

Section 4.55(1) Application to modify Development Consent No. DA2021/2567

Lot 100 DP 1250521, 37-43 Federal Parade, Brookvale
Lot B DP 395193, Federal Parade, Brookvale
Lot 13 DP 568333, 60 Federal Parade, Brookvale

1.0 Introduction

DFP has been commissioned by St Augustine's College to prepare an application under Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify development consent No. DA2021/2567 for demolition works, construction of two carparks and an increase in student numbers at an education establishment in respect of the following two conditions.

Condition 1

The section 4.55(1) application seeks to amend Condition 1 in relation to the Noise and Vibration Impact Assessment referenced in the table to correct an error. It is requested that council:

- (i) delete reference to [Report No. / Page No. / Section No.]: "Noise and Vibration Impact Assessment Project P00054 Rev 006" and [dated]: "05.04.2021"; and
- (ii) insert in its place [Report No. / Page No. / Section No.]: "Noise and Vibration Impact Assessment Project P00054 Rev 006" and [dated]: '05.04.2023'.

to accurately reflect the relevant version of the report on which the Panel and Council made their assessment and determination.

Condition 2

The section 4.55(1) application also seeks to amend Condition 2 in relation to the timeframe within which to commence construction works. The condition, in part, currently reads: "*(a) The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days from the date the consent is granted*".

The date the development consent was granted is 12 May 2023. However, the development consent was issued, via the planning portal, on 29 May 2023. Accordingly, the applicant lost 17 days of the 90 day time period within which to commence works. Noting the intention of the Panel was to provide the applicant with 90 days, and the difficulty with engaging contractors in the current construction market, it is requested that the condition be reworded to provide for the full 90 days.

Accordingly, it is requested that Condition 2 be amended to

- (i) delete the words: "*(a) The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days from the date the consent is granted*" and



- (ii) insert in its place the following: "*(a) The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days from the date the consent is issued via the NSW planning portal*".

The modification addresses minor errors in the development consent and accordingly, is considered to satisfy the requirements under section 4.55(1) of the EP&A Act.

Should you wish to discuss this application please do not hesitate to contact Piers Hemphill from DFP Planning on (02) 9980 6933.

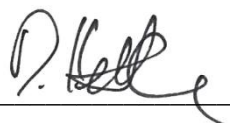
Yours faithfully

DFP PLANNING PTY LTD

A handwritten signature in black ink that reads 'Hemphill' in a cursive style.

**PIERS HEMPHILL
PRINCIPAL PLANNER**

phemphill@dfplanning.com.au

Reviewed:  _____