

Di-Signed Architectural Solutions Pty Ltd
512 Cleveland Street
SURRY HILLS NSW 2010

D429/18
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 429/18/2 – APPROVAL**

Development Consent Number: 429/18/2

Land to which this applies: 25 West Street, North Sydney
Lot No.: 1, DP: 72033

Applicant: Di-Signed Architectural Solutions Pty Ltd

Proposal: Section 4.55(1A) modification to DA No 429/18 for alterations to approved semi-detached dwellings.

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. 429/18 and registered in Council's records as Application No. **429/18/2** relating to the land described as **25 West Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 December 2018, has been determined in the following manner: -

1. To amend Conditions A1 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

- 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

DA429/18 Approved Plan List

Plan No.	Issue	Date	Title	Drawn by	Received
DA02	D	8 January 2019	Site Plan	Baxter and Jacobson	10 January 2019
DA03	C	6 September 2018	Built Areas	Baxter and Jacobson	12 December 2018
DA04	D	8 January 2019	Subdivision Plan	Baxter and Jacobson	10 January 2019
DA05	F	23 April 2019	Proposed Ground Floor	Baxter and Jacobson	23 April 2019
DA06	C	23 April 2019	Proposed First Floor	Baxter and Jacobson	12 December 2018

DA07	C	23 April 2019	Proposed Second Floor	Baxter and Jacobson	12 December 2018
DA08	C	6 September 2018	Roof Plan	Baxter and Jacobson	12 December 2018
DA09	C	6 September 2018	Sediment and Erosion Control Plan	Baxter and Jacobson	12 December 2018
DA10	F	23 April 2019	Proposed Elevations	Baxter and Jacobson	23 April 2019
DA11	F	23 April 2019	Proposed Elevations 2	Baxter and Jacobson	23 April 2019
DA12	F	23 April 2019	Proposed Elevations 3	Baxter and Jacobson	23 April 2019
DA13	C	6 September 2018	Street Elevation	Baxter and Jacobson	12 December 2018
DA15	F	23 April 2019	Sections	Baxter and Jacobson	23 April 2019
DA16	F	23 April 2019	Long Section	Baxter and Jacobson	23 April 2019
L01	1	15 September 2018	Landscape Treatments and Legend	Tania Landsdorff	12 December 2018
L02	1	15 September 2018	Landscape Materials and Grading Plan	Tania Landsdorff	12 December 2018
L03	1	15 September 2018	Planting Plan and Fixings	Tania Landsdorff	12 December 2018

DA429/18/2 Approved Plan List

Plan No.	Issue	Date	Title	Drawn by	Received
S4.55-01	B	March 2020	Site and Ground Floor Plan	Di-Signed Architectural Solutions	3 March 2020
S4.55-02	B	March 2020	First Floor Plan	Di-Signed Architectural Solutions	3 March 2020
S4.55-03	A	November 2019	Second Floor Plan	Di-Signed Architectural Solutions	9 December 2019
S4.55-04	A	November 2019	Roof Plan	Di-Signed Architectural Solutions	9 December 2019
S4.55-05	A	November 2019	Street Façade / West Elevation	Di-Signed Architectural Solutions	9 December 2019
S4.55-06	A	November 2019	Section	Di-Signed Architectural Solutions	9 December 2019
S4.55-07	A	November 2019	North / South Elevation	Di-Signed Architectural Solutions	9 December 2019
S4.55-08	A	November 2019	Laneway Façade / East Elevation	Di-Signed Architectural Solutions	9 December 2019

(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 of the EP & A Act 1979. Furthermore, the modifications do not result in any new 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.

Having regard to the provisions of section 4.55 & 4.15 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:

The owners of adjoining properties and the Holtermann/Hayberry Precinct were notified of the proposed development between 17 January 2020 – 31 January 2020. The notification resulted in a total of one (1) submission raising concern with the application from adjoining property owners. The public interest is served via the considerations detailed in the delegated report.

The conditions attached to the original consent for Development Application No. 429/18 by endorsed date of 12 December 2018 still apply.

ADVISINGS

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