

The Trust Company (Australia) Ltd
C/- M Stankovic
1/70 Birriga Road
BELLEVUE HILL NSW 2023

D241/20
MR3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 241/20/2 - APPROVAL**

Development Consent Number: 241/20/2

Land to which this applies: 105 Willoughby Road, Crows Nest
Lot No.: 101, DP: 1244672

Applicant: The Trust Company (Australia) Ltd

Proposal: To modify a consent to alter the location of the approved car wash facility on-site.

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. **241/20** and registered in Council's records as Application No. **241/20/2** relating to the land described as **105 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 27 October 2020, has been determined in the following manner:

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

A1. Development in Accordance with Plans

Plan No.	Issue	Description	Prepared by	Dated
A-02	-	Site Plan	Ionic Management Pty Ltd	19 April 2022
A-03	-	Basement 2 Plan	Ionic Management Pty Ltd	19 April 2022

Reason for approval:

The proposal involves the modification of a consent to permit changes to the current layout of basement level B2 of the building such that the drop off/pick up areas, wash bay and dry bay areas and four (4) car parking spaces are re-located within the same basement footprint.

The merits of the proposed modification and an assessment of this modification against relevant provisions and controls under environmental planning instruments (including the NSLEP 2013) have described and detailed throughout this report. In summary, the proposed modification is considered acceptable and supportable, satisfying the above requirements and the provisions under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is recommended that the following condition is amended in the consent:

- Amend Condition A1 to include revised drawings reflecting the proposed changes within basement level B2.

How community views were taken into account:

In accordance with the provisions of Council's Community Participation Plan, the subject application was not required to be notified. Therefore, no submissions have been received.

The conditions attached to the original consent for Development Application No. 241/20 by endorsed date of 27 October 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
MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER