

Katherine Jane Davies
1 John Street
MCMAHONS POINT NSW 2060

D454/14
ME (CIS)

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

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

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **454/14** and registered in Council's records as Application No. **454/14/2** relating to the land described as **1 John Street, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 June 2015, has been determined in the following manner: -

1. To modify condition A1 of the consent so as to read 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 approved stamp.

Plan No.	Rev.	Title	Drawn by	Dated	Received
DA-01	B	Proposed Site Plan	K Davies & J Harvey Architects	23 March 2015	31 March 2015
DA-02	B	Demolition Plan	K Davies & J Harvey Architects	23 March 2015	31 March 2015
DA-03	B	Ground Floor Plan	K Davies & J Harvey Architects	23 March 2015	31 March 2015
DA-04	C	First Floor Plan	K Davies & J Harvey Architects	23 March 2015	31 March 2015
DA-05	D	North and South Elevations	K Davies & J Harvey Architects	18 April 2015	31 March 2015
DA-06	D	East and West Elevations	K Davies & J Harvey Architects	18 April 2015	31 March 2015
DA-07	B	Sections	K Davies & J Harvey Architects	23 March 2015	31 March 2015
DA-12	A	Landscape Plan	K Davies & J Harvey Architects	23 March 2015	31 March 2015

Amended Plans

Except where amended by the following plans:

Plan no.	Iss.	Title	Drawn by	Dated	Received
S96-01	A	Proposed Site Plan	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-02	A	Demolition Plan	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-03	A	Ground Floor Plan	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-04	A	First Floor Plan	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-05	A	Proposed Elevations: North and South Elevations	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-06	A	Proposed Elevations: East and West Elevations	K Davies & J Harvey Architects	10 Dec 2017	22 Dec 2017
S96-07	A	1:100 Sections	K Davies & J Harvey Architects	10 July 2017	22 Dec 2017

2. To modify condition C12 of the consent so as to read as follows:

Required Infrastructure Works –Roads Act 1993

- C12. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative:

Road Works

- a) Construction of a fully new kerb and gutter is required across the entire site frontage in John Street. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- b) New vehicular crossing.
- c) Construction of a fully new road shoulder (maximum grade 5% down towards new gutter) extending to 600 mm out from the gutter alignment and across the entire development site frontage.

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), to front the site on John Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense: -

- A) Replacement of the existing standard grated gully pit with “Butterfly” (V shaped dish crossing gully grate fronting the subject site in John Street. The pit must be constructed in accordance with Councils “Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works”.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council’s current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

Note: *A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council’s adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council’s Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.*

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

3. To delete condition C13 of the consent.

4. To modify condition C14 of the consent so as to read as follows:

Stormwater Management and Disposal Design Plan – Construct. Issue

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 dwelling must be conveyed in a controlled manner by gravity to Council's kerb in John Street.
- 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 John or any other street disturbed for the purpose of stormwater connection shall be reconstructed as a whole panel.
- e) All civil and drainage works within the road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- f) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.

Details demonstrating compliance are to be submitted with all other drainage details to Council prior to issue of any Construction Certificate.

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)

5. To modify condition G1 of the consent so as to read as follows:

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of the relevant occupation certificate any and all works relating to the development:

- a) In the road reserve must be fully completed; and
- b) To repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality public assets)

6. To modify condition G2 of the consent so as to read as follows:

Certification of Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

7. To modify condition G5 of the consent so as to read as follows:

Landscaping

- G5. a) The landscaping show in the approved site plan numbered S96-01, Revision A, prepared by K Davies & J Harvey Architects, dated 10 December 2017, and received by Council on 22 December 2017, must be completed prior to the issue of Occupation Certificate.

(Reason: To ensure compliance)

The conditions attached to the original consent for Development Application No. 454/14 by endorsed date of 3 June 2015 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Marc Ellwood**. 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. 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 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 Certifying Authority 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 & 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 & Assessment Act.

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)