

Gardner Wetherill Associates  
Suite 2.01, 460 Pacific Highway  
ST LEONARDS NSW 2065

D208/17  
MAM (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. **208/17** and registered in Council's records as Application No. **208/17/2** relating to the land described as **170-176 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 October 2017, has been determined in the following manner: -

1. To delete condition A1 of the consent and insert in lieu thereof the following condition:

**Development in Accordance with Plans**

- A1. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
A0000	A	Drawing Register & Location Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A0901	A	Site Analysis Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1001	A	Detailed Site Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1200	A	Floor Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1201	A	Roof Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1501	A	North & South Elevations	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1502	A	East & West Elevations & Section A-A	Gardner Wetherill & Associates	21.6.2017	21.6.2017
A1903	A	Landscape Concept Plan	Gardner Wetherill & Associates	21.6.2017	21.6.2017

Except where modified by the following plans received by Council on 24 November 2017, to modify Development Consent No. 208/17, seeking consent to reduce the size of the proposed temporary single storey building from 75m<sup>2</sup> to 32.5m<sup>2</sup> to accommodate storage for STEM for Wenona School, as follows:

Plan No.	Issue	Title	Drawn by	Dated	Received
A0000	A	Drawing Register & Location Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A0901	A	Site Analysis Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1001	A	Detailed Site Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1200	A	Floor Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1201	A	Roof Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1501	A	North & South Elevations	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1502	A	East & West Elevations & Section A-A	Gardner Wetherill & Associates	21.6.2017	24.11.2017
A1903	A	Landscape Concept Plan	Gardner Wetherill & Associates	21.6.2017	24.11.2017

except where amended by the following conditions.

The conditions attached to the original consent for Development Application No. 208/17 by endorsed date of 20 October 2017 still apply.

### ADVISINGS

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

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DATE

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