

Veris Australia Pty Ltd
PO Box 1807
STRAWBERRY HILLS NSW 2012

D343/19
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 343/19/4 – APPROVAL**

Development Consent Number: 343/19/4

Land to which this applies: 61 Lavender Street, Milsons Point
Lot No.: 100, DP: 1250925

Applicant: Veris Australia Pty Ltd

Proposal: Modification of consent under s.4.55(1) for Torrens Title
(stratum) subdivision of 1 lot into 3 lots.

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. **343/19** and registered in Council's records as Application No. **343/19/4** relating to the land described as **61 Lavender Street, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 10 February 2020, has been determined in the following manner: -

1. Condition A1 to be modified as follows:

Development in Accordance with Plans/documentation

A1. The development must be carried out in accordance with the drawings: Plan of Proposed Subdivision of Lot 100 in DP 1250925, Sheets 1-7, dated 4 September 2020, drawn by Karl Robertson and received by Council on 25 February 2021.

(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 modification of stratum subdivision is satisfactory with regard to all relevant statutory and merit considerations. The proposed modified subdivision will not result in any environmental impacts and will provide for the orderly use of the development by separating the retail, shop-top housing and residential areas, consistent with the approved development consent DA112/01.

How community views were taken into account:

Notification was not required due to the nature of the proposed development, being to correct an error, under s.4.55(1).

The conditions attached to the original consent for Development Application No. 34319 by endorsed date of 10 February 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 & 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
GEORGE YOUHANNA
EXECUTIVE PLANNER