

Original signed by	David Hoy	on	21/9/18
Date determined			12/9/18
Date operates			14/9/18
Date lapses			14/9/23

Development Consent No. 197/18

Notice of Determination

Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”)
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)

Applicant’s Name

Cassins Pty Ltd

Land to which this applies

1 Cassins Avenue, North Sydney
Lot No.: 26, SP: 91455 and Lot No.: 21, SP: 87232

Proposal

Strata Plan of subdivision not involving common property

Determination of Development Application

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

Reason for approval

The development application has been assessed against *North Sydney Local Environmental Plan 2013*.

The site is subject to existing use rights. The application seeks consent to swap a storage area measuring 29m² located in the basement from Lot 21 to Lot 26. The application does not propose any physical works, changes to the existing use or changes to hours of operation. The proposed strata subdivision has no external impacts.

Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the proposed subdivision will not have any unreasonable environmental impacts. The application is considered to be satisfactory.

Date from which this Consent operates

14 September 2018

How were community views taken into account in making the decision

Section 4.4.9 of *NSDCP 2013* does not require the notification of application which Council determines will have no material impact on adjoining properties.

The application does not propose any physical works, changes to the existing use or changes to hours of operation. The proposed strata subdivision has no external impacts.

The application satisfies Section 4.4.9 within NSDCP 2013 and has not been notified. Further, no submissions have been received during the course of the assessment. Standard conditions can adequately address any potential, unreasonable adverse impacts to the locality and ensure the protection of the public interest.

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from 14 September 2018. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To enjoy the benefits of this consent, works must physically commence onsite by 14 September 2023.

Review of determination and right of appeal

Within 6 months after the date of determination, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

Plans endorsed by the consent authority

Plan No.	Issue	Title	Drawn by	Received
1701439A sheet 1	-	SP	John A. Watson	28 June 2018
1701439A sheet 2	-	SP	John A. Watson	28 June 2018
DA 1.00	A	Site plan	Design studio group	28 June 2018
DA 1.01	A	Proposed level 1 basement floor plan	Design studio group	28 June 2018
DA 2.01	A	Section A-A, elevations	Design studio group	28 June 2018

Endorsed for and on behalf of North Sydney Council

DAVID HOY
TEAM LEADER (ASSESSMENTS)

14 September 2018
Date of Endorsement

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.15 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

PCA means the *Principal Certifying Authority* under the *Act*.

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

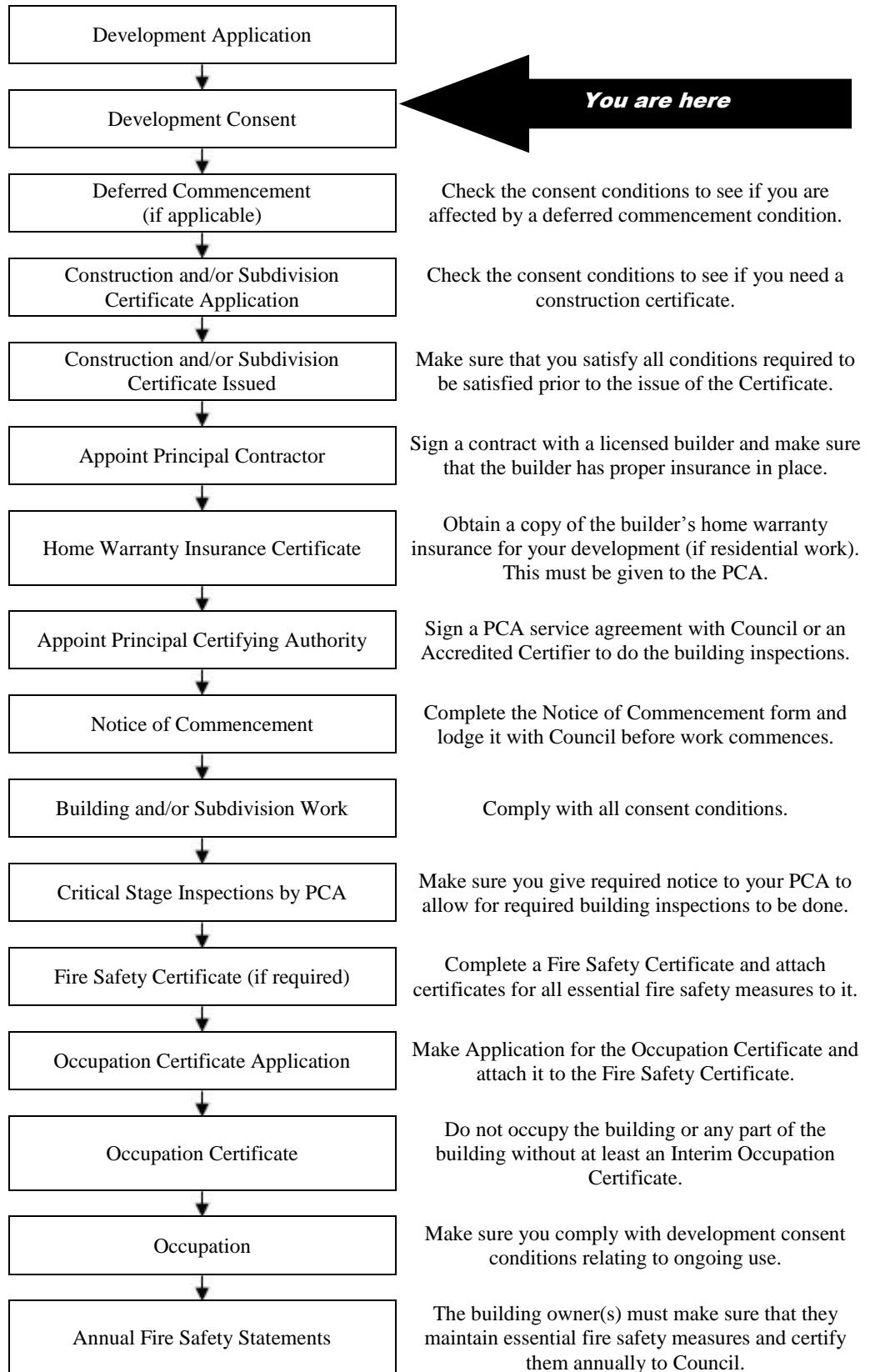
NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

(iii) The general steps after obtaining development consent from Council which need to be followed is provided below: -



Note: This guide is provided in good faith to assist applicants to understand the broad process. Not every statutory step may apply or has been covered given that each situation may vary in individual circumstances.

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A. *Conditions that Identify Approved Plans*

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 approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
1701439A sheet 1	-	SP	John A. Watson	28 June 2018
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DA 2.01	A	Section A-A, elevations	Design studio group	28 June 2018

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

F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation*

Appointment of a Principal Certifying Authority (PCA)

- F1. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

K. *Prior to the Issue of any Strata Certificate*

Registered Plans (Strata)

- K1. The applicant must submit to Council's documentary evidence that the Strata Plan has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

(Reason: To ensure that the allotments of land are created prior to the commencement of the approved use.)

Building and Unit Numbering (Strata Subdivisions)

- K2. Prior to issue of the Strata Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address and unit numbers for the building and the approved strata allotments within the completed project. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

To assist Council, a draft proposal for numbering within the strata scheme or street should be submitted for concurrence to Council, as these numbers will be used to maintain Council's property and mapping database.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's Property Addressing Policy. Proper building and unit numbering also assists emergency services in readily locating properties)