

Development Consent No. 413/16

Section 4.56 Application

Applicant's Name

Bureau of Urban Architecture

Land to which this applies

84-90 Atchison Street, Crows Nest
Lot No.: 8, DP: 2872

Proposal

Modification of Development Consent DA413/16 for a residential flat building.

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **413/16** and registered in Council's records as Application No. **413/16/2** relating to the land described as **84-90 Atchison Street, Crows Nest**.

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

Conditions A1, A4, C37 and C39 to be amended as follows:

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
A002	7	Location Plan	Bureau of Urban Architecture	31/7/2018
A002.1	7	Landscape Plan	Bureau of Urban Architecture	31/7/2018
A006	9	Basement -3	Bureau of Urban Architecture	31/7/2018
A007	9	Basement -2	Bureau of Urban Architecture	31/7/2018
A008	9	Basement -1	Bureau of Urban Architecture	31/7/2018
A009	9	Lower Ground Level	Bureau of Urban Architecture	31/7/2018
A010	9	Ground Level	Bureau of Urban Architecture	31/7/2018

A011	9	Level 01	Bureau of Urban Architecture	31/7/2018
A012	9	Level 02	Bureau of Urban Architecture	31/7/2018
A013	9	Level 03	Bureau of Urban Architecture	31/7/2018
A014	9	Level 04	Bureau of Urban Architecture	31/7/2018
A016	8	Roof Plan	Bureau of Urban Architecture	31/7/2018
A150	7	Unit Type 1A	Bureau of Urban Architecture	31/7/2018
A151	7	Unit Type 2A	Bureau of Urban Architecture	31/7/2018
A152	7	Unit Type 2B	Bureau of Urban Architecture	31/7/2018
A153	7	Unit Type 2C	Bureau of Urban Architecture	31/7/2018
A153.1	7	Unit Type 2C-Post-Adaptable	Bureau of Urban Architecture	31/7/2018
A154	7	Unit Type 2D	Bureau of Urban Architecture	31/7/2018
A155	7	Unit Type 2E	Bureau of Urban Architecture	31/7/2018
A156	7	Unit Type 2F	Bureau of Urban Architecture	31/7/2018
A157	7	Unit Type 3A	Bureau of Urban Architecture	31/7/2018
A158	7	Unit Type 3B	Bureau of Urban Architecture	31/7/2018
A200	7	North + South Elevations	Bureau of Urban Architecture	31/7/2018
A201	7	East + West Elevations	Bureau of Urban Architecture	31/7/2018
A250	7	Materials + Finishes	Bureau of Urban Architecture	31/7/2018
A300	7	East-West section	Bureau of Urban Architecture	31/7/2018
A301	7	North-South Section	Bureau of Urban Architecture	31/7/2018
A302	7	North-South Section	Bureau of Urban Architecture	31/7/2018
A303	7	North-South Through Core	Bureau of Urban Architecture	31/7/2018
A304	7	East-West Section-Context	Bureau of Urban Architecture	31/7/2018
A310	7	Typical Façade Details	Bureau of Urban Architecture	31/7/2018
A311	7	Typical Façade Details 3D	Bureau of Urban Architecture	31/7/2018
A312	7	Typical Balcony Façade Details	Bureau of Urban Architecture	31/7/2018
A313	7	Typical Balcony Façade Details 3D	Bureau of Urban Architecture	31/7/2018
A314	3	Lobby Detail	Bureau of Urban Architecture	31/7/2018
A315	3	N/S Section-Solar Access	Bureau of Urban Architecture	31/7/2018
A316	3	Screen Detail	Bureau of Urban Architecture	31/7/2018
A317	3	Boundary Fence Details	Bureau of Urban Architecture	31/7/2018
A318	3	Unit 4.02 Privacy Screening Details	Bureau of Urban Architecture	31/7/2018

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

External Finishes & Materials

A4. External finishes and materials must be in accordance with the submitted schedule contained in drawing number A250 (listed under condition A1 above) dated 31 July 2018 prepared by Bureau of Urban Architecture and received by Council on 2 August 2018 unless otherwise modified by Council in writing.

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

Section 7.11 Contributions

C37. 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	\$1,584.84
Child Care Facilities	-
Community Centres	\$12,822.99
Library and Local Studies Acquisition	\$2,279.28
Library Premises & Equipment	\$7,119.67
Multi Purpose Indoor Sports Facility	\$1,516.99
Open Space Acquisition	\$116,833.86
Open Space Increased Capacity	\$231,585.84
Olympic Pool	\$4,941.27
North Sydney Public Domain	-
St Leonards Public Domain Improvements	-
Public Domain Improvements	-
Traffic Improvements	\$11,706.47
The total contribution is	\$390,391.21

The contribution MUST BE paid prior to issue of any Construction Certificate.

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)

BASIX Certificate

C39. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 775777M_06 issued on 31 July 2018 for the development are fulfilled. Plans and specifications 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 building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Reason for approval

The s.4.56 application has been assessed against all applicable environmental planning instruments and Council policies and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013, subject to amended conditions of consent.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979, the application is considered to be satisfactory as detailed in the assessment report.

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 and no submissions were received. Further, the modifications do not result in adverse impacts in relation to submissions received in relation to the original DA.

The conditions attached to the original consent for Development Application No. 413/16 by endorsed date of 6 July 2018 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 4.56 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 4.56 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEOFF YOUHANNA
EXECUTIVE PLANNER