A3104 Material Board (Issue O) dated 1/6/15**, prepared by Prescott Architects and received by Council on 3/6/15, **with the exception of and subject to the conditions of this consent.**

(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 are considered to be consistent with the reasons given by the North Sydney Independent Planning Panel in the granting of consent to the DA

### How community views were taken into account:

The issues raised in the submissions were considered in the assessment of the application and addressed through amended plans.

The conditions attached to the original consent for Development Application No. 359/14 by endorsed date of 5 August 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.
- (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 Certifier 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.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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