

Original signed by Luke Donovan on 9/07/2021

Dexus Wholesale Management Limited (DWML)
C/- Catherine Kelly
Urbis, Level 8
123 Pitt Street
SYDNEY NSW 2000

D90/20
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 90/20/2 – APPROVAL**

Development Consent Number: 90/20/2

Land to which this applies: 100 Mount Street, North Sydney
Lot No.: 2, DP: 1247014

Applicant: Dexus Wholesale Management Limited (DWML)

Proposal: To modify consent to DA90/20 in respect of increasing the height of the sky sign zone by 500mm and reducing the size of the sky sign zone to 13700 mm x 6330 mm.

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. **90/20** and registered in Council's records as Application No. **90/20/2** relating to the land described as **100 Mount Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 13 July 2020, has been determined in the following manner:

- To delete condition A1 of the consent and insert in lieu thereof the following new condition, namely:*

Development in accordance with Plans

A1 The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue date/Rev	Description	Prepared by	Dated
DA131	I	South + West Elevations	architectus	24/05/21
DA128	H	Plan + Level 35	architectus	24/05/21
DA128-1	H	Plan + Level 36	architectus	24/05/21
SK_3016	A	Southern façade - sky signage section	architectus	24/05/21

(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.4.55 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 signage zone whilst protruding 2350 mm above the top of the façade or 500 mm higher than approved under DA90/20 remains of an appropriate size and scale having regard to the building. It is noted that the length of the signage zone has been reduced from 15000 mm to 13700mm under this application which assists in reducing the dominance of the signage zone on the southern elevation of the building, at roof level.

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 subject application was notified to adjoining properties and CBD Precinct inviting comment between 18 June and 2 July 2021. No submissions were received.

The conditions attached to the original consent for Development Application No. 90/20 by endorsed date of 13 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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LUKE DONOVAN
SENIOR ASSESSMENT OFFICER (PLANNING)