



Rodborough Development Pty Ltd
C/- Platform Project Services
5/95 Pitt Street
SYDNEY NSW 2000

D232/20
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 232/20/5 - APPROVAL**

Development Consent Number: 232/20/5

Land to which this applies: 5 Rodborough Avenue, Crows Nest
Lot No.: 1, DP: 1275996

Applicant: Platform Project Services
5/95 Pitt Street
SYDNEY NSW 2000

Proposal: Section 4.55(1) Modification to delete Condition C4 (Flood Evacuation Plan and Deed of Release)

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. **232/20** and registered in Council's records as Application No. **232/20/5** relating to the land described as **5 Rodborough Avenue, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **7 July 2021**, has been determined in the following manner:

- That Condition C4 be deleted from the consent and the requirement for a Flood Evacuation Plan be replaced with the following condition:***

Flood Risk Management Plan

G30. *Prior to the issue of the final Occupation Certificate or any Subdivision Certificate, a Flood Risk Management Plan (FRMP), is to be prepared by a suitably qualified Hydraulic Engineer which outlines emergency warning measures and systems to be implemented should a flooding event exceed the flood planning level (FPL) for the site.*

The Flood Risk Management Plan required by this condition must include details of measures to be implemented by owner/occupants of Units LG01 and LG02 and the relevant Body Corporate responsible for the management and safety of common areas should a flooding event exceed the flood planning level (FPL) for the site.

The FRMP must include details of signage and systems to be installed within common areas of the building to inform building occupants of emergency evacuation procedures and the location of an accessible flood refuge. The FRMP must be prepared to the satisfaction of the Certifying Authority and agreed with the relevant Body Corporate prior to the issue of the Final Occupation Certificate for the development.

The Body Corporate must ensure that recommendations of the FRMP are to be implemented and maintained at all times.

(Reason: To ensure that appropriate plans and agreements are in place to inform occupants of the building of flood risk)

The conditions attached to the original consent for Development Application No. **232/20** by endorsed date of **7 July 2021** still apply.

ADVISINGS

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

2 September 2022

DATE


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