

CplusC Architectural Workshop  
62 Ivy Street  
DARLINGTON NSW 2008

D99/18  
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 99/18/2 – APPROVAL**

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**Development Consent Number:** 99/18/2

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**Land to which this applies:** 103 Union Street, McMahons Point  
Lot No.: A, DP: 400809

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**Applicant:** CplusC Architectural Workshop

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**Proposal:** Modification to DA 99/18 proposing various changes to conditions and minor plan changes.

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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. **99/18** and registered in Council's records as Application No. **99/18/2** relating to the land described as **103 Union Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 August 2018, has been determined in the following manner: -

**1. Condition A1 of the consent is amended 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	Dated	Received
DA 002	E	Proposed Site Plan	CplusC Architectural Workshop	20-09-18	24-09-18
DA 003	E	Existing Ground Floor Plan	CplusC Architectural Workshop	20-09-18	24-09-18
DA 004	D	Proposed Ground Floor Plan	CplusC Architectural Workshop	20-09-18	24-09-18

DA 005	C	Existing First Floor Plan	CplusC Architectural Workshop	-	15.5.18
DA 006	D	Proposed First Floor Plan	CplusC Architectural Workshop	-	20.7.18
DA 007	E	Proposed Roof Plan	CplusC Architectural Workshop	20-09-18	24-09-18
DA 008	E	Elevation - North	CplusC Architectural Workshop	20-09-18	24-09-18
DA 009	E	Elevation - West	CplusC Architectural Workshop	20-09-18	24-09-18
DA 010	E	Elevation - South	CplusC Architectural Workshop	20-09-18	24-09-18
DA 011	E	Elevation - East	CplusC Architectural Workshop	20-09-18	24-09-18
DA 012	E	Section A	CplusC Architectural Workshop	20-09-18	24-09-18
DA 013	C	Section B & C	CplusC Architectural Workshop	-	15.5.18

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

2. *The requirements of Condition A4 points 1, 2 and 4 are satisfied subject to the changes to the approved plans shown on the Revision E drawings identified in Condition A1 (as amended). The existing double hung window to the southern elevation is to be retained as required by Condition A4.3.*
3. *Condition C18 is deleted and replaced with the following condition:*

**Construction Noise Management**

C18A. A Construction Noise Management Plan and Construction Program is to be prepared and submitted for approval with the Construction Certificate application.

The Construction Noise Management Plan and Construction Program is to be a written document which includes site management requirements prepared by the main building contractor, or any other person acting on this consent, which provides details of the following noise management conditions:

- (a) Written details of noise mitigation measures to be deployed on site to reduce noise impacts on the occupants of adjoining properties.
- (b) Details of signage to be erected at the entry to the construction site and at key locations on the western boundary wall to state the approved construction hours for the duration of the demolition and construction work;
- (c) Details of the proposed schedule of demolition and construction works to be carried out including likely dates for major demolition and construction work;
- (d) Details of any concrete pours; including dates;
- (e) Details of any provisions to be implemented within the Construction Program to cease significant noise generating activity where the Site Manager deems it necessary to limit impacts to adjoining properties;

- (f) Adjoining properties are to be notified in writing of Council's contact details for the Building & Compliance Unit.
- (g) The Construction Noise Management Plan must outline what course of action will be undertaken following receipt of a complaint concerning offensive noise.

The Construction Noise Management Plan may be updated to provide for changes in the construction schedule, however substantial changes must be notified to adjoining properties.

A copy of the Construction Noise Management Plan and Construction Program is to be provided to adjoining property owners and a copy retained on site at all times. Demolition and construction activity is to be undertaken in accordance with the requirements of this condition and other conditions of this consent and having regard for best industry practice

A copy of the Construction Noise Management Plan is to be provided to the occupants and owner of No. 1/101 Union Street prior to the commencement of work.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

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**Reason for approval:**

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and found to be generally satisfactory.

The proposed modifications are considered to be of minimal environmental impact and are consistent with the reasons given for the grant of consent to originally approved development application and s.4.55 of the EP & A Act 1979.

The modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

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Having regard to the provisions of section 4.55 and 4.15 of the Environmental Planning & Assessment Act 1979, the application is considered to be a reasonable response in the circumstances and is recommended for **approval** subject to amended conditions

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

The owners of the adjoining properties and the Union Precinct were notified of the development between 5 October 2018 and 19 October 2018, pursuant to Part A, Section 4 of the North Sydney Development Control Plan 2013. One submission was received which was addressed in the delegated report.

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The conditions attached to the original consent for Development Application No. 99/18 by endorsed date of 1 August 2018 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.
- (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