

Parkview Constructions Pty Ltd
Level 6, 235 Pyrmont Street
PYRMONT NSW 2009

D239/13
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. **239/13** and registered in Council's records as Application No. **239/13/7** relating to the land described as **144-154 Pacific Highway and 18 Berry Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 December 2013, has been determined in the following manner: -

To delete condition C43, C44, E21, G11 and G12 of the consent and insert the following new conditions, namely:

Approval for removal of Trees

C44. The following trees are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
London Plane Tree	growing in the footpath outside the Berry Street frontage of the property	18 metres
London Plane Tree	Growing in the footpath outside the Pacific Hwy Frontage of the property	25 metres

(Reason: Protection of existing environmental and community assets)

Required Tree Planting

G12. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's footpath to Council specifications:

Schedule

Tree Species	Location	Pot Size
4 x London Plane Trees (<i>Platanus x Hybrida</i>)	<p>Berry Street 1 tree planted 6 metres to the east of the driveway 1 tree planted 11 metres to the west of the driveway</p> <p>Pacific Highway 1 tree planted 6 metres to the north of the corner (similar location to removed tree) 1 tree planted 26 metres to the north of the corner</p>	200 litre

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provide to enhance community landscaped amenity and cultural assets)

The conditions attached to the original consent for Development Application No. 239/13 by endorsed date of 7 December 2013 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