

Di-Signed Architectural Solutions
PO Box 408
ROSEVILLE NSW 2069

D111/20
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 111/20/2 – APPROVAL**

Development Consent Number: 111/20/2

Land to which this applies: 25 West Street, North Sydney
Lot No.: 1, DP: 72033

Applicant: Di-Signed Architectural Solutions Pty Ltd

Proposal: Section 4.55(1) modifications to DA111/20 to remove a condition

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. **111/20** and registered in Council's records as Application No. **111/20/2** relating to the land described as **25 West Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 September 2020, has been determined in the following manner: -

1. To modify the development consent (D111/20) and modify conditions A1 as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans

Plan No.	Issue	Title	Drawn by	Received
DA01	B	Site and Ground Floor	Di-signed Architectural Solutions	17.8.2020
DA02	B	First Floor Plan	Di-signed Architectural Solutions	17.8.2020
DA03	B	Roof Plan	Di-signed Architectural Solutions	17.8.2020
DA04	B	Section	Di-signed Architectural Solutions	17.8.2020
DA05	B	Northern Elevation	Di-signed Architectural Solutions	17.8.2020
DA06	B	Eastern Elevation	Di-signed Architectural Solutions	17.8.2020

As amended, by deleting the following condition:

~~C11. Section 7.11 Contributions – Construction Certificate~~

(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 change has resulted from a minor oversight made in the imposition of conditions in this instance. The deletion of the condition relating to the Section 7.11 Contributions is to be removed from the original consent conditions. The mechanism of Section 4.55(1) for the correction of this error is appropriate in its usage in this instance. The modification is supported in this regard.

How community views were taken into account:

The development application, due to the minor nature of the proposal, was not required to be notified nor advertised pursuant to Section 3 of the North Sydney Community Participation Plan 2019. The proposal will not have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls.

The conditions attached to the original consent for Development Application No. 111/20 by endorsed date of 2 September 2020 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)