

Ingham Planning Pty Ltd
PO Box 251
ARTARMON NSW 1570

D74/19
AB7(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 74/19/5 – APPROVAL**

Development Consent Number: 74/19/5

Land to which this applies: 14-16B Thrupp Street, Neutral Bay

Applicant: Ingham Planning Pty Ltd

Proposal: Section 4.55(1A) modification to DA 74/19, which permitted a part four, part five storey residential flat building containing 20 apartments, for staged construction certificate process.

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. **74/19** and registered in Council's records as Application No. **74/19/5** relating to the land described as **14-16B Thrupp Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 August 2019, has been determined in the following manner: -

1. To modify Condition A5 permitting a staged Construction Certificate process: -

The issue of Construction Certificates shall be staged as follows:

- A5. CC1 This Construction Certificate shall include works for securing and clearing of the subject site (including all demolition), the provision of preliminary services and the setting up of sedimentation fencing. This Construction Certificate shall not include any excavation and other construction/building works.
- CC2 This Construction Certificate shall include excavation works, piling and perimeter shoring works. This Construction Certificate shall not include any construction/building works.

CC3 This Construction Certificate shall include the construction of all structural loading bearing elements (post tensioned concrete, reinforced concrete, blockwork, brickwork, hebel, concrete & reinforced steel) and in-ground services (including on-site detention system, sewer, power, water, gas, NBN and storm water drainage system).

CC4 This Construction Certificate shall include the construction of the remaining structures of the approved development.

(Reason: To enable staging of the Construction Certificate issue process).

2. *To modify the following Conditions to provide for the staged Construction Certificate process: -*

- A1. Approved Drawings (CC1)
- A4. External Finishes and Materials (CC4)
- B1. Construction Management Program (CC1)
- C1. Dilapidation Report Damage to Public Infrastructure (CC1)
- C2. Dilapidation Report Private Property (Excavation) (CC1)
- C3. Dilapidation Survey Private Property (Neighbouring Buildings) (CC1)
- C4. Structural Adequacy of Adjoining Properties – Excavation Works (CC1)
- C5. Geotechnical Report (CC2)
- C6. Sediment Control (CC1)
- C7. Waste Management Plan (CC1)
- C8. Skylight(s) (CC4)
- C9. Roofing Materials - Reflectivity (CC4)
- C10. No External Service Ducts (CC4)
- C11. Work Zone (CC1)
- C12. Maintain Property Boundary Alignment Levels (CC3)
- C13. Basement Car park to comply with relevant standards (CC3)
- C14. Required Infrastructure Works –Roads Act 1993 (CC2)
- C15. Obtain Driveway Crossing Permit under S.138 Roads Act 1993 (CC3)

- C16. On-Site Stormwater Detention (CC2)
- C17. Bond for Damage and Completion of Infrastructure Works (CC1)
- C18. Tree Bond for Public Trees (CC1)
- C19. Tree Protection Measures to be shown on Construction Drawings (CC1)
- C20. Protection of Trees (CC1)
- C21. Approval for removal of Trees (CC1)
- C22. Garbage and Recycling Facilities (CC4)
- C23. Asbestos Material Survey (CC1)
- C24. Location of Plant (CC4)
- C27. Underground Electricity and Other Services (CC3)
- C28. Section 7.11 Contribution (CC1)
- C29. Security Deposit/ Guarantee Schedule (CC1)
- C30. BASIX Certificate (CC4)
- C31. Stormwater Management and Disposal Design Plan (CC2)
- C32. Sydney Water Requirements (CC2)
- C33. Front Boundary Wall (CC4)
- D1. Public Liability Insurance – Works on Public Land (CC1)
- D2. Notification of New Addresses (CC4)
- D3. Sydney Water Approvals (CC2)
- D5. Arborist to be Commissioned (CC3)

Reason for approval:

The proposed phasing of the construction certificate conditions satisfies the provisions of Section 4.55 (1A) in that the proposed development remains the same as what was approved by DA74/19. The proposed modifications will not alter the use or the form of the development as originally approved, or the content of any condition of consent.

The proposed modifications would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no undue impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R4 (High Density Residential) Zone, and the original reasons for granting consent.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be approved.

How community views were taken into account:

There is no requirement to advertise a Section 4.55(1A) application pursuant to Section 3.4.2 of Council's Community Engagement Protocol.

The conditions attached to the original consent for Development Application No. 74/19 by endorsed date of 7 August 2019 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Andrew Beveridge**. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)