

Tony Williams
50 Ridge Street
NORTH SYDNEY NSW 2060

D256/17
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 256/17/2 – APPROVAL**

Development Consent Number: 256/17/2

Land to which this applies: 50 Ridge Street, North Sydney
Lot No.: 1104, DP: 46990

Applicant: Tony Williams

Proposal: Modification of DA 256/17 to increase number of light poles from 5 to 7

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. **256/17** and registered in Council's records as Application No. **256/17/2** relating to the land described as **50 Ridge Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 July 2018, has been determined in the following manner: -

1. To Modify Condition A1 of the consent so as 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
CL-001	P3	Location & Site Plan	Lighting, Art & Science	15-4-19	25-7-19
CL-002	P3	Luminaire Orientation Setout	Lighting, Art & Science	15-4-19	25-7-19
CL-004	P3	Flood light detail	Lighting, Art & Science	15-4-19	25-7-19

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

2. Condition A4 of the consent is amended to read as follows:

Compliance with Lighting Report

A4. The proposed development approved by this consent shall be carried out in strict compliance with all recommendations stated within the Lighting Report(s) prepared by Lighting, Art & Science and dated 15 April 2019. The orientation of the luminaires shall be in accordance with the requirements of the lighting report.

The lighting shall comply with the following requirements:

- Australian Standard AS 4282 'Control of the Obtrusive Effects of Outdoor Lighting'.

(Reason: To ensure that the lighting is installed in accordance with the design and specifications outlined in the lighting consultant's report)

Reason for approval:

The Application seeks modification approval to Development Consent No. 256/17 for installation of five (5) new light poles at North Sydney Bowling Club. The proposed replacement lighting is associated with the use of the site by North Sydney Bowling Club and The Greens, a food & drink premises associated with the club use.

The proposed Modifications include the erection of two additional lighting poles around the Club bowling greens following removal of two additional wooden lighting poles from the site. No change is proposed to existing approved uses at the site.

The Application has been accompanied by an updated Obtrusive Lighting Report addressing the additional lighting poles indicating minimal additional lighting impacts associated with the amended proposal.

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.

How community views were taken into account:

The application was notified between 9 August 2019 and 23 August 2019. Adjoining owners and the Stanton Precinct were notified of the proposal. No submissions have been received in response to this notification.

The conditions attached to the original consent for Development Application No. 256/17 by endorsed date of 5 July 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