

James William Rannard  
85 Irrubel Road  
NEWPORT NSW 2106

D304/15  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 304/15/3 – APPROVAL**

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**Development Consent Number:** 304/15

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**Land to which this applies:** 194 & 196 Military Road, Neutral Bay  
Lot No.: 2, DP: 737344

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**Applicant:** James William Rannard

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**Proposal:** Section 4.55 (1A) modifications to Condition C3(b) and C3(d).

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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. **304/15** and registered in Council's records as Application No. **304/15/3** relating to the land described as **194 & 196 Military Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 29 February 2016, has been determined in the following manner: -

**1. To modify the development consent (D304/15) and modify condition C3 to read as follows:**

**Signage**

C3. The following shall be applied to the proposed signage for the development:

- (a) **External Colour** - The corporate pink colour for the proposed pharmacy must not be applied onto any solid panels on the façades of the subject heritage listed building. This colour shall only be used for lettering and/or logos on the building facade.
- (b) **Awnings** - The awnings must be painted in a neutral tone that is sympathetic to the overall colour scheme. No signage shall be applied to the side of the awning.
- (c) **Underawning Signs** - No approval is granted for any under awning signs.
- (d) **Hamper Signs** - The background of the proposed hamper signs above the Military Road entrance doors must be painted in a natural tone. The hamper sign containing the lettering and any corporate logo for the pharmacy "Priceline" should not extend more than two third of the length of the building elevation to Military Road.

- (e) **Signage on the Western Elevation** - The dimensions for the new signage on the western elevation displaying the words “Priceline Pharmacy” must not exceed 900mm (length) and 450mm (height). The projection of this sign from the western building line, including the supporting structure, must not exceed 1200mm. The sign must be constructed using traditional construction methods and to be displayed on a timber board, painted and not illuminated. All other existing signs on the west elevation are to be removed.
- (f) **Wall Signs** - The proposed wall sign on the northern elevation of the new first floor addition must be deleted given the existing signage for the café on the lower ground floor.
- (g) **Illumination** - The proposed signage must be illuminated by direct lighting only. No approval is granted for internal illumination of any signage.

The existing signage attached to the balustrades of the first floor balconies on the Military Road elevation are not approved and must be removed to minimise the impacts on the significance of the heritage item.

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: To maintain the significance of the heritage item)

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The proposed modifications satisfy the provisions of Section 96(1A) in that the proposal is considered to be a development with minor environmental impacts and substantially the same development as that which was originally approved by Council.

Consideration has been given to the applicant’s proposal for modifications to the wording of Conditions C3(b) and C3(d) in relation to signage on awnings and hamper signs above the Military Road shopfront where the proposed changes were found to be acceptable.

**Reason for approval:**

The restriction of signs on the fascia of the Military Road awning is considered to be a positive outcome for the subject heritage item and Military Road streetscape as this would reduce visual clutter resulting from fascia signs. In addition, the proposed two-third coverage of the hamper signs is considered to be acceptable as this would not have adverse impacts on the significance of the heritage building.

In summary, the proposal was found to be acceptable and is recommended that the subject Section 96(1A) application be approved with the proposed modifications to Conditions C3(b) and C3(d).

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**How community views were taken into account:**

Notification of the application was waived in accordance with Section 4.5.1 in Part A of North Sydney DCP 2013.

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The conditions attached to the original consent for Development Application No. 304/15 by endorsed date of 29 February 2016 still apply.

**ADVISINGS**

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