

Original signed by **Kim Rothe** on 27/5/2020

Papasan Pty Ltd
C/- Cottee Parker Architects
Attention: Roland Martinez
Level 4, 50 Stanley Street
DARLINGHURST NSW 2010

D373/16
KRR (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 373/16/2 – APPROVAL

Development Consent Number: 373/16/2

Land to which this applies: 9-11 Doohat Avenue, North Sydney
Lot No.: 12, DP: 8869

Applicant: Papasan Pty Ltd

Proposal: Section 4.55(2) Modification to DA 373/16/2 for reconfiguration of green walls and windows.

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. **373/16** and registered in Council's records as Application No. **373/16/2** relating to the land described as **9-11 Doohat Avenue, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 July 2017, 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

DA373/16 Approved Plan List

Plan No.	Issue	Title	Drawn by	Received
DA1101	A	Site plan	JPRA	4/11/16
DA2000	B	Basement floor plan	JPRA	3/3/17

DA2001	B	Level 1 plan	JPRA	3/3/17
DA2002	B	Level 2 floor plan	JPRA	3/3/17
DA2003	B	Level 3 floor plan	JPRA	3/3/17
DA2004	B	Level 4 floor plan	JPRA	3/3/17
DA2005	B	Roof plan	JPRA	3/3/17
DA2006	B	Level 1 floor plan post adaptable	JPRA	3/3/17
DA2014	A	Level 1 – ramp layout	JPRA	3/3/17
DA2015	A	Level 4 floor plan post adaptable	JPRA	3/3/17
DA2300	A	Sections	JPRA	4/11/16
DA2400	B	Elevations	JPRA	3/3/17
DA2401	B	Elevations	JPRA	3/3/17
DA2402	A	Front elevation photomontage	JPRA	3/3/17

DA373/16/2 Approved Plan List

Drawing number	Issue	Dated	Title	Drawn by	Received
DA2001	1	26 February 2020	Level 1 Plan	CotteeParker	18 March 2020
DA2002	1	26 February 2020	Level 2 Floor Plan	CotteeParker	18 March 2020
DA2003	1	26 February 2020	Level 3 Floor Plan	CotteeParker	18 March 2020
DA2004	1	26 February 2020	Level 4 Floor Plan	CotteeParker	18 March 2020
DA2005	1	26 February 2020	Roof Plan	CotteeParker	18 March 2020
DA2300	1	26 February 2020	Sections	CotteeParker	18 March 2020
DA2400	1	26 February 2020	Elevations	CotteeParker	18 March 2020
DA2401	1	26 February 2020	Elevations	CotteeParker	18 March 2020
DA2402	1	26 February 2020	Front Elevation Photo Montage	CotteeParker	18 March 2020
DA2501	1	26 February 2020	Finishes Board	CotteeParker	18 March 2020

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

External Finishes & Materials

A3. External finishes and materials must be in accordance with the submitted DA2501 (Rev. A) Finishes Board prepared by JPRA and received by Council on 4 November 2016, except as amended by drawings DA2400 (Rev. B) and DA2402 (a) by JPRA and received by Council on 3 March 2017 in relation to the East Elevation **or by where amended under DA373/16/2 by DA2501 Finishes Board Revision 1 dated 26 February 2020, drawn by Cottee Parker and received by Council on 18 March 2020** and unless otherwise modified by Council in writing.

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

BASIX Certificate

C42. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **756018M_03** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government’s requirements for sustainability and statutory requirements)

Reason for approval:

The proposed modifications are considered to be of no unacceptable 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 approved.

How community views were taken into account:

The application was notified to adjoining properties and Edward Precinct in accordance with NSDCP 2013 between 3 April 2020 and 17 April 2020 in accordance with section A4 of the DCP. The notification of as modified proposal resulted in no submissions from the public being received raising concern with the proposal. The public interest is served via considerations detailed in the delegated report.

The conditions attached to the original consent for Development Application No. 373/16 by endorsed date of 5 July 2017 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