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D165/19
RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION - APPROVAL**

Development Consent Number: 165/19/2

Land to which this applies:

75-79 Christie Street, St Leonards
Lot No.: 1, DP: 228176 and SP 32797

Applicant:

Alastair Robb

Proposal:

Modify consent DA165/19 to provide for internal layout changes and changes to exterior finishes and materials.

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. **165/19** and registered in Council's records as Application No. **165/19/2** relating to the land described as **75-79 Christie Street, St Leonards**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 November 2019 has been determined in the following manner:

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

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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.	Rev	Title	Drawn by	Dated	Received
GH-01	E	Ground Floor Plan and Basement	Alastair Robb, Architect	Dec 2021	21-12-21
GH-02	E	First Floor plan	Alastair Robb, Architect	Dec 2021	21-12-21
GH-03	D	Roof and Elevations	Alastair Robb, Architect	Dec 2021	21-12-21
GH-04	E	Section	Alastair Robb, Architect	Dec 2021	21-12-21
GH-E1	C	Existing Floor Plans and Demolition Plan	Alastair Robb, Architect	Dec 2021	21-12-21

Document Titled	Rev	Prepared by	Dated	Received
Noise Impact Assessment	2	Rodney Stevens Acoustics Pty Ltd	14-05-19	12-06-19
Gilroys Hotel Plan of Management		Unknown author	Jun 2019	12-06-19

except where amended by the following conditions.

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

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 grant of development consent to the originally approved development and is considered to be acceptable.

Reasons for Approval:

The Minister's Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979* permits North Sydney Council to determine modifications under S4.55(1A) for internal alterations and additions to any building that is not a heritage item.

Having regard to the provisions of section 4.55 & 4.15(1a) 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:

No submissions were received during the 14-day notification period.

The conditions attached to the original consent for Development Application No. 165/19 by endorsed date of 8 November 2019 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Rachel Wu**. 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

29 April 2022

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER - ASSESSMENTS