Huw Turner
C/- Collins and Turner
Shop 479 Bourke Street
SURRY HILLS NSW 2010

D311/13
KRR (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 311/13/6 – APPROVAL

Development Consent Number:	**311/13/6**
Land to which this applies:	8 Bay View Street, Lavender Bay Lot No.: 2, DP: 312181
Applicant:	Huw Turner
Proposal:	Section 4.55(1A) modification application to remove/ modify Condition G10 as imposed upon the original consent notice.

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. **311/13** and registered in Council's records as Application No. **311/13/6** relating to the land described as **8 Bay View Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 13 March 2014, has been determined in the following manner: -

1.   To delete Condition G10.

Reason for approval:	The modifications do not result in any new 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.

	Having regard to the provisions of section 4.55 & 4.15 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** subject to the alteration to the condition as recommended.
How community views were taken into account:	Given the minor nature of the application, the proposal was not notified in accordance with Council policy. Accordingly, no submissions have been received in relation to the proposal.

The conditions attached to the original consent for Development Application No. 311/13 by endorsed date of 13 March 2014 still apply.

ADVISINGS

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