

AKL Developments Pty Ltd
6 Simpson Street
MOSMAN NSW 2088

D331/18
LK (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 331/18/4 – APPROVAL**

Development Consent Number: 331/18/4

Land to which this applies: 74 Merlin Street, Neutral Bay
Lot No.: 0, SP: 20792

Applicant: AKL Developments Pty Ltd

Proposal: Section 4.55(1A) modifications to DA331/18, which permitted a residential flat building.

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. **331/18** and registered in Council's records as Application No. **331/18/4** relating to the land described as **74 Merlin Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 February 2019, has been determined in the following manner: -

- To modify the development consent (D331/18) and modify condition A1 to list the revised plans:*

Development in Accordance with Plans (S 4.55 Amendments)

- A1. The development must be carried out in accordance with the originally approved drawings and documentation and endorsed with Council's approval stamp:

| Drawing number | Issue/Revision | Title | Drawn by | Dated |
|----------------|----------------|-----------------|----------------|----------|
| DA 002 | C | Site Plan | PBD Architects | 18/01/19 |
| DA 003 | A | Demolition Plan | PBD Architects | 17/08/18 |
| DA 100 | C | Basement 2 Plan | PBD Architects | 18/01/19 |
| DA 101 | C | Basement 1 Plan | PBD Architects | 18/01/19 |

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|--------|---|---|------------------|----------|
| DA 102 | C | Ground Floor Plan | PBD Architects | 18/01/19 |
| DA 103 | C | Level 1 Plan | PBD Architects | 18/01/19 |
| DA 104 | C | Level 2 Plan | PBD Architects | 18/01/19 |
| DA 105 | C | Attic Plan | PBD Architects | 18/01/19 |
| DA 106 | C | Roof Plan | PBD Architects | 18/01/19 |
| DA 200 | C | Elevations - 01 | PBD Architects | 18/01/19 |
| DA 201 | C | Elevations -02 | PBD Architects | 18/01/19 |
| DA 300 | C | Sections | PBD Architects | 18/01/19 |
| DA 301 | C | Sections | PBD Architects | 18/01/19 |
| DA 400 | A | Material Schedule | PBD Architects | 17/08/18 |
| LA 01 | B | Cover Sheet/Site Management Plan | Starr Landscapes | 23/01/19 |
| LA 02 | B | Ground Floor Landscape & Levels | Starr Landscapes | 23/01/19 |
| LA 03 | B | Ground Floor Planting Plan | Starr Landscapes | 23/01/19 |
| LA 04 | B | Plant Images | Starr Landscapes | 23/01/19 |
| LA 05 | B | Plant Schedule, Ground Preparation, Maintenance | Starr Landscapes | 23/01/19 |

except as modified by the following drawings for DA331/18/2 endorsed with Council's approval stamp:

| Drawing number | Issue/ Revision | Title | Drawn by | Dated |
|-----------------------|------------------------|---|------------------|--------------|
| DA 000 | D | Cover Sheet | PBD Architects | 06/06/19 |
| DA 001 | D | Project Summary | PBD Architects | 06/06/19 |
| DA 002 | D | Site Plan | PBD Architects | 06/06/19 |
| DA 003 | D | Demolition Plan | PBD Architects | 06/06/19 |
| DA 100 | D | Basement Plan | PBD Architects | 06/06/19 |
| DA 101 | D | Ground Floor Plan | PBD Architects | 06/06/19 |
| DA 102 | D | Level 1 Plan | PBD Architects | 06/06/19 |
| DA 103 | D | Level 2 Plan | PBD Architects | 06/06/19 |
| DA 104 | D | Attic Plan | PBD Architects | 06/06/19 |
| DA 105 | D | Roof Plan | PBD Architects | 06/06/19 |
| DA 200 | D | Elevations - 02 | PBD Architects | 06/06/19 |
| DA 201 | D | Elevations - 01 | PBD Architects | 06/06/19 |
| DA 300 | D | Sections | PBD Architects | 06/06/19 |
| DA 301 | D | Sections | PBD Architects | 06/06/19 |
| DA 400 | D | Material Schedule | PBD Architects | 06/06/19 |
| LA 01 | C | Cover Sheet/Site Management Plan | Starr Landscapes | 30/05/19 |
| LA 02 | C | Ground Floor Landscape & Levels | Starr Landscapes | 30/05/19 |
| LA 03 | C | Ground Floor Planting Plan | Starr Landscapes | 30/05/19 |
| LA 04 | C | Plant Images | Starr Landscapes | 30/05/19 |
| LA 05 | C | Plant Schedule, Ground Preparation, Maintenance | Starr Landscapes | 30/05/19 |

and except as further modified by the following drawings for DA331/18/4 endorsed with Council's approval stamp:

| Drawing number | Issue/Revision | Title | Drawn by | Dated |
|----------------|----------------|---------------|-------------|----------|
| DA100 | E | Basement Plan | Giles Tribe | 27/11/19 |
| DA300 | E | Sections | Giles Tribe | 27/11/19 |

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

Reason for approval:

The proposed modifications would not materially change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no undue impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R4 (High Density Residential) Zone, and the reasons for granting consent originally.

How community views were taken into account:

Notification of the subject application was waived in accordance with Section 4.5.1 in Part A of North Sydney DCP 2013 given the proposed modifications are minor with negligible to no environmental impact. Nevertheless, amenity impacts have been considered in the assessment of this application.

The conditions attached to the original consent for Development Application No. 331/18 by endorsed date of 6 February 2019 still apply.

ADVISINGS

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