

Ming Tian Real Property Pty Ltd
3/26 James Ruse Drive
GRANVILLE NSW 2142

D316/13
(GM) (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. **316/13** and registered in Council's records as Application No. **316/13/6** relating to the land described as **139-147 West Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 April 2014, has been determined in the following manner:-

To delete conditions A4 and G10 and add the following conditions:

Development in Accordance with Plans (S96 Amendments)

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown clouded on:

Plan No.	Issue	Title	Drawn by	Received
DA 01e	E	Site Plan	Tony Owen Partners	22 June 2018
DA02	D	Lower basement	Tony Owen Partners	3 August 2015
DA 03g	G	Upper Basement Plan	Tony Owen Partners	22 June 2018
DA 04f	F	Lower Ground Floor Plan	Tony Owen Partners	22 June 2018
DA05	D	Upper ground floor	Tony Owen Partners	3 August 2015
DA06	D	First floor	Tony Owen Partners	3 August 2015
DA07	D	Second floor	Tony Owen Partners	3 August 2015
DA08	D	Roof	Tony Owen Partners	3 August 2015
DA 09f	F	West Elevation	Tony Owen Partners	22 June 2018
DA10	D	West elevation	Tony Owen Partners	3 August 2015
DA11	D	North elevation	Tony Owen Partners	3 August 2015
DA 12e	E	East Elevation	Tony Owen Partners	22 June 2018

DA 13f	F	South Elevation	Tony Owen Partners	22 June 2018
DA14	D	Cross section aa	Tony Owen Partners	3 August 2015
DA15	D	Cross section bb	Tony Owen Partners	3 August 2015
DA16	D	Cross section cc	Tony Owen Partners	3 August 2015

except as amended by the following conditions and this consent.

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

Landscaping

G10. The landscaping shown in the approved landscape plans numbered L96-000D, L96-101D, L96-601B and L96-701A, prepared by Geoscapes and received by Council on 22 June 2018, must be completed prior to the issue of any **the Final** Occupation Certificate.

(Reason: To ensure compliance)

The conditions attached to the original consent for Development Application No. 316/13 by endorsed date of 2 April 2014 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
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER