

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E [kmc@kmc.nsw.gov.au](mailto:kmc@kmc.nsw.gov.au)

W [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)

ABN 86 408 856 411



Contact: Bonnie Yue

Ref: MOD0117/20

11 November 2020

Coles Group Property Developments Ltd  
Vendor Number: 7017713  
c/- Andrew La Martina  
Level 2/6 Giffnock Avenue  
MACQUARIE PARK NSW 2113

Dear Sir

**NOTICE OF DETERMINATION OF A  
SECTION 4.56 APPLICATION  
BY THE SYDNEY NORTH PLANNING PANEL**

Issued under the Environmental Planning and Assessment Act 1979

<b>Application No.:</b>	MOD0117/20
<b>Proposed modification:</b>	Modification to Land & Environment Court Consent Proceedings 391613 of 2018 (DA0197/18) proposing amendments to conditions to accommodate the staged construction process
<b>Property:</b>	376-384 Pacific Highway & 386-390 Pacific Highway and 1 Balfour Street LINDFIELD NSW 2070

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:** 29/10/2020

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, the development consent is now modified as follows:

**The following conditions are modified to read as follows:**

**1. Approved architectural plans and documentation (s.4.56)**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
<i>Architectural Plans</i>		
DA-00-01 Revision DA4	Christiansen Obrien Architects	4/07/2019
DA-01-02 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-03 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-04 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-05 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-06 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-07 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-08 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-01-09 Revision DA3	Christiansen Obrien Architects	31/05/2019
DA-01-10 Revision DA3	Christiansen Obrien Architects	5/07/2019
DA-02-1 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-02-2 Revision DA5	Christiansen Obrien Architects	4/07/2019
DA-02-3 Revision DA5	Christiansen Obrien Architects	5/07/2019
DA-03-1 Revision DA4	Christiansen Obrien Architects	5/07/2019
DA-03-2 Revision DA3	Christiansen Obrien Architects	5/07/2019
DA-03-3 Revision DA2	Christiansen Obrien Architects	5/07/2019
DA-04-1 Revision DA1	Christiansen Obrien Architects	29/01/2019
DA-04-2 Revision DA1	Christiansen Obrien Architects	29/01/2019
DA-04-3 Revision DA1	Christiansen Obrien Architects	29/01/2019
DA-04-4 Revision DA1	Christiansen Obrien Architects	29/01/2019
DA-04-5 Revision DA1	Christiansen Obrien Architects	29/01/2019
DA-04-6 Revision DA2	Christiansen Obrien Architects	5/07/2019
DM-01 Revision DA1	Christiansen Obrien Architects	18/05/2018
SK-IMG-01 Revision DA2	Christiansen Obrien Architects	5/07/2019
SK-IMG-02 Revision DA2	Christiansen Obrien Architects	5/07/2019
SK-IMG-03 Revision DA2	Christiansen Obrien Architects	5/07/2019
SK-IMG-04 Revision DA2	Christiansen Obrien Architects	5/07/2019
SK-IMG-05 Revision DA2	Christiansen Obrien Architects	5/07/2019
<i>Subdivision Plan</i>		
PS01 Revision B	Trehy Ingold Neate	25/05/2018
<i>Staging Plans</i>		
ST-01-A Revision DA2	Christiansen Obrien Architects	29/01/2019
ST-01-B Revision DA2	Christiansen Obrien Architects	29/01/2019
ST-02 Revision DA2	Christiansen Obrien Architects	29/01/2019
<i>Landscape Plans</i>		
Existing Vegetation Management and Tree Survey	Conzept Landscape Architects	4/07/2019
LPDA 18-154 Page L101 Revision I	Conzept Landscape Architects	7/06/2019
LPDA 18-154 Page L102 Revision I	Conzept Landscape Architects	4/07/2019
LPDA 18-154 Page L103 Revision H	Conzept Landscape Architects	7/06/2019
LPDA 18-154 Page L104 Revision H	Conzept Landscape Architects	4/07/2019
LPDA 18-154 Page L105 Revision H	Conzept Landscape Architects	4/07/2019
LPDA 18-154 Page L106 Revision F	Conzept Landscape Architects	4/07/2019
LPDA 18-154 Page L108 Revision E	Conzept Landscape Architects	24/06/2019
LPDA 18-154 Page L109 Revision C	Conzept Landscape Architects	24/06/2019
LPDA 18-154 Page L110 Revision D	Conzept Landscape Architects	4/07/2019
<i>Civil Drawings</i>		
14888_DA_C000 Revision 05	Henry & Hymas	28/05/2019
14888_DA_C100 Revision 12	Henry & Hymas	23/01/2019
14888_DA_C110 Revision 07	Henry & Hymas	7/06/2019
14888_DA_C111 Revision 09	Henry & Hymas	3/07/2019

14888_DA_C112 Revision 06	Henry & Hymas	3/07/2019
14888_DA_C200 Revision 05	Henry & Hymas	11/01/2019
14888_DA_C201 Revision 05	Henry & Hymas	24/01/2019
14888_DA_C250 Revision 07	Henry & Hymas	11/06/2019
14888_DA_C500 Revision 08	Henry & Hymas	29/05/2019
14888_DA_SE01 Revision 06	Henry & Hymas	30/01/2019
14888_DA_SE02 Revision 04	Henry & Hymas	11/01/2019
14888_DA_SE03 Revision 01	Henry & Hymas	11/01/2019
14888_DA_BE01 Revision 05	Henry & Hymas	30/01/2019

<b>Document(s)</b>	<b>Dated</b>
Accessibility Assessment Report prepared by City Plan Revision 05	21/01/2019
Wind Impact Assessment prepared by Vipac Engineers and Scientists	29/10/2018
Coles Supermarket Lindfield - Residential Component - Acoustic Assessment for DA prepared by Renzo Tonin & Associates Report Revision 4	1/02/2019
Coles Lindfield - Supermarket Component - Acoustic Assessment for DA prepared by Renzo Tonin & Associates Report Revision 2	23/01/2018
Basix certificate No. 755527M_04	8/07/2019
Nathers Certificate No. 0004005920	8/07/2019
Coles Lindfield Supermarket Operations Management Plan	30/04/2018
Development Application Report for Building Services Revision C	29/01/2019
Ausgrid letter	31/07/2018
Roads and Maritime Services letter reference SYD18/00918/04 (A26045482)	6/03/2019
Design Verification Statement prepared by Neil Christiansen of Christiansen Obrien Architects	10/07/2019
Apartment Design Guide - Compliance Assessment prepared by Christiansen O'Brien Revision DA4	31/05/2019
Air Quality Assessment prepared by Pacific Environment	8/05/2018
ESD and Green Star Strategy Report Revision B prepared by Donnelley Simpson Cleary	24/05/2018
Letter from Geo-Logix to Howard Hathorn regarding satisfaction of SEPP 55 requirements	14/05/2018
Phase 1 Environment Site Assessment Report prepared by Geo-Logix Revision V02	21/03/2017
Geotechnical Advice for Proposed Mixed Use Redevelopment of Existing Supermarket Site prepared by Geo-Logix - including Attachment A - Geotechnical Investigation prepared by JK Geotechnics dated 9/12/2014	21/03/2017
Conservation Management Strategy prepared by City Plan Revision 02	13/12/2018
Waste Management Statement prepared by Christiansen Obrien Architects Revision C	July 2019
Engineering Report - Commercial Development prepared by Henry & Hymas (not including Appendix C)	January 2019

Except where amended by the s4.56 document endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

<b>Section 4.56 Document</b>	<b>Dated</b>
Geo-Logix Letter prepared by Geo-Logix Pty Ltd	21 July 2020

**Reason:** To ensure that the development is in accordance with the Development Consent.

## **15. Archival recording of buildings (heritage items)**

Prior to the commencement of Stage 02 works on site, the Principal Certifier shall be satisfied that an archival report has been completed and submitted to Council's Heritage Advisor for 386-390 Pacific Highway Lindfield (Churchers Restaurant).

The report must be a bound A4 report, prepared by a recognised NSW Heritage Office heritage consultant and must contain the following minimum requirements:

- title page
- statement of reasons the recording was made
- outline history of the item (including title records, subdivision plans, water and sewerage plans and any archival documents such as family records, old photographs, etc)
- statement of a heritage significance (to accepted Heritage Council criteria)
- specialised reports such as heritage assessments, dilapidation report, and builders or engineers reports
- location plan showing relationship of site to nearby area
- site plan to scale (1:200 - 1:500) showing all structures and site elements
- measured drawing including site survey, floor plans, all elevations, roof plan and one cross section (1:00)
- drawings of specific interiors or details nominated by Council's Heritage Advisor
- room inventories noting materials, profile of nominated decorative elements (1:2) and nominated by Council's Heritage Advisor
- archival quality colour photographs, contact prints, and selected prints (one copy of contact sheets and selected prints)
- digital images and archival quality DVD, CD or USB may be submitted as supplementary information.

All photographs in the report are to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following must form part of the archival report:

- each elevation
- each interior room
- photographs of specific details nominated by Council's Heritage Advisor
- all structures on site, such as sheds, outhouses and significant landscape features
- several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings

**Note:** Two copies of the report must be submitted to Council's Heritage Advisor. A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to the commencement of any works.

**Reason:** To ensure the preservation and proper management of historical artefacts through comprehensive historical recording prior to any alteration being undertaken.

## **16. Dilapidation survey and report (private property)**

Prior to the commencement of each of the following stages:

1. Stage 01 works (01-A and 01-B)
2. Stage 02 works

the Applicant must obtain a dilapidation report on the identified private property/ies below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of relevant structures on the following properties has been completed and submitted to Council:

Address:

- 2-4 Highfield Road (southern side of the main school building)
- 2-4 Highfield Road (existing structures within the playground including retaining structures and COLA)
- 402 Pacific Highway
- 406 Pacific Highway

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

## **22. Noise and vibration management plan**

Prior to the commencement of Stage 01 (01-A and 01-B) and Stage 02 works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifier, relating to the relevant stage only. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters, where relevant to each stage of the development only:

- i. identification of the specific activities that will be carried out and associated noise sources
- ii. identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- iii. the construction noise objective specified in the conditions of this consent
- iv. the construction vibration criteria specified in the conditions of this consent
- v. determination of appropriate noise and vibration objectives for each identified sensitive receiver
- vi. noise and vibration monitoring, reporting and response procedures
- vii. assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- viii. description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- ix. construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- x. procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- xi. contingency plans to be implemented in the event of non-compliances and/or noise complaints

**Reason:** To protect the amenity afforded to surrounding residents during the construction process.

### **23. Support for Council roads, footpaths, drainage reserves**

Council property adjoining the construction site must be fully supported at all times during all demolition, excavation or building works, associated with the relevant stage only. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer and/or geotechnical engineer, must be submitted to and approved by the Principal Certifier, before the commencement of any works. A copy of these details must also be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

### **24. SEPP 55 'Remediation of Land' investigation requirements**

In accordance with the Geo-Logix letters, dated 14/05/2018 and 21/07/2020, and the staging plans referred to in condition 1 of the development consent, prior to the issue of a construction certificate for Stage 01-A and 01B (new Balfour Lane) the following must occur:

- i. Detailed Site Investigation (DSI) comprising soil, groundwater and soil vapour testing in relation to Stage 01; and
- ii. Preparation of a Remedial Action Plan for Stage 01 if required;

Prior to the issue of a Subdivision Certificate for the approved subdivision (new Balfour Lane) the following must occur:

- iii. Remediation and Validation if required to confirm the Stage 1 area shown on the approved staging plan drawings Nos ST-01-A and ST-01-B as suitable for redevelopment.

Prior to the issue of any Construction Certificate for Stage 02 (Mixed use development) the following must occur:

- i. Detailed Site Investigation (DSI) comprising soil, groundwater and soil vapour testing in relation to Stage 02;
- ii. Preparation of a Remedial Action Plan for Stage 02 if required; and
- iii. Remediation and Validation if required to confirm the Stage 02 (Mixed use development) area shown on the approved staging plan drawing No. ST-02 as suitable for redevelopment.

A Certifier must not issue a Construction Certificate unless they have received advice from a land contamination expert that the requirements of this condition have been satisfied.

A consent authority must not issue a Subdivision Certificate unless they have received advice from a land contamination expert that the requirements of this condition have been satisfied.

