

Original signed by David Hoy on 26/4/2021

Mecone NSW Pty Ltd  
Attention: Jack Rixon  
Level 12/179 Elizabeth Street  
SYDNEY NSW 2000

D304/20  
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 304/20/2 – APPROVAL**

**Development Consent Number:** 304/20/2

**Land to which this applies:** 28-34 Clarke Street, Crows Nest  
Lot No.: 21, SEC 8 :DP: 2872

**Applicant:** Mecone NSW Pty Ltd

**Proposal:** Section 4.55(1A) modifications to amend Condition A1 in the original consent and internal works to a commercial office on levels 4 and 5 within a heritage listed building at 28-34 Clarke Street, Crows Nest.

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. **304/20** and registered in Council's records as Application No. **304/20/2** relating to the land described as **28-34 Clarke Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 February 2021, has been determined in the following manner: -

**1. To modify the development consent (D304/2020) and modify condition A1 as follows:**

**A1. Development in Accordance with Plans/documentation**

Plan No.	Issue	Title	Drawn by	Received
DA01	A	Site Plan	Collard Maxwell Architects	30.11.2020
DA02	A	Demolition Plans	Collard Maxwell Architects	30.11.2020
DA03	A	Level 4 – Ground Floor Internal Stairs	Collard Maxwell Architects	30.11.2020
DA04	A	Level 5 – New Internal Stairs and Internal Fitout	Collard Maxwell Architects	30.11.2020

As amended by the following plans and additional conditions:

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
DA01	A	Site Plan	Collard Maxwell Architects	18.3.2021
DA02	C	Demolition Plans	Collard Maxwell Architects	18.3.2021
DA03	B	Level 4 – Ground Floor New Internal Stairs	Collard Maxwell Architects	18.3.2021
DA04	E	Level 5 – New Internal Stairs and Internal Fitout	Collard Maxwell Architects	18.3.2021

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

**Reason for approval:**

The proposal is for minor modification works to an approved internal fitout at the subject dwelling being No. 28-34 Clarke Street, Crows Nest. The proposed works are considered to satisfy the relevant provisions within the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. The proposal is limited to the interior of the building and will not impact on the amenity of the adjoining properties.

As such, the proposal is recommended for approval subject to the imposition of appropriate conditions.

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

The development application was not required to be notified pursuant to Section 3.4.1 of the North Sydney Community Participation Plan 2019.

The conditions attached to the original consent for Development Application No. 304/20 by endorsed date of 8 February 2021 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)**