

818 Pacific Highway, Gordon NSW 2072

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Contact: Stuart Ratcliff

Ref: MOD0222/20

23 September 2021

CPDD Min No. 1 Pty Ltd
91a Shepherd Street
BOWRAL NSW 2576

Dear Sir/Madam

NOTICE OF DETERMINATION OF A SECTION 4.55 APPLICATION

Issued under the Environmental Planning and Assessment Act 1979

Application No.: MOD0222/20
Proposed modification: Modification to DA0610/17 proposing modification to description and deletion of deferred commencement Condition 1
Property: 810-818 Pacific Highway GORDON NSW 2072

Pursuant to Clause 122 of the Environmental Planning and Assessment Regulation 2000, you are advised that approval has been granted to the application for modification of the consent to the above Development Application.

Reasons for the decision:

The modification of consent application meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development, as modified, is considered to be in the public interest, subject to conditions.

Community views:

The application was notified in accordance with Council's Community Participation Plan. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the modification to the application satisfies the Objects of the Environmental Planning and Assessment Act.

Date of determination: 21/09/2021

Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the development consent is now modified as follows:

The description of the proposed development as referenced within the Notice of Determination issued to DA0610/17 is modified to read as follows:

Application No.:	DA0610/17
Proposed Development:	<i>Demolition of existing structures and construction of a mixed use development comprised of shop top housing containing 56 55 apartments, use of ground floor commercial space as an Aldi supermarket and small retail suite, basement parking, signage and associated works</i>
Property:	810-818 Pacific Highway GORDON NSW 2072

Reasons for conditions

To safeguard the amenity of the locality.

Those conditions attached to the original consent for the above Development Application No.0610/17, that are unaffected by the modifications listed in the above notice, still apply.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within twelve (12) months of the date on which you receive this Notice.

Right of review

If you are dissatisfied with this decision, Section 8.2 (1)(b) of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination. An application for a review must be made no later than 28 days after the date on which the application for the modification of the development consent was determined. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review in respect of designated development and crown development.

Advisory Notes

- a) Council is always prepared to discuss decisions, and in this regard please do not hesitate to contact Stuart Ratcliff on telephone **9424 0000**.
- b) 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 use may require the submission of a modification application under Section 4.55 of the Environmental Planning & Assessment Act 1979. Any proposed modification to the development consent must result in a development that is substantially the same development as that which was originally approved.
- c) Your attention is drawn to the necessity to:

Obtain a **Construction Certificate** under Section 6.4 (a) of the Environmental Planning and Assessment Act 1979 in respect of the modifications approved pursuant to Section 4.55 of the Act.

An application for a Construction Certificate may be lodged with Council.
Alternatively, you may apply to an accredited certifier.

All building work must be carried out fully in accordance with the conditions of the development consent and it is an offence to carry out unauthorised building work that is not in accordance with the development consent.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000, respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.

A Section 4.55 application is required to be submitted to and approved by Council, prior to commencement of any variations from the approved plans and conditions of consent.

A handwritten signature in black ink, appearing to be 'J. Gordon', written over a horizontal line.

Signature on behalf of consent authority
per/Team Leader
Development Assessment