

Dexus Property Group
Level 9, 343 George Street
SYDNEY NSW 2000

D241/18
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 241/18/2 – APPROVAL**

Development Consent Number: 241/18

Land to which this applies: 141 Walker Street, North Sydney
Lot No.: 1, DP: 738392

Applicant: Dexus Property Group

Proposal: To modify DA 241/18 to provide for the removal of the existing black building cladding and replacement with matte black painted backing as the background for the two (2) approved illuminated “ME” Business Identification Signs.

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. **241/18** and registered in Council’s records as Application No. **241/18/2** relating to the land described as **141 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 November 2018, has been determined in the following manner: -

1. Condition A1 of the consent be 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
GEN-AR 199-2	H	Site Plan	Sign Manager	17-05-2019	1-07-2019
GEN-AR 199-4	H	Site Plan	Sign Manager	17-05-2019	1-07-2019
GEN-AR 199-5	H	Signage detail and colour scheme	Sign Manager	17-05-2019	1-07-2019
GEN-AR 199-6	H	Building Elevations	Sign Manager	17-05-2019	1-07-2019
GEN-AR-250-1	A	Elevations	Sign Manager	24-09-2019	18-10-2019
GEN-AR-250-2	A	Typical Frame Section	Sign Manager	24-09-2019	18-10-2019

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

2. The following additional condition is imposed:

Building Façade, colour & finish

C4. The existing black “Louvre frame & structure” affixed to the building on the south-eastern and north-eastern elevation is to be demolished and the following works undertaken to the façade.

- The existing building “louvre” cladding within the signage zone, as shown on the signage detail plan is to be removed and the building façade and replacement cladding installed or made good and finished in a matte black finish to match the proportions of the existing signage zone;
- The signage zone and cladding at the top of the building on the north-east and south-east elevations that is to be painted matte black is to match the alignment of glazing immediately below;
- Any damage to building cladding that is to be retained may be repaired and made good where necessary;
- Any support frame for the sign is to be painted to match the matte black building cladding so as not to be visible on the façade; and
- Any air intake louvers are to be painted matte black to match.

Signage zone: For the purposes of this condition, reference to signage zone means the area of the existing façade that is covered by the existing façade louvre at the top of the north-east and south-east building facades and the area shown black on the stamped approved plans indicated on the plan numbered GEN-AR-199-2 referenced in Condition A1 (as amended).

Details of the required cladding, fixing measures, finishes and colours of the building façade, must be submitted and approved by the Certifying Authority with the Construction Certificate application. The Certifying Authority is to be satisfied that works required to the signage zone is completed in accordance with this condition prior to the issue of the Occupation Certificate.

(Reason: To ensure the quality of the finish is appropriate to the building, the condition of the building façade is satisfactory and to clarify the extent of works)

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.

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.

How community views were taken into account:

In accordance with Section 4 of NSDCP 2013 the application was not required to be notified. Notwithstanding, one (1) submission has been received in response to the modification application.

The conditions attached to the original consent for Development Application No. 241/18 by endorsed date of 20 November 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

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