

Vet Partners
C/- Tomasy Planning Pty Ltd
Attention: Tia Mills
1/1073 Pittwater Road
CROWS NEST NSW 2065

D205/19
MD1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 205/19/2 – APPROVAL**

Development Consent Number: 205/19/2

Land to which this applies: 4/136 Willoughby Road, Crows Nest
Lot No.: 4, SP: 36788

Applicant: Vet Partners

Proposal: Modification of DA 205/19 seeking amended wording of conditions A4, C2 and C5.

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. **205/19** and registered in Council's records as Application No. **205/19/2** relating to the land described as **4/136 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 November 2019, has been determined in the following manner: -

- *To modify conditions A4, C2 and C5 of the consent dated 08/11/19 to read as follows:*

Approved Signage

A4. The subject Notice approves the proposed signs upon the northern, side awning fascia, the north-eastern angled awning fascia, and the eastern street awning fascia; however, the subject Notice does not approve the other proposed awning fascia signs: The other awning fascia signs must be deleted from the plans.

The subject Notice also does not approve the proposed vertical 'VET' wall sign facing Willoughby Road: The sign must be deleted from the plans.

Except for the approved window signage (i.e. individual lettering, small symbols and a thin banner across the bottom of one window panel) as noted on approved plan drawing no. VP CN 002, dated 16.06.19, the glazing to the Willoughby Road elevation is to be clear (i.e. not translucent or obscure through-sight).

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: To reduce visual clutter and increase activity and interest along the street)

Upgrade of existing building – Fire Spread and Safe Egress

C2. Pursuant to clause 94 of the EP&A Regulation 2000, aspects of the existing building must be brought into conformity with the Building Code of Australia (BCA).

(a) Work must be carried out as part of the development so as to upgrade the building to bring it into compliance with Sections C, D & E of the NCC BCA 2016, Volume 1.

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Certifying Authority for approval prior to the issue of **a** Construction Certificate.

Notes:

- 1) The Certifying Authority must be satisfied that the plans and specifications submitted prior to the issue of any Construction Certificate comply with the requirements of this condition.
- 2) The Certifying Authority issuing the Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
- 3) Where this condition specifies compliance with the performance requirements of the BCA, the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.

(Reason: Application of Regulations relating to Fire and Life Safety)

Location of Plant

C5. **No new plant equipment (including but not limited to air conditioning equipment) is to be located on balconies or the roof, except the replacement of existing equipment like for like.** 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)

Reason for approval:

The application seeks to clarify the approved signage and plant equipment conditions and to enable a preliminary construction certificate. The proposal does not alter the previously proposed or approved extent of works and will not increase or introduce new noise, privacy, sunlight, vegetation, heritage, character or amenity impacts on the site, surrounding properties or the local area. The proposal maintains a high-quality urban environment and the desired future character as expressed in Council's controls.

How community views were taken into account:

Council's Community Engagement Protocol identifies that modification applications that do not propose external changes, only propose (in Council's opinion) minimal impact or which do not substantially change the originally approved development will not be advertised. Consequently, Council did not receive any submissions with respect to the subject application.

DA 205/19 was approved subject to conditions can addressing potential adverse impacts to the locality and protecting the public interest. The subject proposal does not affect these conditions.

Having regard to the provisions of Section 4.15 of the Act, the application is considered to be satisfactory and therefore can be approved.

The conditions attached to the original consent for Development Application No. 205/19 by endorsed date of 8 November 2019 still apply.

ADVISINGS

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