

AIDOP No. 2 Pty Ltd
Suite 4.07, Level 4
55 Miller Street
PYRMONT NSW 2009

D54/18
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 54/18/3 – APPROVAL**

Development Consent Number: 54/18/3

Land to which this applies: 14-20 Premier Street, Neutral Bay
Lots: 36, 37 and 38, DP: 11150
SP: 6717

Applicant: AIDOP No. 2 Pty Ltd

Proposal: To modify Court consent to demolish 4 existing residential flat buildings and construct a residential flat building with basement parking.

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. 54/18 and registered in Council's records as Application No. **54/18/3** relating to the land described as **14-20 Premier Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 December 2018, has been determined in the following manner: -

To delete condition A4 and insert the following new condition:

Development in Accordance with Plans (S4.56 Amendments)

A4. 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 by clouding on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|---------------|-----------------------|--------------|
| A2201 | DA01 | Ground 3 Plan | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2202 | DA01 | Ground 2 Plan | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2203 | DA01 | Ground 1 Plan | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2204 | DA01 | Ground Plan | ESS Lifestyle Pty Ltd | 6 March 2019 |

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|-------|------|-----------------------|-----------------------|--------------|
| A2205 | DA01 | Level 01 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2206 | DA01 | Level 02 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2207 | DA01 | Roof | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A2250 | DA01 | Street Frontage | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3101 | DA01 | East Elevation | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3102 | DA01 | West Elevation | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3103 | DA01 | West Elevation Fence | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3104 | DA01 | North Elevation | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3105 | DA01 | North Elevation Fence | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3106 | DA01 | South Elevation | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3107 | DA01 | South Elevation Fence | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3201 | DA01 | Section A | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3202 | DA01 | Section B | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A3203 | DA01 | Section C | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6201 | DA01 | Section Detail 01 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6202 | DA01 | Section Detail 01 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6203 | DA01 | Section Detail 02 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6204 | DA01 | Section Detail 03 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6205 | DA01 | Section Detail 04 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A6206 | DA01 | Section Detail 05 | ESS Lifestyle Pty Ltd | 6 March 2019 |
| A8201 | DA01 | Finishes | ESS Lifestyle Pty Ltd | 6 March 2019 |

and

| Plan No. | Issue | Title | Drawn by | Received |
|----------|---------|-------------------|-----------------------|------------------|
| A2201 | 4.56-02 | Ground 3 Plan | ESS Lifestyle Pty Ltd | 12 December 2019 |
| A2202 | 4.56-02 | Ground 2 Plan | ESS Lifestyle Pty Ltd | 12 December 2019 |
| A3203 | 4.56-02 | Section C | ESS Lifestyle Pty Ltd | 12 December 2019 |
| A6205 | 4.56-02 | Section Detail 05 | ESS Lifestyle Pty Ltd | 12 December 2019 |
| A6206 | 4.56-02 | Section Detail 06 | ESS Lifestyle Pty Ltd | 12 December 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)

Reason for approval:

The proposed development as modified is substantially the same development as originally consented to and the modifications do not result in any material amenity impact to adjoining properties or the surrounding area.

How community views were taken into account:

The owners of adjoining properties, original submitters and the Neutral Precinct were notified of the proposed development on 17 March 2020. The notification resulted in three submissions which were addressed in the delegated report.

The conditions attached to the original consent for Development Application No. 54/18 by endorsed date of 21 December 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 4.56 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 4.56 of the Environmental Planning & Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEOFF MOSSEMENEAR
EXECUTIVE PLANNER**