

Original signed by **Luke Donovan** on **4/11/2020**

Union Street Developer Pty Ltd
343 Pacific Highway
NORTH SYDNEY NSW 2060

D47/20
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 47/20/2 – APPROVAL**

Development Consent Number: 47/20/2

Land to which this applies: 2-4 Blue Street & 1-5 William Street, North Sydney
Lot No.: 0, DP: 18103

Applicant: Union Street Developer Pty Ltd

Proposal: Section 4.55(1a) application to modify consent to DA47/20 specifically in relation to changes to the wording of condition C39 'Remediation'.

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. **47/20** and registered in Council's records as Application No. **47/20/2** relating to the land described as **2-4 Blue Street & 1-5 William Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 July 2020, has been determined in the following manner: -

1. To delete Condition C39 'Remediation' and add Condition G28 'Remediation' as follows:

Remediation

G28. Prior to the release of **an Occupation Certificate** the site must be remediated in accordance with:

- a) an approved Remedial Action Plan; and
- b) North Sydney Development Control Plan 2013 – Section 14 – Contamination and Hazardous Building Materials; and
- c) State Environmental Planning Policy No. 55 – Remediation of Land; and,
- d) the guidelines in force under the Contaminated Land Management Act.

Within thirty (30) days after the completion of the remediation works, and prior to the issue of any **Occupation certificate**, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with State Environmental Planning Policy No. 55 – Remediation of Land.

Prior to the issue of an **Occupation Certificate**, the validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. A copy of the Site Audit Statement is to be provided to the Certifying Authority and Council (if Council is not the Certifying Authority). The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.

(Reason: To ensure the land is suitable for its intended purpose)

Reason for approval:

The proposed modifications relate only to changes to the wording of a condition to enable remediation to be completed prior to Occupation Certificate. The proposed modification is considered to satisfy SEPP 55 and Part B, Section 14.2.3 ‘Control of Remediation Work’ and 14.2.4 ‘Site Management Requirements’ in NSDCP 2013 as these remediated works will need to be completed prior to occupation of the building.

How community views were taken into account:

The application does not require notification under Section 3.4.2 of the North Sydney Community Participation Plan.

The conditions attached to the original consent for Development Application No. 47/20 by endorsed date of 22 July 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
LUKE DONOVAN
SENIOR ASSESSMENT OFFICER