

Original signed by: David Hoy on: 8/11/19

Clare Carter
C/- Contemporary Architecture
203/10-12 Clarke Street
CROWS NEST NSW 2065

D249/18
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 249/18/2 – APPROVAL**

Development Consent Number: 249/18/2

Land to which this applies: 24 Toongarah Road, Waverton
Lot No.: 9, SEC: 3 DP: 7544

Applicant: Contemporary Architecture

Proposal: To modify consent DA259/18 to delete condition G2.

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. **249/18** and registered in Council's records as Application No. **249/18/2** relating to the land described as **24 Toongarah Road, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 January 2019, has been determined in the following manner: -

- 1. To delete condition G2 from of the consent.*
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The proposal involves the modification of a consent to permit the deletion of Condition No. G2 from the consent relating to a requirement to the certification of Civil Works.

Reason for approval:

In respect of the requirements of Condition No. G2, Council is satisfied that the requirements of the condition are overly erroneous for the development and therefore may be considered to have been applied in error.

Accordingly, it is recommended that the condition be deleted from the consent.

How community views were taken into account:

In accordance with the provisions of Section 4.4.9 of NSDCP 2013, the subject application was not required to be notified. Therefore, no submissions have been received.

The conditions attached to the original consent for Development Application No. 249/18 by endorsed date of 7 January 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)