

Original signed by: David Hoy Dated: 18/12/2019.

Martin Squires
45 Bank Street
NORTH SYDNEY NSW 2060

D272/14
MD1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 272/14/2 – APPROVAL**

Development Consent Number: 272/14/2

Land to which this applies: 45-47 Bank Street, North Sydney
Lot No.: 1, SP: 18560

Applicant: Martin Squires

Proposal: Modifications of consent including roof reconfiguration, internal reconfiguration, floor level adjustments, window reconfiguration.

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. **272/14** and registered in Council's records as Application No. **272/14/2** relating to the land described as **45-47 Bank Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 March 2015, has been determined in the following manner: -

To insert the following new conditions:

Development in Accordance with Plans (S4.55 Amendments)

A5 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on drawings numbered Da01 rev. F, DA03 rev. E, Da04 rev. E, Da05 rev. E, Da06 rev. F, Da07 rev. G and Da08 rev. F, undated, drawn by Palfreeman & Sweeney Architects, and received by Council on 11 October 2019 except as amended by the following conditions and this consent.

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

Window 2.2

C21 Plans and specifications showing that Window 2.2 comprises obscure/frosted glass that is fixed to a minimum height of 1.7m above floor level must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining property located at 43 Bank Street)

The application has been assessed with respect to *North Sydney Local Environmental Plan 2013* and *North Sydney Development Control Plan 2013*.

The proposed reconfigurations and adjustments do not affect the approved building envelope. Proposed new window W2.7 serves a bathroom and is only opposite the rear corner of the neighbouring rear yard. Other proposed window reconfigurations retain the positions of existing or approved windows.

Reason for approval:

The proposed side gables are compatible with the row of neutral items and will not unreasonably affect the Conservation Area.

The application does not propose any floor area or any unreasonable noise, privacy, sunlight or amenity impacts upon neighbouring buildings or the public domain. The application does not propose any changes to site or neighbouring vegetation.

Council received two submissions raising concerns with the southern side gable overshadowing, restricting light and obstructing neighbouring views, and overlooking from window 2.2 and the rear windows.

How community views were taken into account:

The southern gable would only increase overshadowing to neighbouring roof area and would not overshadow neighbouring windows or private open space. The gable would not affect the neighbouring primary outlook west to the street.

The applicant has consented to window W2.2 being frosted. The subject application does not propose any changes to the approved rear windows.

Having regard to the provisions of Section 4.15 of the Act, the application is considered to be satisfactory and therefore, can be approved.

The conditions attached to the original consent for Development Application No. 272/14 by endorsed date of 4 March 2015 still apply.

ADVISINGS

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