

Sally Turpin Barbara Burton Pty Ltd  
78 Harris Street  
PYRMONT NSW 2009

D425/11  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
(AS AMENDED)**

**Notice to Applicant of Determination of Request  
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **425/11** and registered in Council's records as Application No. **425/11/4** relating to the land described as **56 Rangers Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 30 January 2012, has been determined in the following manner: -

**Condition A1 to be amended as follows:**

**Development in Accordance with Plans**

A1. The development being carried out in accordance with drawings numbered 02-01A to 00-08A, dated 20/10/11, drawn by Architect Prineas, and received by Council on 21/10/11 and endorsed with Council's approval stamp, as amended by drawing numbered A01 B, dated 30/10/17, drawn by Turpin Burton Chartered Architects, and received by Council on 6 November 2017, except where amended by the following conditions.

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

**Condition A5 to be added as follows:**

**Rumpus approved under DA84/12 not to be used as a dwelling**

A5. This development consent does not authorise or allow in any way or form the rumpus separately approved under DA84/12 to be used as a dwelling. Further, this development consent does not modify DA84/12 to allow a kitchenette or sink in the rumpus.

(Reason: No consent has been sought or granted for use of the rumpus as a dwelling)

**Condition C14 to be amended as follows:**

**Stormwater Management and Disposal Design Plan – Construction issue detail**

C14. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to the kerb in Rangers Road.
- c) Pipelines within the footpath area shall be hot dipped galvanized steel rectangular hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- d) Any footpath panel on Rangers Road disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- e) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

The conditions attached to the original consent for Development Application No. 425/11 by endorsed date of 30 January 2012 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2) (a) of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 of the Environmental Planning & 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 96 of the Environmental Planning & Assessment Act.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature on behalf of consent authority  
GEORGE YOUHANNA  
EXECUTIVE ASSESSMENT OFFICER