

Original signed by: Geoff Mossemeneer Dated: 24/5/2018

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NORTH SYDNEY NSW 2060

D459/16
GM(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. **459/16** and registered in Council's records as Application No. **459/16/2** relating to the land described as **288 Military Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 May 2017, has been determined in the following manner:-

To delete conditions C25, G4 and G5 of the consent and insert the following new conditions.

Amendments to the Landscape Plan

C25. The landscape plan must be amended by a suitably qualified and experienced registered landscape Architect as follows:

- Existing street trees are to be retained
- The 2 x *Hymenosporum flavum* located on the SE and SW corners of the site are to be labelled on the Landscape Plan in the legend.
- The 3 x *Banksia integrifolia* located on the NW corner of the site are to be labelled on the Landscape Plan in the legend.
- Groundcover species are to be provided in the garden areas within the Military Road and Winnie Street front and side setbacks beneath the proposed trees and shrubs.
- *Bambusa* species to be specified using a clumping species (not a spreading species).
- A Plant Schedule is to be provided indicating the following pot sizes and numbers:

Groundcovers – Tubestock or 200 mm pot size at minimum 750 mm centres

Shrubs – 45L pot size at 1m centres

Trees on property – 75 L pot size (minimum) in locations shown on plan

- All garden areas are to be mulched to 75 mm depth.
- Water taps to be provided in a minimum of two locations to allow watering of the gardens.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Landscaping

G4. The landscaping shown in drawing numbered DA1000 Revision 01 prepared by Design Inc and received by Council on 23 March 2017 as amended by a suitably qualified and experienced registered Landscape Architect as follows:

- Existing street trees are to be retained
- The 2 x *Hymenosporum flavum* located on the SE and SW corners of the site are to be labelled on the Landscape Plan in the legend.
- The 3 x *Banksia integrifolia* located on the NW corner of the site are to be labelled on the Landscape Plan in the legend.
- Groundcover species are to be provided in the garden areas within the Military Road and Winnie Street front and side setbacks beneath the proposed trees and shrubs.
- *Bambusa* species to be specified using a clumping species (not a spreading species).
- A Plant Schedule is to be provided indicating the following pot sizes and numbers:

Groundcovers – Tubestock or 200 mm pot size at minimum 750 mm centres

Shrubs – 45L pot size at 1m centres

Trees on property – 75 L pot size (minimum) in locations shown on plan

- All garden areas are to be mulched to 75 mm depth.
- Water taps to be provided in a minimum of two locations to allow watering of the gardens.

must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

The conditions attached to the original consent for Development Application No.459/16 by endorsed date of 3 May 2017 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 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
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER