

Woolworths Group Limited
C/- HDC Planning
Attention: Trevor Dunbar
PO Box A216
SYDNEY SOUTH NSW 1235

D370/18
MS3(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 370/18/4 – APPROVAL**

Development Consent Number: **370/18/4**

Land to which this applies: 23-25 Broughton Street, Kirribilli
Lot No.: 1, DP: 119391

Applicant: Woolworths Group Limited
C/- HDC Planning

Proposal: Section 4.55(2) – Standard Trial Period Hours of
Operation

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. **370/18** and registered in Council's records as Application No. **370/18/4** relating to the land described as **23-25 Broughton Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 December 2018, has been determined in the following manner: -

1. Condition I1 is to be amended as follows

Hours of Operation

II. The hours of operation are restricted to:

Monday till Sunday (inclusive): 6:00am to 11:00pm

and

6:00am 31 December to 2:00am 1 January each year (New Year's Eve)

Upon expiry of the permitted hours:

- (a) no person shall be permitted entry; and
- (b) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

2. Condition I2 is to be deleted.

12. Hours of Operation – Trial Period

3. Condition I6 is to be amended as follows:

Operational Plan of Management

16. At all times the operator of the store must comply with the Operational Plan of Management submitted with the application and dated **July 2020** that is endorsed with Council's Approval Stamp.

(Reason: To ensure the amenity of the surrounding locality is maintained.)

4. Condition I8 is to be deleted

18. New Year's Eve Hours of Operation – Trial Period

5. Condition I9 is to be deleted

19. Amendments to Operational Plan of Management

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

Reason for approval:

The business has undertaken the relevant trial periods regarding the hours of operation. In accordance with the trial period controls in NSDCP 2013 the extended hours of operation may be made permanent as the business has demonstrated a satisfactory performance history and has a Plan of Management in place.

The ongoing operation of the premises is unlikely to result in adverse impacts upon the amenity of the neighbourhood as demonstrated throughout the trial periods and is therefore recommended for approval

How community views were taken into account:

The application was notified in accordance with Council's Notification Policy from 21 August 2020 until 4 September 2020. The proposed modification did not receive any submissions.

The conditions attached to the original consent for Development Application No. 370/18 by endorsed date of 21 December 2018 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Michael Stephens**. 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)