

Original signed by: David Hoy Dated:...17/9/2020

Doohat Development Pty Ltd  
**Attention: Jake Maxwell**  
11 Doohat Avenue  
NORTH SYDNEY NSW 2060

D373/16  
HS1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.55 MODIFICATION 373/16/3 – APPROVAL**

**Development Consent Number:** 373/16/3

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

**Applicant:** Doohat Development Pty Ltd

**Proposal:** Section 4.55(1A) Modification to DA 373/16 for changes to planter boxes at Unit's 101 and 103.

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. **373/16/3** 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 shown below:

**DA373/16 Approved Plan List**

Plan No.	Issue	Title	Drawn by	Received
DA1101	A	Site plan	JPRA	4/11/2016
DA2000	B	Basement floor plan	JPRA	3/3/2017
DA2001	B	Level 1 plan	JPRA	3/3/2017
DA2002	B	Level 2 floor plan	JPRA	3/3/2017
DA2003	B	Level 3 floor plan	JPRA	3/3/2017

DA2004	B	Level 4 floor plan	JPRA	3/3/2017
DA2005	B	Roof plan	JPRA	3/3/2017
DA2006	B	Level 1 floor plan post adaptable	JPRA	3/3/2017
DA2014	A	Level 1 – ramp layout	JPRA	3/3/2017
DA2015	A	Level 4 floor plan post adaptable	JPRA	3/3/2017
DA2300	A	Sections	JPRA	4/11/2016
DA2400	B	Elevations	JPRA	3/3/2017
DA2401	B	Elevations	JPRA	3/3/2017
DA2402	A	Front elevation photomontage	JPRA	3/3/2017

Except where amended by the following plans below:

Drawing No.	Issue	Title	Drawn by	Received
DA1	A	Front Entry Gardens	Bates Landscape	20.8.2020
DA2	A	Level 1 Garden to Unit 102	Bates Landscape	20.8.2020
DA3	A	Level 2 Garden to Unit 103	Bates Landscape	20.8.2020
DA2001	2	Level 1 Plan	CotteeParker	20.8.2020
DA2000	1	Basement Floor Plan	CotteeParker	11.9.2020
DA2300	3	Sections	CotteeParker	11.9.2020

(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 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 recommended for **approval**.

**How community views were taken into account:**

The development application, due to the minor nature of the proposal, was not required to be notified nor advertised pursuant to Section 3.4.2 of the North Sydney Community Participation Plan 2019. The development will not have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls

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 **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)**