

Original signed by: Lara Huckstepp Dated: 6/7/2020

Urbanism Pty Ltd
PO Box 1000
CASTLE HILL NSW 1765

D129/18
LH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 129/18/2 – APPROVAL**

Development Consent Number: 129/18/2

Land to which this applies: 87 Atchison Street, Crows Nest
Lot No.: 2, DP: 655925

Applicant: Urbanism Pty Ltd

Proposal: To modify Development Consent DA129/18 for alterations and additions to a dwelling including a new swimming pool.

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. **129/18** and registered in Council's records as Application No. **129/18/2** relating to the land described as **87 Atchison Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 10 December 2018, has been determined in the following manner: -

- To delete condition A1 of the consent and insert in lieu thereof the following new condition, namely:**

Development in accordance with Plans

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp as follows:

Plan No.	Rev	Title	Dated	Prepared by	Received
WD100	A	Site analysis/roof plan	August 2018	Haiku_2	14/8/2018
WD101	A	Demolition Plan	August 2018	Haiku_2	14/8/2018
WD102	A	Ground floor plan / attic floor plan	August 2018	Haiku_2	14/8/2018
WD201	A	Proposed elevations	August 2018	Haiku_2	14/8/2018
WD301	A	Proposed sections	August 2018	Haiku_2	14/8/2018

Except as modified as shown in colour on the following drawings:

No.	Rev	Title	Dated	Prepared by	Received
WD102	Rev 1 Issue B	Ground floor plan / attic floor plan	May 2019	Haiku_2	1 April 2020
WD201	Rev 1 Issue B	Proposed elevations	May 2019	Haiku_2	1 April 2020
WD100	Rev 1 Issue B	Site analysis / roof plan	May 2019	Haiku_2	1 April 2020

Except where amended by the following conditions of this consent.

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

2. To delete Condition C1

3. To add new conditions C31 and C32

Roof shall be of corrugated iron material

C31. The roof of the dwelling shall be constructed using corrugated iron of a light tone or natural finish.

Plans and specifications which comply 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: Streetscape)

Screen Planting

C32. To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the eastern boundary as detailed on the approved Landscaped Plan, set out in Condition G11 (Landscaping). The required screen planting must consist of suitable screening species capable of attaining a mature height of 2.5 – 3.0 metres above finished ground levels.

Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

4. To modify Condition G11 as follows

Landscaping

G11. The landscaping shown in the approved landscape drawings below, must be completed prior to the issue of any Occupation Certificate.

No.	Rev	Title	Dated	Prepared by	Received
DA103	Rev 3 Issue B	Landscape plan – detail	05/19	Haiku_2	1 April 2020
DA102	Rev 1 Issue B	Compliance diagram – Landscape Plan	05/19	Haiku_2	1 April 2020

(Reason: To ensure compliance)

5. To add new Condition G13 as follows:

Replacement of landscaping within No. 89 Atchison Street

G13. Should the report required pursuant to Condition G7 detail that upon completion of the work, damage has occurred to the two existing trees within No. 89 Atchison Street (1 x Photinia Tree and 1 x Japanese Camelia), these trees shall be replaced, or satisfactory arrangements shall be put in place for their replacement, at the sole cost of the applicant, prior to the issue of any Occupation Certificate.

Should the trees be required to be replaced, trees of the same or similar species to those existing trees, to the satisfaction of the owner's of No. 89 Atchison Street, shall be provided. The replacement trees shall be provided with a pot size no less than 100 Litre.

This condition does not grant or imply any access rights within the adjoining property at No. 89 Atchison Street. Owner's consent must be firstly obtained.

The terms of this condition must be satisfied prior to the issue of any Occupation Certificate being issued.

(Reason: To protect the health of the existing trees located within the adjoining property at No. 89 Atchison Street and to facilitate the arrangement for replacement, as consented to by both the applicant and adjoining owner, in the event of damage to the trees)

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55(1A) of the EP&A Act 1979.

Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area, subject to imposition of conditions.

Reason for approval:

The proposed modification retains the intent of the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55(1A) & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval subject to the imposition of conditions.**

How community views were taken into account:

Adjoining properties and the Holtermann Precinct were notified of the proposed development between 18 October 2019 – 1 November 2019. A notice was placed in the Mosman Daily on 17 October 2019. One submission was received and issues raised are considered to have been satisfactorily addressed.

The conditions attached to the original consent for Development Application No. 129/18 by endorsed date of 10 December 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.
- (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 Certifier 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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE PLANNER