

CCS Property Holdings Group  
118 Christie Street  
ST LEONARDS NSW 2065

D279/14  
GJY (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. **279/14** and registered in Council's records as Application No. **279/14/3** relating to the land described as **222 Pacific Highway, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 May 2015, has been determined in the following manner: -

**Condition E26 to be modified as follows:**

**RMS Condition**

E26. A construction zone will not be permitted on Pacific Highway, in front of the subject site. A construction zone to the south of the site on Pacific Highway may be permissible, subject to the written approval of RMS and North Sydney Council.

(Reason: Concurrence requirement of Roads and Maritime Services)

The conditions attached to the original consent for Development Application No. 279/14 by endorsed date of 6 May 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.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on behalf of consent authority  
GEORGE YOUHANNA  
EXECUTIVE ASSESSMENT OFFICER