

Panovscott Architects  
 PO Box 472  
 POTTS POINT NSW 1335

D437/14  
 DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)**

**Notice to Applicant of Determination of Request  
 to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **437/14** and registered in Council's records as Application No. **437/14/2** relating to the land described as **211 Chandos Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 March 2015, has been determined in the following manner: -

**1. Condition No. A1 be amended to read as follows:**

**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	Title	Drawn by	Dated	Received
DD-1010	A	Site Analysis	Panovscott Architects	14-11-14	09-12-14
DD-1100	A	Site/Ground floor plan	Panovscott Architects	14-11-14	09-12-14
DD-1101	A	First floor plan	Panovscott Architects	14-11-14	09-12-14
DD-1102	A	Roof & Stormwater Plan	Panovscott Architects	14-11-14	09-12-14
DD1200	B	Street elevation	Panovscott Architects	20-01-15	21-01-15
DD1201	B	Lane elevation	Panovscott Architects	20-01-15	21-01-15
DD1202	B	Side elevations	Panovscott Architects	20-01-15	21-01-15
DD1204	B	Elevations, materials & finishes	Panovscott Architects	20-01-15	21-01-15
DD1300	B	Section	Panovscott Architects	20-01-15	21-01-15
DD1301	B	Detail section & privacy measures	Panovscott Architects	20-01-15	21-01-15
Appendix F	A	Schedule of materials & finishes	Panovscott Architects	Nov 2014	09-12-14

Except where amended under S.96 by the following plans:

Plan No.	Issue	Title	Drawn by	Dated	Received
DD-1010	C	Site Analysis	Panovscott Architects	19-12-17	21-12-17
DD-1100	C	Site/Ground floor plan	Panovscott Architects	19-12-17	21-12-17
DD-1101	C	First floor plan	Panovscott Architects	19-12-17	21-12-17
DD-1102	C	Roof & Stormwater Plan	Panovscott Architects	19-12-17	21-12-17
DD1200	C	Street elevation	Panovscott Architects	19-12-17	21-12-17
DD1201	C	Lane elevation	Panovscott Architects	19-12-17	21-12-17
DD1202	C	Side elevations	Panovscott Architects	19-12-17	21-12-17
DD1204	C	Elevations, materials & finishes	Panovscott Architects	19-12-17	21-12-17
DD1300	C	Section	Panovscott Architects	19-12-17	21-12-17
DD1301	C	Detail section & privacy measures	Panovscott Architects	19-12-17	21-12-17

And except where amended by the following conditions.

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

**2. Condition No. C11 be amended to read as follows:**

**BASIX Certificate**

C11. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A202554\_03 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

The conditions attached to the original consent for Development Application No. 437/14 by endorsed date of 3 March 2015 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2)(a) of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

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DATE

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