



Thirdi Property Pty Ltd
C/ Willowtree Planning Pty Ltd
Suite 1, Level 10
56 Berry Street
NORTH SYDNEY NSW 2060

D251/22
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 251/22/2 - APPROVAL**

Development Consent Number: 251/22

Land to which this applies: 53 Hume Street, Crows Nest
Lot No.: 34, SEC: 4, DP: 2872

Applicant: Thirdi Property Pty Ltd

Proposal: Section 4.55(1) To modify consent 251/2022 to delete Condition C14

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. **251/22** and registered in Council's records as Application No. **251/22/2** relating to the land described as **53 Hume Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **31 January 2023**, has been determined in the following manner:

1. To delete Condition C14.

Reasons for Approval:

The proposed change has resulted from a minor error made during the course of the assessment in this instance and removal of the condition is generally supported in this regard. 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:

All likely impacts of the proposed development have been considered within the context of this report.

The conditions attached to the original consent for Development Application No. **251/22** by endorsed date of **31 January 2023** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr 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 and 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 and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

01 March 2023

DATE

Per



Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)