

Original signed by: Robyn Pearson on: 19/12/19

WKJ Pty Limited
C/- Urbis
Level 3, 123 Pitt Street
SYDNEY NSW 2000

D34/19
LK (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 34/19/2 – APPROVAL**

Development Consent Number: 34/19/2

Land to which this applies: 85 Kurraba Road, Kurraba Point
Lot No.: 0, SP: 16183

Applicant: WKJ Pty Limited

Proposal: Section 4.55(1) modification to DA34/19, to correct the proposal description on the decision notice.

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. **34/19** and registered in Council's records as Application No. **34/19/2** relating to the land described as **85 Kurraba Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 August 2019, has been determined in the following manner: -

1. To modify the proposal description on the decision notice as follows:

“Demolition of the existing residential flat building, tree removal and excavation to provide for the construction of a part three, part four and part five storey residential flat building comprising 14 apartments, with basement parking for 24 cars and associated landscaping.”

Reason for approval:

The proposed correction to the development description on the decision notice does not change the level of compliance with any environmental planning instrument or NSLEP and NSDCP. Notification of this application was not required.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1) application be approved with modification to the development description.

How community views were taken into account:

There is no requirement to advertise a Section 4.55(1) application, and no neighbour would be impacted by the correction to the proposal description on the decision notice to refer to the correct number of apartments.

The conditions attached to the original consent for Development Application No. 34/19 by endorsed date of 7 August 2019 still apply.

ADVISINGS

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

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