

CCS Property Holdings Group  
Ground Floor, 118 Christie Street  
ST LEONARDS NSW 2065

D279/14  
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 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. **279/14** and registered in Council's records as Application No. **279/14/4** relating to the land described as **222 Pacific Highway, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 May 2015, has been determined in the following manner: -

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

**Development in Accordance with Plans/documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp as amended only in relation to the location of plant in accordance with S.4.55(1A) application number DA 279/14/4, as per plans numbered A-0203/10, A-0204/07, A-0301/07, A-0302/07, A-0303/07, A-0401/05, A-0402/06, A-0403/06, A-0404/05, dated 11/9/17, drawn by SWA Group, except where amended by the following conditions and this consent.

Plan No.	Issue	Title	Drawn by	Received
DA01	C	Site Plan	PBD Architects	24/4/15
DA02	C	Basement Level 2	PBD Architects	24/4/15
DA03	C	Basement Level 1	PBD Architects	24/4/15
DA04	C	Ground Floor Plan	PBD Architects	24/4/15
DA05	C	Level 1 Plan	PBD Architects	24/4/15
DA06	C	Level 2 Plan	PBD Architects	24/4/15
DA07	C	Level 3 Plan	PBD Architects	24/4/15
DA08	C	Level 4 Plan	PBD Architects	24/4/15
DA09	C	Level 5 Plan	PBD Architects	24/4/15
DA10	C	Roof Plan	PBD Architects	24/4/15
DA11.A	C	Section A-A	PBD Architects	24/4/15
DA11.B	C	Section B-B	PBD Architects	24/4/15
DA12	C	Pacific Highway Elevation	PBD Architects	24/4/15
DA13	C	West Elevation	PBD Architects	24/4/15
DA14	C	North elevation	PBD Architects	24/4/15

DA15	C	South elevation	PBD Architects	24/4/15
DA16	C	Material Finishes	PBD Architects	24/4/15
DA21	C	Facade Detail	PBD Architects	24/4/15
L/01	B	Proposed Landscape Plan Sheet 1	A Total Concept	6/2/15
L/02	B	Proposed Landscape Plan Sheet 2	A Total Concept	6/2/15
20140162	B	Concept Stormwater Design	S&G Consultants	26/08/2014

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Condition C29 to be modified as follows:**

**Location of Plant**

C.29 All plant and equipment (including but not limited to air conditioning equipment), with the exception of mechanical plant and air conditioning equipment located within the approved mechanical plant area adjacent to the roof terrace of unit 501 at Level 5 as approved under s.4.55 modification application number DA279/14/4, is to be located within the basement of the building, and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

**Condition C35 to be modified as follows:**

**Compliance with Acoustic Reports**

C35. The recommendations contained in the acoustic reports prepared by Acoustic Logic dated 24/06/14 (original DA) and 8/11/2017 (s.4.55 modification), must be implemented during construction and use of the development. A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. (Reason: To maintain an appropriate level of amenity for adjoining land uses)

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

The conditions attached to the original consent for Development Application No. 279/14 by endorsed date of 6 May 2015 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. 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 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 Certifying Authority 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.

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DATE

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Signature on behalf of consent authority  
GEORGE YOUHANNA  
EXECUTIVE ASSESSMENT PLANNER