For the avoidance of any doubt, nothing in this condition requires any Construction Certificate prior to the commencement of:

- i. demolition;
- ii. site clearing;
- iii. hoarding;
- iv. fencing; and
- v. excavation and other work that is for the purposes of investigation, remediation or validation .

**Reason:** To ensure compliance with SEPP 55.

#### **46. Ausgrid requirements**

Prior to issue of any Construction Certificate for each stage of the development (i.e. Stage 01-A and 01-B and Stage 02), Ausgrid must be contacted regarding power supply only relative to each individual stage, for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier prior to issue of any Construction Certificate for the relevant stage only.

Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate (for the relevant stage only), to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to issue of a Subdivision Certificate (for Stage 01-A and 01-B) and an Occupation Certificate (for Stage 02).

**Reason:** To ensure compliance with the requirements of Ausgrid.

#### 54. Infrastructure damage security bond and inspection fee

To ensure that any damage to Council property as a result of construction activity is rectified in a timely matter:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council for each stage of the development (i.e. Stage 01-A & 01-B and Stage 02) by the applicant prior to both the issue of the Construction Certificate for that stage and the commencement of any earthworks or construction. The fee will be determined on the construction works relevant to each stage of the development.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** (i) Upon completion of Stage 01-A & 01-B works and receipt of a Subdivision Certificate for the approved subdivision, Council will undertake an inspection of Council's Infrastructure and release the Stage 01-A & 01-B bond if no damage is found. (ii) Upon receipt of the Occupation Certificate for Stage 02 Council will undertake an inspection of Council's Infrastructure and release the Stage 02 bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by



Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **69. Tree planting on nature strip**

Prior to the issue of the Subdivision Certificate for Stage 01-B the following species shall be planted, at no cost to Council, in the nature strip fronting the property along Balfour Street. The tree/s used shall be a minimum 25 litres and massed planting 200mm container size specimen/s:

<b>Tree/species</b>	<b>Quantity</b>	<b>Location</b>
<i>Lagerstroemia indica</i> (Crepe Myrtle) Hot Pink	2	Evenly spaced within Balfour Street road reserve, in front of the neighbouring school property.
<i>Agapanthus</i> 'White' mass planting	5 per m <sup>2</sup>	

**Reason:** To provide appropriate landscaping within the streetscape.

#### **80. Post construction dilapidation report**

A suitably qualified person shall prepare a post construction dilapidation report at the completion of the each of the following stages;

1. Stage 01 works (01-A and 01-B)
2. Stage 02 works

Each report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads

A copy of this report is to be forwarded to Council at the completion of construction works

**Reason:** Management of records.

#### **102. Completion of landscape works**

Prior to the issue of the Subdivision Certificate for the approved subdivision, the Principal Certifier is to be satisfied that all landscape works within the new Balfour Lane, including the removal of all environmental weed species as listed in Council's Weed Management Policy and/or species listed within Council's Development Control Plan, have been undertaken in accordance with the approved plan(s) and conditions of consent.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

## **117. Certification of drainage works**

Prior to issue of the Subdivision Certificate for Stages 01-A and 01-B and the Occupation Certificate for Stage 02, the Principal Certifier is to be satisfied that:

1. The relevant stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Ku-ring-gai Local Centres DCP Part 24 'Water Management' have been achieved. Council's On-Site Detention And Retention Certification sheet shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of the relevant Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

## **118. Works as executed plans for stormwater management and disposal**

Prior to issue of the Subdivision Certificate for Stage 01-A and 01-B and Occupation Certificate for Stage 02, a registered surveyor must provide a works as executed survey of the relevant completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of the relevant Subdivision or Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

**Reason:** To ensure appropriate stormwater management.

## 124. Infrastructure repair

Prior to issue of a Subdivision Certificate for Stage 01-A and 01-B or an Occupation Certificate for Stage 02 of the development and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

**Reason:** To protect public infrastructure.

### Reasons for conditions

To safeguard the amenity of the locality.

Those conditions attached to the original consent for the above Land & Environment Court Consent Proceedings 391613 of 2018 (Development Application No.0197/18), 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 Bonnie Yue 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 4.56 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 4.56 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 4.56 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.*



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Signature on behalf of consent authority

**Team Leader**

**Development Assessment**

cc: Coles Group Property Developments Ltd  
Vendor Number: 7017713 (owners)