

AIDOP No. 2 Pty Ltd
Suite 407, Level 4
55 Miller Street
PYRMONT NSW 2009

D54/18
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 54/18/5 – APPROVAL**

Development Consent Number: 54/18/5

Land to which this applies: 14-20 Premier Street, Neutral Bay
Lot No.: 0, DP: 11150

Applicant: AIDOP No. 2 Pty Ltd

Proposal: To modify Court consent to demolish 4 existing residential flat buildings and construct a residential flat building with basement parking.

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **54/18** and registered in Council's records as Application No. **54/18/5** relating to the land described as **14-20 Premier Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 December 2018, has been determined in the following manner:

1. Condition A4 is amended as follows:

Development in Accordance with Plans (S4.56 Amendments)

A4. 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 by clouding on:

Plan No.	Issue	Title	Drawn by	Received
A2201	DA01	Ground 3 Plan	ESS Lifestyle Pty Ltd	6 March 2019
A2202	DA01	Ground 2 Plan	ESS Lifestyle Pty Ltd	6 March 2019
A2203	DA01	Ground 1 Plan	ESS Lifestyle Pty Ltd	6 March 2019
A2204	DA01	Ground Plan	ESS Lifestyle Pty Ltd	6 March 2019
A2205	DA01	Level 01	ESS Lifestyle Pty Ltd	6 March 2019

A2206	DA01	Level 02	ESS Lifestyle Pty Ltd	6 March 2019
A2207	DA01	Roof	ESS Lifestyle Pty Ltd	6 March 2019
A2250	DA01	Street Frontage	ESS Lifestyle Pty Ltd	6 March 2019
A3101	DA01	East Elevation	ESS Lifestyle Pty Ltd	6 March 2019
A3102	DA01	West Elevation	ESS Lifestyle Pty Ltd	6 March 2019
A3103	DA01	West Elevation Fence	ESS Lifestyle Pty Ltd	6 March 2019
A3104	DA01	North Elevation	ESS Lifestyle Pty Ltd	6 March 2019
A3105	DA01	North Elevation Fence	ESS Lifestyle Pty Ltd	6 March 2019
A3106	DA01	South Elevation	ESS Lifestyle Pty Ltd	6 March 2019
A3107	DA01	South Elevation Fence	ESS Lifestyle Pty Ltd	6 March 2019
A3201	DA01	Section A	ESS Lifestyle Pty Ltd	6 March 2019
A3202	DA01	Section B	ESS Lifestyle Pty Ltd	6 March 2019
A3203	DA01	Section C	ESS Lifestyle Pty Ltd	6 March 2019
A6201	DA01	Section Detail 01	ESS Lifestyle Pty Ltd	6 March 2019
A6202	DA01	Section Detail 01	ESS Lifestyle Pty Ltd	6 March 2019
A6203	DA01	Section Detail 02	ESS Lifestyle Pty Ltd	6 March 2019
A6204	DA01	Section Detail 03	ESS Lifestyle Pty Ltd	6 March 2019
A6205	DA01	Section Detail 04	ESS Lifestyle Pty Ltd	6 March 2019
A6206	DA01	Section Detail 05	ESS Lifestyle Pty Ltd	6 March 2019
A8201	DA01	Finishes	ESS Lifestyle Pty Ltd	6 March 2019

and

Plan No.	Issue	Title	Drawn by	Received
A2201	4.56-02	Ground 3 Plan	ESS Lifestyle Pty Ltd	12 December 2019
A2202	4.56-02	Ground 2 Plan	ESS Lifestyle Pty Ltd	12 December 2019
A3203	4.56-02	Section C	ESS Lifestyle Pty Ltd	12 December 2019
A6205	4.56-02	Section Detail 05	ESS Lifestyle Pty Ltd	12 December 2019
A6206	4.56-02	Section Detail 06	ESS Lifestyle Pty Ltd	12 December 2019

All as amended by DA 54/18/5:

Plan No.	Issue	Title	Drawn by	Received
A2201	DA03	Ground -3 Plan	ESS Lifestyle Pty Ltd	25 January 2021
A2203	DA03	Ground -1 Plan	ESS Lifestyle Pty Ltd	25 January 2021
A2204	DA03	Ground Plan	ESS Lifestyle Pty Ltd	25 January 2021
A2205	DA03	Level 01	ESS Lifestyle Pty Ltd	25 January 2021
A3102	DA03	West Elevation	ESS Lifestyle Pty Ltd	25 January 2021
A3201	DA03	Section A	ESS Lifestyle Pty Ltd	25 January 2021
A3202	DA03	Section B	ESS Lifestyle Pty Ltd	25 January 2021
LP01-D0819	Rev D	DA Cover Page	Dangar Barin Smith	10 November 2020
LP02-D0819	Rev D	Ground Floor -3	Dangar Barin Smith	10 November 2020
LP03-D0819	Rev D	Level 1	Dangar Barin Smith	10 November 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)

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.56 of the EP & A Act 1979.

The proposed development as modified is substantially the same development as originally consented to and the modifications do not result in any material amenity impact to adjoining properties or the surrounding area.

The modifications are consistent with the reasons for granting development consent to the originally approved development. The application is recommended for approval.

How community views were taken into account:

The original submitters and the Neutral Precinct were notified of the proposed development from 12/2/21 to 26/2/21. The notification resulted in three submissions which are not related to the proposed modifications, which seek to amalgamate approved apartments, as detailed in the submitted plans.

The conditions attached to the original consent for Development Application No. 54/18 by endorsed date of 21 December 2018 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 4.56 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 4.56 of the Environmental Planning & Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**