

Original signed by **Robyn Pearson** on **8/03/2022**

A J Constructors Pty Ltd
PO Box 4043
LANE COVE NSW 2066

D133/21
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 133/21/2 - APPROVAL**

Development Consent Number: **133/21**

Land to which this applies: 9A Wonga Road, Cremorne
Lot No.: 2, DP: 88128

Applicant: A J Constructors Pty Ltd

Proposal: Section 4.55(1) modification to DA133/21 to correct the lot number on the Notice of Determination

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. **133/21** and registered in Council's records as Application No. **133/21/2** relating to the land described as **9A Wonga Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **30 June 2021**, has been determined in the following manner:

1. To modify the property description on the Notice of Determination as follows:

"Lot 2, SP 88128."

Reason for Approval:

The proposed correction to the description of the land on the notice of determination would not change the level of compliance with any environmental planning instrument, NSLEP and/or NSDCP. Notification of this application was not required in accordance with the North Sydney Community Engagement Policy given that there would be no impact upon neighbouring amenity and/or the street-scape.

The proposed change to the Notice of Determination was found to be acceptable in the site circumstances and is recommended for approval to allow the Notice of Determination to be amended to read as Lot 2 in SP 88128 being the correct property description.

How community views were taken into account:

It was considered unnecessary to notify the subject Section 4.55(1) application in accordance with Council's Community Engagement Protocol given that adjoining properties would be impacted by the correction to the property description on the notice of determination from lot 1 SP 88128 to lot 2 in SP 88128.

The conditions attached to the original consent for Development Application No. **133/21** by endorsed date of **30 June 2021**, still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

8 March 2022

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)