

North Walker Property Pty Ltd
Locked Bag 1400
MEADOWBANK NSW 2114

D433/18
DWH (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 433/18/3 – APPROVAL

Development Consent Number: 433/18/3

Land to which this applies: 86-88 Walker Street, North Sydney
Lot No.: 2, DP: 1247547

Applicant: North Walker Property Pty Ltd

Proposal: To modify a consent for Stratum Subdivision

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. **433/18** and registered in Council's records as Application No. **433/18/3** relating to the land described as **86-88 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 18 February 2019, has been determined in the following manner:

1. To amend condition A1 of the consent to read as follows:

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with Plans referenced Sheets 1-4 and 1-9 (Issue F) of PROPOSED PLAN OF SUBDIVISION OF LOT 2 IN DP1247547 AND POSITIVE COVENANT AFFECTING LOT 1 IN DP1247547, Surveyor's reference 8422, prepared by Michael Trifiro, received by Council on 18 August 2021 and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

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

2. The following additional condition shall be imposed

Land Dedication to be indicated on Linen Plans

- J4. The future land dedication required by Condition G4 of DA 368/18 and as shown on drawing numbered DA0051, dated 31 October 2018, drawn by Fitzpatrick + Partners, is to be shown in notation indicated on the linen plans. The Subdivision Certificate must reflect the requirements of this consent.

(Reason: To inform future owners of future land dedication)

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 considered to be acceptable.

Although the dedication of the road widening in Little Spring Street is no longer proposed in these plans it is proposed to be on a separate plan of subdivision to more effectively comply with council requirements throughout the construction process. It is noted that the consent to construct the building - DA.368/18 is subject to requirements to give effect to the laneway dedication:

The applicant will be required to satisfy the above condition prior to completion and issue of any interim Occupation Certificate.

Having regard to the provisions of section 4.55 and 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:

Notification was not required.

The conditions attached to the original consent for Development Application No. 433/18 by endorsed date of 18 February 2019 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)