

Department of Education
 C/- Urbis Pty Ltd
 Level 23, Darling Park
 Tower 2, 201 Sussex Street
 SYDNEY NSW 2000

D214/17
 KRR (CIS)

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

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

On 6 June 2018, the Sydney North Planning Panel, as the consent authority, approved SNPP 2018SNH010 - North Sydney Application No. 214/17/2.

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. **214/17** and registered in Council's records as Application No. **214/17/2** relating to the land described as **149 West Street, Crows Nest**.

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

1. To amend Condition A1 and B5, as follows: -

A. Conditions that Identify Approved Plans (Section 4.55 Amendments)

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	Dated	Title	Drawn by	Received
AR.DA.0000	C D	9 June 2017 9 February 2018	Cover sheet, Location Diagram/ Drawing List	TKD Architects	23 June 2017 21 February 2018
AR.DA.1000	D	8 August 2017	Existing and Demolition Site Plan	TKD Architects	16 August 2017
AR.DA.1001	D E	8 August 2017 9 February 2018	Proposed Site Plan	TKD Architects	16 August 2017 21 February 2018

AR.DA.1002	€ D	9 June 2017 9 February 2018	Site Analysis	TKD Architects	23 June 2017 21 February 2018
AR.DA.1101	C	9 June 2017	Ground Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1102	C	9 June 2017	First Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1103	C	9 June 2017	Second Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.1104	C	9 June 2017	Third Floor Demolition Plan	TKD Architects	23 June 2017
AR.DA.2001	Đ E	8 August 2017 9 February 2018	Proposed Ground Floor Plan	TKD Architects	16 August 2017 21 February 2018
AR.DA.2002	€ D	9 June 2017 9 February 2018	Proposed First Floor Plan	TKD Architects	23 June 2017 21 February 2018
AR.DA.2003	€ D	9 June 2017 9 February 2018	Proposed Second Floor Plan	TKD Architects	23 June 2017 21 February 2018
AR.DA.2004	€ D	9 June 2017 9 February 2018	Proposed Third Floor Plan	TKD Architects	23 June 2017 21 February 2018
AR.DA.2005	C	9 June 2017	Proposed Roof Plan	TKD Architects	23 June 2017
AR.DA.3001	Đ E	8 August 2017 9 February 2018	Elevations sheet 01	TKD Architects	16 August 2017 21 February 2018
AR.DA.3002	A B	8 August 2017 9 February 2018	External Signage Details	TKD Architects	16 August 2017 21 February 2018
AR.DA.3101	€ D	9 June 2017 25 January 2018	Sections Sheet 01	TKD Architects	23 June 2017 21 February 2018
AR.DA.3102		November 2016	Sections Sheet 02	TKD Architects	23 June 2017
AR.DA.4001	Đ E	8 August 2017 9 February 2018	3D Perspectives	TKD Architects	16 August 2017 21 February 2018
L-0002	C	08 September 2017	Materials and Plant Schedule Sheet 1 of 1	Context	02 November 2017
L-4001	B	08 September 2017	Planting Plans Sheet 1 of 7	Context	02 November 2017
L-4002	B	08 September 2017	Planting Plans Sheet 2 of 7	Context	02 November 2017
L-4003	B	08 September 2017	Planting Plans Sheet 3 of 7	Context	02 November 2017
L-4004	B	08 September 2017	Planting Plans Sheet 4 of 7	Context	02 November 2017

L-4005	B	08 September 2017	Planting Plans Sheet 5 of 7	Context	02 November 2017
L-4006	B	08 September 2017	Planting Plans Sheet 6 of 7	Context	02 November 2017
L-4007	B	08 September 2017	Planting Plans Sheet 7 of 7	Context	02 November 2017

In the case of an inconsistency between the plans above, the plan with the later date prevails to the extent of the inconsistency. In the event of an inconsistency between the plans and a condition of this consent, the condition of consent prevails to the extent of the inconsistency.

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

(Condition Modified under DA214/17/2)

Dilapidation Report

B5. The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site and the internal and external structural condition and applied finishes (including walls ceilings and floors) of the following properties:

- *153A Ernest Street, Crows Nest*
- *155 Ernest Street, Crows Nest*
- *157 Ernest Street, Crows Nest*
- *159 Ernest Street, Crows Nest*
- *161 Ernest Street, Crows Nest*
- *360 Miller Street, Crows Nest*
- *352 Miller Street, Crows Nest*
- *350 Miller Street, Crows Nest*
- *346 Miller Street, Crows Nest*
- *11 Rodborough Avenue, Crows Nest*

Reasonable attempts to gain access to these listed properties is to be made by the applicant. Where access is not granted, the attempts made to gain access are to be documented in the form of a statutory declaration in the Construction Documentation and submitted to Council.

Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure and private property caused as a result of the works.

The developer may be held liable to damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure **or private property** damaged as a result of the works. A copy of the dilapidation **reports** must be lodged with North Sydney Council prior to the commencement of works.

(Reason: To record the condition of public infrastructure and **nominated private property** prior to the commencement of construction)

(Condition Modified under DA214/17/2)

2. To delete Condition C31: -

Illumination of Signage

~~C31. The approved signage shall not be illuminated.~~

~~(Reason: To minimise impact upon neighbours)~~

(Condition deleted under DA214/17/2)

2. To insert new Conditions H3, H4 and H5:-

Hours of Illumination

H3. All illuminated signs approved by this consent must cease illumination between the hours of 11.00pm and 7.00am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

(Condition Inserted under DA214/17/2)

Signage Illumination Intensity

H4. The illuminated West Street sign must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

(a) The signage illumination must not flash.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

(Condition Inserted under DA214/17/2)

Light Spill Control and Acoustic Treatments to Hall

- H5. 1. The roller blinds on the fixed solid glozed windows of the eastern elevation of the hall will be operated on an automatic timer which will operate the same as the timed louvers.
2. The glazing of the fixed solid windows on the eastern elevation of the hall will have a minimum acoustic rating of Rw36

(Reason: To ensure the provision of acoustical and light spill treatments to the eastern side glazed windows to the hall)

(Condition Inserted under DA214/17/2)

The conditions attached to the original consent for Development Application No. 214/17 by endorsed date of 6 June 2018 still apply.

ADVISINGS

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

- (c) 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 and Assessment Act, 1979.

DATE

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