

**Original signed by: Robyn Pearson Dated: 15/1/2018**

Platino Properties  
Suite 11/20 Young Street  
NEUTRAL BAY NSW 2089

D214/14  
LD(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. **214/14** and registered in Council's records as Application No. **214/14/4** relating to the land described as **41 Churchill Crescent, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 October 2014, has been determined in the following manner:-

**A. Condition No. C13 is amended as follows:**

**Stormwater Management and Disposal Design Plan – Construction Issue Detail**

- C13. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified hydraulic design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ 3500.3.2003, 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 towards the back of the property to spreader (diffuser) system.
  - c) All redundant stormwater pipelines within the grass area must be removed and the grass and kerb reinstated.
  - d) All sub-soil seepage drainage must be discharged via a suitable silt arrester pit. Sign must be installed adjacent to pit stating "This sediment/ silt arrester pit shall be regularly inspected and cleaned". Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS 3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.

- e) The design and installation of the rainwater reuse system (rainwater tank) must comply with DCP 2013 requirements. Overflow from the rainwater reuse device must be conveyed in a controlled manner by gravity to the stormwater disposal system. Location of the rainwater tank must be suitable for collection of stormwater from all downpipes. Rain water tank must be plumbed to appropriate end uses (toilet flushing, laundry, water features, car washing and garden irrigation) to ensure sufficient use of tank water so that capacity exists to accommodate rain water from storm events.
- f) Prevent any **stormwater egress** into adjacent properties by creating physical barriers and surface drainage interception.

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)

**B. Condition No. C14 – Pump-out System Design is DELETED**

**C. Condition No. G7 – Basement Pump-Out Maintenance is DELETED**

The conditions attached to the original consent for Development Application No. 214/14 by endorsed date of 3 October 2014 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Luke Donovan**. 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.

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)