



SLR Consulting Australia Pty Ltd
8-14 Kings Road
NEW LAMBTON NSW 2305

D95/22
RT (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 95/22/2 - APPROVAL**

Development Consent Number: 95/22

Land to which this applies:

290 Military Road, Cremorne
Lot No.: 39, SEC: 1, DP: 4785
Lot No.: A and Lot No.: B, DP: 403914
Lot No.: 1, DP: 95295
Lot No.: 1, DP: 956651
Lot No.: 1, DP: 1102807
Lot No.: 1 and Lot No.: 2, DP: 1116921

Applicant: SLR Consulting Australia Pty Ltd

Proposal: Section 4.55(1A) modification to DA95/22 for changes to Condition C9(d)

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. **95/22** and registered in Council's records as Application No. **95/22/2** relating to the land described as **290 Military Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **25 August 2023**, has been determined in the following manner:

To modify Condition C9 to read as follows:

Traffic and Parking

C9. The proposed development shall comply with the following:

- (a) All aspects of the car parking within the proposed development shall comply with the Australian Standard AS2890.1 Off-Street Parking;
- (b) All aspects of bicycle parking and facilities comply with the Australian Standard AS2890.3 including the provision of a total of ten (10) spaces for bicycle parking within the subject site;
- (c) Conversion of one (1) existing car parking space to provide two (2) parking spaces for motorcycles.
- (d) A 12.5m long heavy rigid vehicle can enter and leave the site in a forward direction.

Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Advisory Note: Council will not consider any future requests for provision of on street drop off/pick up areas/Loading Zones or any other parking provision benefitting this development.

(Reason: To ensure adequate traffic and parking facilities within the subject site)

Reasons for Approval:

The proposed modification to DA 95/22 for modifying the wording of Condition C9 is considered to be acceptable and would not alter the nature of the previously approved development. The proposed modification would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013.

Council's Public Projects Traffic Engineering Officer has raised no in-principle objection to the proposed modifications.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be approved.

How community views were taken into account:

Notification of the application was waived in accordance with Section 3.5 of North Sydney Community Engagement Protocol.

The conditions attached to the original consent for Development Application No. **95/22** by endorsed date of **25 August 2023** still apply.

ADVISINGS

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

20 May 2024

DATE



Signature on behalf of consent authority
ROBIN TSE
SENIOR ASSESSMENT OFFICER