

Wollongong Local Planning Panel Addendum Report | 1 Aug 2018

WLPP No.	Item No. 2
DA No.	DA-2014/306/A
Proposal	Construction of a new administration building for Sky Dive the Beach, Modification A, modify conditions 3 (1), 8, 10 and 58, remove limitation on number of parachute drops per flight, modify references to past applications to be surrendered and modify requirements for physical display of Operational Plan of Management
Property	Stuart Park, George Hanley Drive, NORTH WOLLONGONG Lot 3 DP 1136814, Reserve D580060
Applicant	Skydive Holdings Pty Ltd
Responsible Team	Development Assessment & Certification - City Centre Team (MJ)

ADDENDUM REPORT

This report has been prepared regarding the notification requirements for the modification of consents issued by the court. As discussed in the background section of the report to the WLPP, this consent was not issued by the Court, it was suspended then un-suspended. Notwithstanding, s4.56 is discussed below for completeness.

Environmental Planning and Assessment Act 1979

4.56 Modification by consent authorities of consents granted by the Court (cf previous s 96AA)

(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment

As discussed in the report to the WLPP, the modified development is substantially the same as the development that was originally granted.

(b) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment

As discussed in the report to the WLPP, the application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser and emails to interested parties from the original application.

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into

consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment

As discussed in the report to the WLPP, the proposed modification has been assessed under section 4.15 (1) Evaluation – Matters for consideration – general. The modification is satisfactory in this respect, subject to the recommended conditions.

(1B) (Repealed)

(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.

Comment

Should the modification application be approved, the consent authority will send a notice of its determination to each person who made a submission in respect of the application for modification.