

Jason Antico
2/2 Thrupp Street
NEUTRAL BAY NSW 2089

D25/19
RA3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 25/19/2 – APPROVAL**

Development Consent Number: 25/19/2

Land to which this applies: 2 Thrupp Street, Neutral Bay
Lot No.: 0, SP: 32010

Applicant: Jason Antico

Proposal: Deletion of Conditions K2 and K5 from DA25/19

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. **25/19** and registered in Council's records as Application No. **25/19/2** relating to the land described as **2 Thrupp Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 March 2019, has been determined in the following manner: -

- 1. Deletion of Condition K2 requiring a Section 73 Compliance Certificate from the Sydney Water Act 1994.*
 - 2. Deletion of Condition K5 requiring a report to be provided by a Registered Surveyor certifying that all services as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.*
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This development application seeks a section 4.55 modification for DA25/19 at 2 Thrupp Street, which would not alter the use or the form of the development as approved under DA88/16.

Reason for approval:

Furthermore, there would be no impacts on the residential amenity of the subject site and the adjoining properties as well as the character of the locality as a result of the proposed Section 4.55 Application.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1) application be approved.

How community views were taken into account:

This development application was not notified, as discussed above, but Council has considered the impacts of the proposed strata amendment, and considers the potential affects to the community as minor given the extent of the current proposal. Nevertheless, conditions were imposed with the original DA to preserve residential amenity.

The conditions attached to the original consent for Development Application No. 25/19 by endorsed date of 14 March 2019 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Alex Richard**. 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

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)