

Original signed by: David Hoy Dated: 28/6/2018

Modog Pty Ltd
PO Box 222
CAMMERAY NSW 2062

D387/14
DWH(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. **387/14** and registered in Council's records as Application No. **387/14/2** relating to the land described as **317 Pacific Highway, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 April 2017, has been determined in the following manner:-

1. To Modify Condition A1 of the consent so as to read 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, except where amended by the following conditions of this consent.

Plan No.	Title	Drawn by	Received
Plan of Stratum Subdivision			
Sheet 1	Plan of Subdivision of Lot 1 in DP 1052632	Copeland C Lethbridge	2.10.15
Sheet 2	Basement	Copeland C Lethbridge	2.10.15
Sheet 3	Ground floor	Copeland C Lethbridge	2.10.15
Sheet 4	Level 1	Copeland C Lethbridge	2.10.15
Sheet 5	Level 2	Copeland C Lethbridge	2.10.15
Sheet 6	Level 3	Copeland C Lethbridge	2.10.15
Strata Plan of Lot 2			
Sheet 1	Location Plan Strata Subdivision Lot 2	Copeland C Lethbridge	2.10.15
Sheet 2	Basement & ground floor Strata Subdivision Lot 2	Copeland C Lethbridge	2.10.15
Sheet 3	Level 1 , Level 2 & Level 3 Strata Subdivision Lot 2	Copeland C Lethbridge	2.10.15

Except where amended by the following plans:

MOD 1 – Approved plans			
Plan No.	Title	Drawn by	Received
Plan of Stratum Subdivision			
Sheet 2	Basement	Copeland C Lethbridge	08.06.18
Sheet 3	Ground floor	Copeland C Lethbridge	08.06.18
Strata Plan of Lot 2			
Sheet 1	Location Plan Strata Subdivision Lot 2	Copeland C Lethbridge	08.06.18
Sheet 2	Basement & ground floor Strata Subdivision Lot 2	Copeland C Lethbridge	08.06.18

And except where amended by the following conditions

Approval Documents:

1. Strata Management Statement, prepared by Modog Pty Ltd, dated 21 June 2013 and received by North Sydney Council on 2 October 2015.

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

The conditions attached to the original consent for Development Application No. 387/14 by endorsed date of 7 April 2017 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.

DATE

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