

Original signed by: **David Hoy** on: **9/3/2020**

Archian Pty Ltd
208/80 William Street
WOOLLOOMOOLOO NSW 2011

D377/17
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 377/17/2 – APPROVAL**

Development Consent Number: 377/17

Land to which this applies:

32 Lord Street, North Sydney
Lot No.: 1, DP: 203244

Applicant:

Archian Pty Ltd

Proposal:

Section 4.55(2) modifications to DA377/17 to modify alterations and additions to the terrace dwelling.

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. **377/17** and registered in Council's records as Application No. **377/17/2** relating to the land described as **32 Lord Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 August 2018 has been determined in the following manner: -

1. To modify the development consent (D377/17) and modify conditions A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans:

Plan No.	Issue	Title	Drawn by	Received
EX06	F	Demolition & Sediment Control Plan	Eco Republic	9.7.18
DA 01	G	Existing Ground Floor Plan	Eco Republic	9.7.18
DA 11	G	Lower Ground Floor Plan	Eco Republic	9.7.18
DA 12	G	Upper Ground Floor Plan	Eco Republic	9.7.18
DA 21	G	North Elevation	Eco Republic	9.7.18
DA 22	G	South Elevation	Eco Republic	9.7.18
DA 23	G	East Elevation	Eco Republic	9.7.18
DA 24	G	West Elevation	Eco Republic	9.7.18
DA 31	G	Sections	Eco Republic	9.7.18
DA 32	G	Yard Section	Eco Republic	9.7.18
DA33	G	Vehicle Crossing	Eco Republic	9.7.18

As amended by the following plans:

Plan No.	Issue	Title	Drawn By	Received
DA01	J	Site Plan	Archian Pty Ltd	1.10.2019
DA02	J	Area Calculations	Archian Pty Ltd	19.8.19
DA11	H	Lower Ground Floor Plan	Archian Pty Ltd	19.8.19
DA12	H	Upper Ground Floor Plan	Archian Pty Ltd	19.8.19
DA21	J	Northern Elevation	Archian Pty Ltd	1.10.2019
DA22	H	Southern Elevation	Archian Pty Ltd	1.10.2019
DA23	H	Eastern Elevation	Archian Pty Ltd	1.10.2019
DA24	H	Western Elevation	Archian Pty Ltd	1.10.2019
DA31	H	Sections	Archian Pty Ltd	1.10.2019

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

The proposed amended modifications satisfy Section 4.55(2) in that the proposal is considered to be substantially the same development as that which was originally approved by Council.

Reason for approval:

The proposed amended modifications would not result in significant changes to the form, bulk and scale of the approved development. The proposed amended modifications to the rear and side of dwelling and would not cause adverse material amenity impacts on the adjoining properties in terms of visual privacy/amenity loss or overshadowing for the reasons discussed in the DCP table.

In summary, the proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to the relevant conditions.

How community views were taken into account:

The development application was notified pursuant to Part A Section 4 of the North Sydney Development Control Plan 2013. The notification of the application went from the 27 September 2019 to 11 October 2019 and resulted in **two (2)** submissions which were addressed in the delegated report.

The conditions attached to the original consent for Development Application No. 377/17 by endorsed date of 16 August 2018 still apply.

ADVISINGS

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