

Original signed by David Hoy on 8/04/2022

Two Form Pty Ltd
Suite 203, 34 Charles Street
PARRAMATTA NSW 2150

D32/21
RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 32/21/2- APPROVAL**

Development Consent Number: 32/21

Land to which this applies:

10 Willoughby Road, Crows Nest
Lot No.: 6, DP: 333761

Applicant:

Antoinette Holdings Pty Ltd

Proposal:

To modify a consent DA32/1 for entry doors to two tenancies to be automated glazed sliding doors, demolition of partial exterior wall, and internal reconfigurations

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. **32/21** and registered in Council's records as Application No. **32/21/2** relating to the land described as **10 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **14 May 2021**, has been determined in the following manner:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue date/ Rev	Description	Prepared by	Dated
DA00	D	Title Page	Two Form Architecture and Interior Design	November 2021
DA01	D	Site Location Plan	Two Form Architecture and Interior Design	November 2021
DA02	D	Site/Existing Photographs	Two Form Architecture and Interior Design	November 2021

DA03	D	Existing Floor Plan	Two Form Architecture and Interior Design	November 2021
DA04	D	Demolition Plan	Two Form Architecture and Interior Design	November 2021
DA05	D	Proposed Plan	Two Form Architecture and Interior Design	November 2021
DA06	D	Existing & Proposed Shop Front Elevation	Two Form Architecture and Interior Design	November 2021
DA07	D	Proposed Section	Two Form Architecture and Interior Design	November 2021

(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 generally 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 material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the grant of development consent to the originally approved development and are considered to be acceptable.

How community views were taken into account:

No notification was required for this modification proposal due to minimal impact on adjoining properties and the environment.

The conditions attached to the original consent for Development Application No. **32/21** by endorsed date of **14 May 2021** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Rachel Wu**. 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 April 2022

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)