

PCU069169

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E kmc@kmc.nsw.gov.au

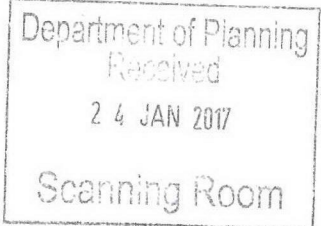
W www.kmc.nsw.gov.au

ABN 86 408 856 411



Sydney North Planning Panel
Attention : Kim Holt - Project Officer
Planning Panels Secretariat
GPO Box 39
SYDNEY NSW 2001

With Compliments



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Contact: Scott McInnes

Ref: MOD0099/16

19 January 2017

Broadstate Group Pty Ltd
c/- GLN Planning
GPO Box 5013
SYDNEY NSW 2001

Dear Sir/Madam

NOTICE OF DETERMINATION OF A SECTION 96 APPLICATION BY THE SYDNEY NORTH PLANNING PANEL

Issued under the Environmental Planning and Assessment Act 1979

Application No.: MOD0099/16
Proposed modification: Modification to JRPP approval DA0173/14 proposing to modify time of payment and Condition 43 relating to S94 contributions
Property: 1189-1197 Pacific Highway & 1-1A Womerah Street
TURRAMURRA NSW 2074

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.

Date of determination: 14/12/2016

Pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, the development consent is now modified as follows:

The following condition No.43 is modified to read as follows:

43. Section 94 Contributions - Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$135,054.73
Local recreation and cultural facilities; Local social facilities	\$232,668.86
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$1,048,247.35
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$707,638.31
Total:	\$2,123,609.25

The contribution shall be paid to Council prior to the issue of the Construction Certificate for the two stages of the development follows:

- (a) 50% of the total amount before the issue of the Construction Certificate 1 for the installation of piling, basement, excavation and retaining walls;
- (b) 50% of the total amount before the issue of the Construction Certificate 2 for above ground works.

The contributions specified above are as at the September 2015 quarter and are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

Reasons for conditions

To safeguard the amenity of the locality.

Those conditions attached to the original consent for the above Development Application No.DA0173/14, that are unaffected by the modifications listed in the above notice, still apply.

Right of appeal

If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date on which you receive this Notice.

Right of review

If you are dissatisfied with this decision, Section 96AB of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination. A determination cannot be reviewed after 28 Days of the date of determination of this application. 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, integrated development, or development that was determined by a regional panel.

Advisory Notes

- (a) Council is always prepared to discuss decisions, and in this regard please do not hesitate to contact Scott McInnes 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 96 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 109(1)(b) of the Environmental Planning and Assessment Act 1979 in respect of the modifications approved pursuant to Section 96 of the Act.

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

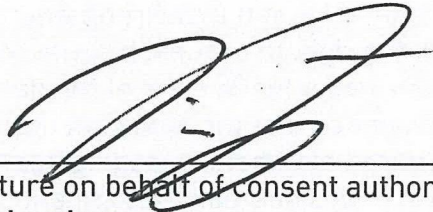
All building work must be carried out fully in accordance with the conditions of the development consent and it is an offence to carry out unauthorised building work that is not in accordance with the development consent.

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 96 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, consisting of a large, stylized 'B' followed by a horizontal line and a small 'J'.

Signature on behalf of consent authority
Team Leader
Development Assessment

cc: Broadstate Investments Group Pty Ltd (owners)
Attention : Mr J Cui
Level 38, 259 George Street
SYDNEY NSW 2000