

J M Elliott
 Unit 7 9 Myrtle Street
 NORTH SYDNEY NSW 2060

D266/14
 (GJY) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
 (AS AMENDED)**

**Notice to Applicant of Determination of Request
 to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **266/14** and registered in Council's records as Application No. **266/14/3** relating to the land described as **14 Eaton Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 19 May 2015, has been determined by **North Sydney Independent Planning Panel** at its meeting held on 7 September 2016 in the following manner:-

1. *Condition A1 to be modified as follows:*

A1. Development in Accordance with Plans/documentation

Plan No.	Issue	Title	Drawn by	Received
CC01	B	Site Plan	Connor + Solomon Architects	25/9/15
CC02	B	Basement Floor Plan	Connor + Solomon Architects	25/9/15
CC03	B	Ground Floor Plan	Connor + Solomon Architects	25/9/15
CC04	B	First Floor Plan	Connor + Solomon Architects	25/9/15
CC05	B	Second Floor/Roof Plan	Connor + Solomon Architects	25/9/15
CC06	B	Roof Plan	Connor + Solomon Architects	25/9/15
CC07	B	Section AA	Connor + Solomon Architects	25/9/15
CC08	B	Section BB	Connor + Solomon Architects	25/9/15
CC09	B	Section CC	Connor + Solomon Architects	25/9/15
CC10	B	South Elevation	Connor + Solomon Architects	25/9/15
CC11	B	South Elevation with fencing	Connor + Solomon Architects	25/9/15
CC12	B	North Elevation	Connor + Solomon Architects	25/9/15
CC13	B	North facing courtyard elevation	Connor + Solomon Architects	25/9/15
CC14	B	South facing courtyard elevation	Connor + Solomon Architects	25/9/15
CC15	B	East elevation	Connor + Solomon Architects	25/9/15
CC16	B	West elevation	Connor + Solomon Architects	25/9/15
DA29	A	Finishes Schedule	Connor + Solomon Architects	17/10/14

SW2	B	Stormwater drainage plan	Law & Dawson	25/2/15
SW3	C	Stormwater drainage plan	Law & Dawson	23/3/15
121-C1	D	Driveway Plan	Law & Dawson	25/2/15
121-C2	C	Crossover section	Law & Dawson	25/2/15
121-C3	C	Crossover section	Law & Dawson	25/2/15
121-C5	B	Crossover section	Law & Dawson	25/2/15
L/01	D	Proposed Landscape Plan	A Total Concept Landscape Architects and Swimming Pool Designers	8/4/15

As amended by s.96 application No.266/14/3 in accordance with the following plans:

Plan No.	Issue	Title	Drawn by	Received
S96 01	C	Basement Floor Plan	Connor + Solomon Architects	10/8/2016
S96 02	C	Ground Floor Plan	Connor + Solomon Architects	10/8/2016
S96 03	C	First Floor Plan	Connor + Solomon Architects	10/8/2016
S96 04	C	Second Floor Plan	Connor + Solomon Architects	10/8/2016
S96 05	C	Roof Plan	Connor + Solomon Architects	10/8/2016
S96 06	C	Front Elevation	Connor + Solomon Architects	10/8/2016
S96 07	C	Rear Elevations	Connor + Solomon Architects	10/8/2016
S96 08	C	East Facing Elevation	Connor + Solomon Architects	10/8/2016
S96 09	C	West Facing Elevation	Connor + Solomon Architects	10/8/2016

2. *Condition C24 to be added:*

Privacy

C24. The six (6) proposed balconies to the northern (rear) elevation, on the first floor and second floor of units 3, 4 and 5 are to have a maximum depth of 600mm and the screens are to be fixed in place (i.e. not sliding).

(Reason: To maintain adequate privacy to adjoining properties)

The conditions attached to the original consent for Development Application No. 266/14 by endorsed date of 19 May 2015 still apply.

ADVISINGS

(a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **George Youhanna**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2) (a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEORGE YOUHANNA
EXECUTIVE ASSESSMENT PLANNER