

Roslyn & Geoff Morgan
18 Bay View Street
LAVENDER BAY NSW 2060

D409/16
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 409/16/4 – APPROVAL**

Development Consent Number: **409/16/4**

Land to which this applies: 18 Bay View Street, Lavender Bay
Lot No.: 1, DP: 810493

Applicant: Roslyn & Geoff Morgan

Proposal: To modify consent for demolition of existing building
and construction of a multi-level dwelling.

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. **409/16** and registered in Council's records as Application No. **409/16/4** relating to the land described as **18 Bay View Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 April 2017, has been determined in the following manner: -

1. To delete conditions A1 and A4, and insert in lieu the following new conditions, namely:

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
DA-002	A	Site Plan Existing	Durbach Block Jaggers	15 August 2019
DA-003	E	Site Plan Proposed	Durbach Block Jaggers	15 August 2019
DA-100	E	Entry Level Plan	Durbach Block Jaggers	15 August 2019
DA-101	E	Ground Floor Plan	Durbach Block Jaggers	15 August 2019
DA-102	E	Level 1 Plan	Durbach Block Jaggers	15 August 2019
DA-103	E	Level 2 Plan	Durbach Block Jaggers	15 August 2019

DA-104	E	Roof Plan	Durbach Block Jaggers	15 August 2019
DA-200	E	East Elevation	Durbach Block Jaggers	15 August 2019
DA-201	E	North Elevation	Durbach Block Jaggers	15 August 2019
DA-202	E	West Elevation	Durbach Block Jaggers	15 August 2019
DA-203	E	South Elevation	Durbach Block Jaggers	15 August 2019
DA-300	E	Section B	Durbach Block Jaggers	15 August 2019
DA-301	E	Section C	Durbach Block Jaggers	15 August 2019
DA-310	D	Materials and finishes	Durbach Block Jaggers	15 August 2019
LD01-LD03	C	Landscape Plan	Sue Barnsley Design	15 August 2019
LD11-LD13	C	Landscape Plan	Sue Barnsley Design	15 August 2019

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

External Finishes & Materials

A4. External finishes and materials must be in accordance with the submitted schedule numbered DA-310- D prepared by Durbach Block Jaggers and received by Council on 15 August 2019, unless otherwise modified by Council in writing.

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

The proposed development has been assessed with respect to the relevant Sections of the EP&A Act, as well as the objectives, merit based outcomes, development standards and prescriptive controls of the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modification would 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.

How community views were taken into account:

The owners of adjoining properties and the Lavender Bay Precinct were notified of the proposed development on 30 August 2019. The notification resulted in no submissions.

The conditions attached to the original consent for Development Application No. 409/16 by endorsed date of 5 April 2017 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

Signature on behalf of consent authority
**GEOFF MOSSEMENEAR
EXECUTIVE PLANNER**