

NSW Town Planning Pty Ltd
Level 2, 63 York Street
SYDNEY NSW 2000

D9/19
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 9/19/2 – APPROVAL**

Development Consent Number: 9/19/2

Land to which this applies: 8-12 Willoughby Road, Crows Nest
Lot No.: 6, DP: 333761

Applicant: NSW Town Planning Pty Ltd

Proposal: Section 4.55(1A) modification to development consent D09/19 to delete Condition C6.

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. **9/19** and registered in Council's records as Application No. **9/19/2** relating to the land described as **8-12 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 February 2019, has been determined in the following manner: -

To delete Condition C6.

Reason for approval:

The proposed modifications are considered to be consistent with the reasons for the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications are not considered to result in any new or material amenity impact to adjoining properties or the surrounding area as stipulated within the NSDCP 2013. The proposed modifications would retain the intent of originally approved development, is consistent with the reasons for approval and are considered to be acceptable subject to the imposition of conditions.

Having regard to the provisions of section 4.55 & 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is satisfactory. The application is therefore recommended for approval.

How community views were taken into account:

With regards to Section 4.4.9 of the NSDCP 2013, the proposal does not change the height, external shape or façade of the building. Given the application seeks to delete a condition, notification of the application was not required.

The conditions attached to the original consent for Development Application No. 9/19 by endorsed date of 22 February 2019 still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER ASSESSMENTS