

**Original signed by: Luke Donovan Dated: 21/10/2020**

Angelos & Vasiliki Koula Argus  
PO Box 97  
NORTHBRIDGE NSW 1560

D15/19  
HS1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 15/19/2 – APPROVAL**

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**Development Consent Number:** 15/19/2

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**Land to which this applies:** 72-72A Willoughby Road, Crows Nest  
Lot No.: 6, Sec. 4; DP: 2872

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**Applicant:** Angelos & Vasiliki Koula Argus

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**Proposal:** Section 4.55 (2) Modification to DA 15/19 for alterations to an existing commercial and retail building.

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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. **15/19** and registered in Council's records as Application No. **15/19/2** relating to the land described as **72-72A Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 May 2019, has been determined in the following manner: -

**1. To amend Conditions A1 as follows: -**

**Development in Accordance with Plans (Section 4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp shown below:

**DA15/19 Approved Plan List**

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn By</b>	<b>Received</b>
DA01A	A	Site Analysis Plan	JJ Drafting	20 March 2019
DA02A	A	Lower Ground Floor Plan	JJ Drafting	20 March 2019
DA03A	A	Ground Floor Plan	JJ Drafting	20 March 2019
DA04A	A	First Floor Plan	JJ Drafting	20 March 2019
DA05A	A	Western Elevation	JJ Drafting	20 March 2019
DA06A	A	Northern Elevation	JJ Drafting	20 March 2019

DA07A	A	Southern Elevation	JJ Drafting	20 March 2019
DA08A	A	Eastern Elevation	JJ Drafting	20 March 2019
DA09A	A	Section AA	JJ Drafting	20 March 2019
DA10A	A	Section BB	JJ Drafting	20 March 2019
DA11A	A	Erosion and Sediment Control Plan/Waste Management Plan	JJ Drafting	20 March 2019
DA17A	A	Stormwater Concept Plan	JJ Drafting	20 March 2019

Except where amended by the following plans below:

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn By</b>	<b>Received</b>
DA01	F	Site Analysis Plan	JJ Drafting	2 September 2020
DA02	F	Lower Ground Floor Plan	JJ Drafting	2 September 2020
DA03	F	Ground Floor Plan	JJ Drafting	2 September 2020
DA04	F	First Floor Plan	JJ Drafting	2 September 2020
DA05	F	Western Elevation	JJ Drafting	2 September 2020
DA06	F	Northern Elevation	JJ Drafting	2 September 2020
DA07	F	Southern Elevation	JJ Drafting	2 September 2020
DA08	F	Eastern Elevation	JJ Drafting	2 September 2020
DA09	F	Section AA	JJ Drafting	2 September 2020
DA10	F	Section BB	JJ Drafting	2 September 2020
DA11	F	Section CC	JJ Drafting	2 September 2020

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

**Reason for approval:**

The proposed modifications are considered to be of no unacceptable impact and are consistent with the originally approved development application and s.4.55 of the *EP & A Act, 1979*. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55(2) & 4.15 of the *Environmental Planning and Assessment Act, 1979*, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**

**How community views were taken into account:**

The owners of adjoining properties and the Holtermann Precinct were notified of the proposed development. The application was placed on public notification between 18 September 2020 and 2 October 2020. The notification resulted in one (1) submission.

The conditions attached to the original consent for Development Application No. 15/19 by endorsed date of 2 May 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

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Signature on behalf of consent authority  
LUKE DONOVAN  
**A/TEAM LEADER (ASSESSMENTS)**