

Original signed by: Lara Huckstepp Dated: 17/1/2020

Greenbox Architecture Pty Ltd
Level 3, 40 King Street
SYDNEY NSW 2000

D16/15
LH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 16/15/3 – APPROVAL**

Development Consent Number: 16/15/3

Land to which this applies: 136 Military Road, Neutral Bay
Lot No.: 1, DP: 709801

Applicant: Greenbox Architecture Pty Ltd

Proposal: To modify a Development Consent DA 16/15 for various modifications to an approved mixed use 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. **16/15** and registered in Council's records as Application No. **16/15/3** relating to the land described as **136 Military Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 August 2015, has been determined in the following manner: -

- To delete condition A1 of the development consent and insert in lieu thereof the following new condition, 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 as follows:

Plan No.	Issue	Title	Drawn by	Received
A000	5	Cover Sheet	Greenbox Architecture Pty Ltd	24 July 2015
A100	5	Basement – Ground Floor Plan	Greenbox Architecture Pty Ltd	24 July 2015
A101	6	Level 1 – Level 3 Plan	Greenbox Architecture Pty Ltd	24 July 2015
A102	5	Level 4 – Roof Plan	Greenbox Architecture Pty Ltd	24 July 2015
A150	5	Elevations	Greenbox Architecture Pty Ltd	24 July 2015
A151	6	Elevations	Greenbox Architecture Pty Ltd	24 July 2015
A200	4	Section AA	Greenbox Architecture Pty Ltd	24 July 2015
A201	4	Section BB	Greenbox Architecture Pty Ltd	24 July 2015

Except as modified by the modifications shown in colour on:

Plan No.	Issue	Title	Drawn by	Received
A000	6	Cover Sheet	Greenbox Architecture Pty Ltd	27 October 2015
A200	5	Section AA	Greenbox Architecture Pty Ltd	27 October 2015
A201	5	Section BB	Greenbox Architecture Pty Ltd	27 October 2015
A151	7	Elevations	Greenbox Architecture Pty Ltd	27 October 2015
A150	6	Elevations	Greenbox Architecture Pty Ltd	27 October 2015
A100	9	Basement – ground floor	Greenbox Architecture Pty Ltd	9 February 2016
A101	12	Level 1 – Level 3 Plan	Greenbox Architecture Pty Ltd	9 February 2016
A102	11	Level 4 – Roof Plan	Greenbox Architecture Pty Ltd	9 February 2016

Except as modified by the modifications shown in colour on:

Plan No	Rev	Title	Date	Prepared by	Received
A100	15	Basement – ground floor plan	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A101	17	Level 1 – Level 3 plan	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A102	14	Level 4 – Roof plan	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A150	13	Elevations	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A151	11	Elevations	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A200	10	Section AA	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A201	8	Section BB	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A250	4	Section details	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A251	4	Section details	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A252	4	Section details	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019
A254	4	Section details	22/10/2019	Greenbox Architecture Pty Ltd	15 November 2019

Except where amended by the following conditions of this consent.

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

2. To Modify Condition A3 as follows:-

External Finishes & Materials

A3. External finishes and materials must be in accordance with the submitted schedule drawing **A150 Revision 13**, Prepared by Greenbox Architecture Pty Ltd and received by Council on **15/11/2019** unless otherwise modified by Council in writing.

In particular, material ‘MC1’ shall be either *elZinc Rainbow azul/blue* or *VMZinc Ash Blue*. No change or substitution is permitted to this material.

The Northern Elevation (Laneway) must also be modified on the construction drawings to detail a full height sliding privacy screen on Levels 1, 2, and 4, and a full height stacking folding privacy screen on level 3, all detailed as 'LV' in the materials schedule.

(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 are considered to be of minimal environmental impact and are consistent with the originally approved development application and S.4.55(1A) of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modification retains the intent of the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55(1A) & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

How community views were taken into account:

In accordance with the North Sydney Community Engagement Protocol, notification of the modification application was not required.

The conditions attached to the original consent for Development Application No. 16/15 by endorsed date of 5 August 2015 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
**LARA HUCKSTEPP
EXECUTIVE PLANNER**