

Victoria Plaza Holdings Pty Ltd
Level 20, 100 Arthur Street
NORTH SYDNEY NSW 2060

D122/20
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 122/20/2 – APPROVAL**

Development Consent Number: 122/20/2

Land to which this applies: 1 Denison Street, North Sydney
Lot No.: 3, DP: 1078998

Applicant: Victoria Plaza Holdings Pty Ltd

Proposal: Modification application of DA122/20 for a new business identification sign.

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. **122/20** and registered in Council's records as Application No. **122/20/2** relating to the land described as **1 Denison 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 modify the development consent (D122/20) and modify conditions A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Plan No.	Issue	Title	Drawn by	Received
DA.00.001	2	Cover Sheet and Drawing List	Winten Property Group	10.6.2020
DA.01.001	2	Site Plan	Winten Property Group	10.6.2020
DA.02.001	2	Ground Floor Plan South	Winten Property Group	10.6.2020
DA.02.002	2	Ground Floor Plan North	Winten Property Group	10.6.2020

DA.02.003	2	Lower Ground Floor Plan	Winten Property Group	10.6.2020
DA.07.001	2	Denison Street Elevation, South	Winten Property Group	10.6.2020
DA.07.002	2	Denison Street Elevation, North	Winten Property Group	10.6.2020
DA.07.003	2	Spring Street Elevation	Winten Property Group	10.6.2020
DA.08.001	2	Retail Sections	Winten Property Group	10.6.2020
DA.09.001	2	Flag Sign Details	Winten Property Group	10.6.2020
DA001	G	D1 Major Wayfinding External	THERE Design Pty Ltd	10.6.2020
DA002	E	D1 Major Wayfinding External Construction Detail	THERE Design Pty Ltd	10.6.2020
DA003	B	D1 Major Wayfinding External Locations	THERE Design Pty Ltd	10.6.2020
DA004	B	D1 Major Wayfinding External Elevations	THERE Design Pty Ltd	10.6.2020
DA005	D	D1_Major Wayfinding External_Messaging	THERE Design Pty Ltd	10.6.2020

as amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
A18.03	A	GF: EXTERIOR BAR LUME PLAQUE	ACME	4.11.2020
A18.04	A	GF: EXTERIOR BAR LUME PLAQUE	ACME	4.11.2020

except as amended by the following conditions and this consent.

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

Terms of Consent (DA122/2020/2)

A4. Approval is granted for the following works as shown on drawings below:

Plan No.	Issue	Title	Drawn by	Received
DA.01.001	3	Site Plan	Winten Property Group	26.11.2020
DA.02.001	4	Ground Floor Plan South	Winten Property Group	26.11.2020
DA.02.002	2	Ground Floor Plan North	Winten Property Group	10.6.2020
DA.02.003	2	Lower Ground Floor Plan	Winten Property Group	10.6.2020
DA.07.001	4	Denison Street Elevation, South	Winten Property Group	26.11.2020
DA.07.002	2	Denison Street Elevation, North	Winten Property Group	10.6.2020
DA.07.003	4	Spring Street Elevation	Winten Property Group	26.11.2020
DA.08.001	4	Retail Sections	Winten Property Group	26.11.2020
DA.09.001	2	Flag Sign Details	Winten Property Group	10.6.2020
DA001	G	D1 Major Wayfinding External	THERE Design Pty Ltd	10.6.2020
DA002	E	D1 Major Wayfinding External Construction Detail	THERE Design Pty Ltd	10.6.2020

DA003	B	D1 Major Wayfinding External Locations	THERE Design Pty Ltd	10.6.2020
DA004	B	D1 Major Wayfinding External Elevations	THERE Design Pty Ltd	10.6.2020
DA005	D	D1_Major Wayfinding External_Messaging	THERE Design Pty Ltd	10.6.2020
A18.03	A	GF: EXTERIOR BAR LUME PLAQUE	ACME	4.11.2020
A18.04	A	GF: EXTERIOR BAR LUME PLAQUE	ACME	4.11.2020

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

Reason for approval:

The proposed modifications are considered to be generally 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 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.

The proposed modifications are considered to be of minimal environmental impact and are consistent with the reasons given for the grant of consent to originally approved development application and s.4.55 of the EP & A Act 1979.

The modifications do not result in any 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(1) 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 was not required to be notified nor advertised pursuant to Section 3.6 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. 122/20 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 **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