

Original signed by Robyn Pearson on 6/11/2018

Date determined 2/11/2018

Date operates 6/11/2018

Date lapses 6/11/2023

Development Consent No. 218/18

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

Cheuk Ngai Yau

Land to which this applies

35 Churchill Crescent, Cammeray
Lot No. 77, DP 19754

Proposal

Use of the existing building as an attached dual occupancy.

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 the North Sydney Local Environmental Plan 2013, the North Sydney Development Control Plan 2013 and the relevant State Planning Policies and found to be satisfactory in the site circumstances.

The subject site is zoned R2 (Low Density Residential) where attached dual occupancies are permissible form of development with consent of Council. The proposal accords with NSLEP expectations relating to dual occupancies, and there would be no adverse impacts on the amenity of any neighbour or the streetscape as a result of permitting the ongoing use of the property as an attached dual occupancy.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979 the application is considered to be satisfactory and is therefore recommended for **approval** subject to conditions of consent.

Date from which this Consent operates

6 November 2018

How were community views taken into account in making the decision

The proposal was notified and advertised in accordance with Part A, Section 4 *Notification of Applications* of North Sydney DCP 2013. No submissions were received.

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from 6 November 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 6 November 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

Drawing Number	Revision	Title	Drawn by	Dated
EX00	P2	Location Plan	BN, Christiansen O'Brien Architects	12/09/2018
EX01	P1	Upper Ground Floor Plan	BN, Christiansen O'Brien Architects	29/06/2018
EX02	P1	Lower Ground 1 Floor Plan	BN, Christiansen O'Brien Architects	29/06/2018
EX03	P1	Lower Ground Floor 2 Plan	BN, Christiansen O'Brien Architects	29/06/2018
EX04	P1	Sub Floor Plan	BN, Christiansen O'Brien Architects	29/06/2018
EX05	P1	Roof Plan	BN, Christiansen O'Brien Architects	29/06/2018
EX06	P2	Northern and Eastern Elevations	BN, Christiansen O'Brien Architects	12/09/2018
EX07	P2	Southern and Western Elevations	BN, Christiansen O'Brien Architects	12/09/2018
EX08	P2	Section A Section B	BN, Christiansen O'Brien Architects	12/09/2018
FS01	P1	Finishes and Colours	BN, Christiansen O'Brien Architects	29/06/2018

Endorsed for and on behalf of North Sydney Council

ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)

