

86 Dunning Avenue Pty Ltd
Suite 706, 97-99 Bathurst Street
SYDNEY NSW 2000

D413/16/7 & D413/16/8
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 413/16/7 & 413/16/8 – APPROVAL**

Development Consent Number: 413/16/7 & 413/16/8

Land to which this applies: 84-90 Atchison Street, Crows Nest
Lot No.: 8, DP: 2872

Applicant: 86 Dunning Avenue Pty Ltd

Proposal: Modification of Development Consent DA413/16 for a residential flat building - modification of basement design and building design, landscaping modifications.

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. **413/16/7 & 413/16/8** 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 and A4 to be amended and Condition G17 to be added, 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	Dated
3728 S4.56 001	B	Cover Page	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 111	F	Basement 2	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 112	F	Basement 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 113	G	Lower Ground Level	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 114	I	Ground Floor	Figgis + Jefferson Tepas Pty Ltd	31/7/2020

3728 S4.56 115	E	Level 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 116	E	Level 2	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 117	E	Level 3	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 118	E	Level 4	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 119	F	Roof Terrace	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 200	D	East and North Elevation	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 201	D	South and West Elevation	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 250	C	Material Finishes	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 300	E	Section 1	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 301	E	Section 2	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 450	C	Typical Façade Details	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 451	C	Typical Balcony Façade Detail	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
3728 S4.56 452	A	Details	Figgis + Jefferson Tepas Pty Ltd	19/6/2020
000	F	Coversheet	Site Image Landscape Architects	6/8/2020
100	F	Landscape Render	Site Image Landscape Architects	6/8/2020
101	F	Landscape Plan Ground Floor	Site Image Landscape Architects	6/8/2020
102	E	Landscape Plan Fourth Floor	Site Image Landscape Architects	18/6/2020
103	E	Landscape Plan Rooftop	Site Image Landscape Architects	18/6/2020
201	F	Planting Plan Ground Floor	Site Image Landscape Architects	6/8/2020
202	E	Landscape Plan Fourth Floor	Site Image Landscape Architects	18/6/2020
203	E	Landscape Plan Rooftop	Site Image Landscape Architects	18/6/2020
501	E	Landscape Specification and Plant Schedule	Site Image Landscape Architects	18/6/2020
502	E	Landscape Details	Site Image Landscape Architects	18/6/2020

(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 S4.56 250 Issue C (listed under condition A1 above) dated 19 June 2020 prepared by Figgis + Jefferson Tepas 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)

Landscaping Verification Statement

G17. Prior to the issue of any Occupation Certificate, a verification statement from a qualified landscape architect (preferably the original designer), must be submitted to Council and the Certifying Authority certifying that all of the landscaping and landscaping works shown in the approved architectural and landscape plans has been completed in accordance with the approved plans and specifications.

(Reason: To ensure the approved landscaping has been completed prior to occupation)

Reason for approval:

The s.4.56 applications have been assessed against all applicable environmental planning instruments and Council policies and with regard to the Land and Environment Court decision, and are considered to be generally satisfactory, including in relation to s.4.56 of the Environmental Planning and Assessment Act 1979, 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 community views were taken into account:

The proposal was notified and advertised in accordance with s.3.4.3 of the North Sydney Community Engagement Protocol. The issues raised in the submissions have been addressed in this report and the application has been assessed with regard to all issues raised. It is noted that some issues raised relate to the original DA rather than the proposed amendments.

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 Environment 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 4.56 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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**