

86 Dunning Ave Pty Ltd
Suite 706, 97-99 Bathurst Street
SYDNEY NSW 2000

D413/16
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 413/16/10 - APPROVAL**

Development Consent Number: 413/16

Land to which this applies: 84-90 Atchison Street, Crows Nest
Lot No.: 8, SEC: 6, DP: 2872

Applicant: 86 Dunning Ave Pty Ltd

Proposal: Modification of Development Consent DA413/16 for a residential flat building (s.4.56) - Internal modifications to unit configuration

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **413/16** and registered in Council's records as Application No. **413/16/10** relating to the land described as **84-90 Atchison Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **6 July 2018** has been determined in the following manner:

Condition A1 to be amended as follows:

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
3728 S4.56 001	B	Cover Page	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 111	F	Basement 2	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 112	F	Basement 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 113	J	Lower Ground Level	Figgis + Jefferson Tepas Pty Ltd	14/4/2022
3728 S4.56 114	L	Ground Floor	Figgis + Jefferson Tepas Pty Ltd	20/8/2021
3728 S4.56 115	E	Level 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020

3728 S4.56 116	F	Level 2	Figgis + Jefferson Tepas Pty Ltd	15/11/2021
3728 S4.56 117	F	Level 3	Figgis + Jefferson Tepas Pty Ltd	15/11/2021
3728 S4.56 118	E	Level 4	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 119	G	Roof Terrace	Figgis + Jefferson Tepas Pty Ltd	8/4/2020 (sic)
3728 S4.56 200	E	East and North Elevation	Figgis + Jefferson Tepas Pty Ltd	8/4/2020 (sic)
3728 S4.56 201	F	South and West Elevation	Figgis + Jefferson Tepas Pty Ltd	20/8/2021
3728 S4.56 250	C	Material Finishes	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 300	E	Section 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 301	E	Section 2	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 450	C	Typical Façade Details	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 451	C	Typical Balcony Façade Detail	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 452	A	Details	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
000	F	Coversheet	Site Image Landscape Architects	6/8/2020
100	F	Landscape Render	Site Image Landscape Architects	6/8/2020
101	F	Landscape Plan Ground Floor	Site Image Landscape Architects	6/8/2020
102	E	Landscape Plan Fourth Floor	Site Image Landscape Architects	18/6/2020
103	E	Landscape Plan Rooftop	Site Image Landscape Architects	18/6/2020
201	F	Planting Plan Ground Floor	Site Image Landscape Architects	6/8/2020
202	E	Landscape Plan Fourth Floor	Site Image Landscape Architects	18/6/2020
203	E	Landscape Plan Rooftop	Site Image Landscape Architects	18/6/2020
501	E	Landscape Specification and Plant Schedule	Site Image Landscape Architects	18/6/2020
502	E	Landscape Details	Site Image Landscape Architects	18/6/2020

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Reasons for Approval:

The proposed modifications are considered satisfactory, as discussed in this report.

How community views were taken into account:

The proposal was notified and advertised in accordance with s.3.4.3 of the North Sydney Community Engagement Protocol. Five (5) submissions were received. The deletion of the roof level modifications addresses the issues raised in submissions relating to height, privacy, views and overshadowing and the remaining modifications relate to internal reconfiguration and are satisfactory.

The conditions attached to the original consent for Development Application No. **413/16** by endorsed date of **6 July 2018** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **George Youhanna**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that 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 a use **MAY** require the submission of a further modification under Section 4.55 of *the Environmental Planning and Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *the Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

2 August 2022

DATE

Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**