6 November 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*

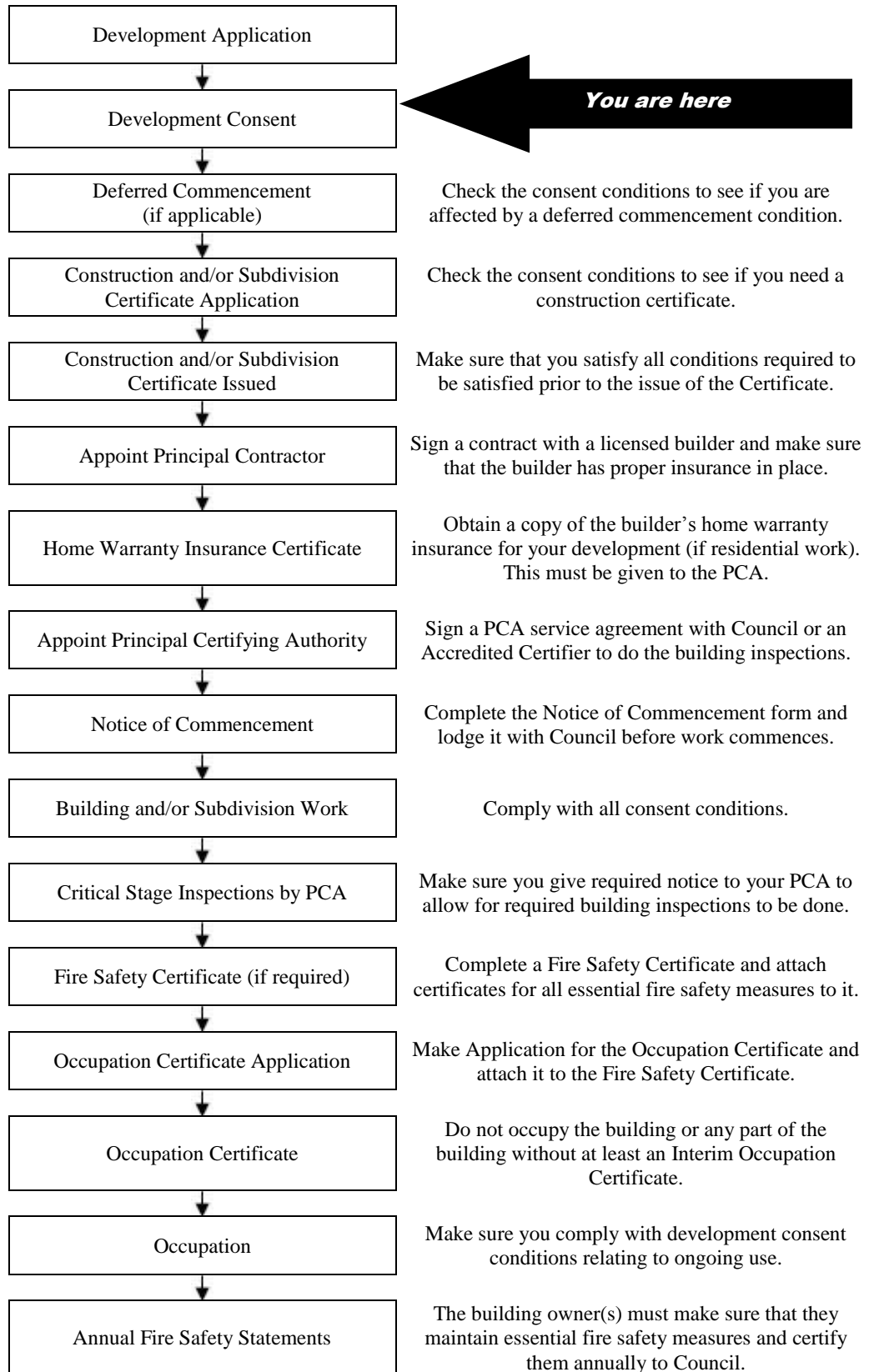
NSDCP 2013 means *North Sydney Development Control Plan 2013*

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.

Drawing Number	Revision	Title	Drawn by	Dated
EX00	P2	Location Plan	BN, Christiansen O'Brien Architects	12/09/2018
EX01	P1	Upper Ground Floor Plan	BN, Christiansen O'Brien Architects	29/06/2018
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(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

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

No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

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

National Construction Code

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

G. Within 60 days of the granting of this consent

Infrastructure Repair and Completion of Works

G1. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Section 94 Contribution Plan for the public amenities/services detailed in Column A below and, for the amount detailed in Column B below, must be paid to Council.

A	B (\$)
Administration	68.24
Child Care Facilities	309.77
Community Centres	118.19
Library Acquisition	57.80
Library Premises & Equipment	178.75
Multi Purpose Indoor Sports Facility	48.81
Olympic Pool	158.98
Open Space Acquisition	1,948.31
Open Space Increased Capacity	3,861.89
Public Domain Improvements	152.65
Traffic Improvements	187.39
The total contribution is	\$ 7,090.78

The contribution MUST BE paid within 60 days of the determination date of this development application.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Compliance with Certain Conditions

G2. Within 60 days of the granting of this consent, Condition F1 (NCC), including all necessary fire safety upgrades as identified in the BCA/NCC Compliance Statement dated 21 August 2018 (updated version referring to three storey building) prepared by Vic Lilli & Partners, must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)