

Original signed by Kim Rothe on 14/7/2020

Lighthouse PM Pty Ltd
Level 2, 56 Berry Street
NORTH SYDNEY NSW 2060

D409/19
LH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 409/19/2 – APPROVAL**

Development Consent Number: 409/19/2

Land to which this applies: 157 Walker Street, North Sydney
Lot No.: 1, DP: 84729

Applicant: Lighthouse PM Pty Ltd

Proposal: Modification to proposed balustrade, amendments to the wording of condition A1 and deletion of condition A4.

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. **409/19** and registered in Council's records as Application No. **409/19/2** relating to the land described as **157 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 26 March 2020, has been determined in the following manner: -

1. To amend Condition 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

DA409/19 Approved Plan List

Drawing Name.	Revision	Drawn by	Dated	Received
00 Location Plan	C	SMLXL	18 December 2019	20 December 2019
01 Existing Site Plan	C	SMLXL	18 December 2019	20 December 2019
02 Demolition Plan	C	SMLXL	18 December 2019	20 December 2019
03 Partition Plan	C	SMLXL	18 December 2019	20 December 2019
05 Finishes Plan	C	SMLXL	18 December 2019	20 December 2019

06 Ceiling Finishes Plan	C	SMLXL	18 December 2019	20 December 2019
08 Elevations	C	SMLXL	18 December 2019	20 December 2019
09 Elevations	C	SMLXL	18 December 2019	20 December 2019
10 Elevations	C	SMLXL	18 December 2019	20 December 2019
11 Green Wall Typical Details	C	SMLXL	18 December 2019	20 December 2019

DA409/19/2 Approved Plan list

Drawing Name.	Revision	Drawn by	Dated	Received
09 Elevations	D4	SMLXL	29 April 2020	04 May 2020
10 Elevations	D4	SMLXL	29 April 2020	04 May 2020

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

(Condition Modified by DA409/19/2 approved on 14 July 2020)

2. To delete Condition A4.

The proposed modifications have addressed the matter which resulted in the imposition of the condition upon the original consent.

Reason for approval:

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 subject to the deletion of the condition as recommended.

How community views were taken into account:

Given the minor nature of the request, the proposal was not notified in accordance with Council policy. No submissions were received by Council for the duration of the assessment.

The conditions attached to the original consent for Development Application No. 409/19 by endorsed date of 26 March 2020 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
KIM ROTHE
SENIOR ASSESSMENT OFFICER