

North Sydney Council
200 Miller Street
NORTH SYDNEY NSW 2060

D347/19
LH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 347/19/2 – APPROVAL**

Development Consent Number: 347/19/2

Land to which this applies: 4 Alfred Street South, Milsons Point
Lot No.: 100, DP: 8750

Applicant: North Sydney Council

Proposal: To modify a consent for alterations and additions to
North Sydney 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. **347/19** and registered in Council's records as Application No. **347/19/2** relating to the land described as **4 Alfred Street South, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 July 2020, has been determined in the following manner: -

To modify Conditions C11, C18, D11 and G6 as follows:

Noise from Plant and Equipment

C11. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The relevant provisions of the EPA Noise Policy for Industry shall be applied.
- (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

‘affected receiver’ includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the EPA Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Protection of Trees

C18. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
T1 & T2 <i>Lagerstroemia indica</i> (to be transplanted)	Northern boundary (Paul Street frontage)	6x8m & 5x7m
T11 & T12 <i>Phoenix canariensis</i>	Eastern boundary of the subject site	7m
T13-T19 <i>Phoenix canariensis</i>	Olympic Drive, adjacent to the subject site	(6-8m)
T20-T22, T24, T25 <i>Ficus macrocarpa</i> var. <i>Hillii</i>	Council verge on the eastern side of Alfred Street	2.5m-12m
T23, T26 <i>Angophora costata</i>	Council verge on the eastern side of Alfred Street	12-13m

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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Temporary Fences and Tree Protection

D11. All protected trees on-site that are specifically nominated as per condition C18 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or building’s waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works:

Tree	Location	Height
T1 & T2 <i>Lagerstroemia indica</i> (to be transplanted)	Northern boundary (Paul Street frontage)	6x8m & 5x7m
T11 & T12 <i>Phoenix canariensis</i>	Eastern boundary of the subject site	7m
T13-T19 <i>Phoenix canariensis</i>	Olympic Drive, adjacent to the subject site	(6-8m)
T20-T22, T24, T25 <i>Ficus macrocarpa</i> var. <i>Hillii</i>	Council verge on the eastern side of Alfred Street	2.5m-12m
T23, T26 <i>Angophora costata</i>	Council verge on the eastern side of Alfred Street	12-13m

(Reason: Protection of existing environmental and community assets)

Certification of Tree Condition

- G6. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height
T1 & T2 <i>Lagerstroemia indica</i> (to be transplanted)	Northern boundary (Paul Street frontage)	6x8m & 5x7m
T11 & T12 <i>Phoenix canariensis</i>	Eastern boundary of the subject site	7m
T13-T19 <i>Phoenix canariensis</i>	Olympic Drive, adjacent to the subject site	(6-8m)
T20-T22, T24, T25 <i>Ficus macrocarpa</i> var. <i>Hillii</i>	Council verge on the eastern side of Alfred Street	2.5m-12m
T23, T26 <i>Angophora costata</i>	Council verge on the eastern side of Alfred Street	12-13m

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

To delete conditions B1, C10, C16, C23, C24, C25, C26, C27, C28, C30, C31 and C32 of the consent and insert in lieu thereof the following conditions, namely:

Construction and Traffic Management Plan - (Major DAs & sites with difficult access)

- D12. Prior to any Construction works, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - ii. RMS signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;

- vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following: -
- i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RMS ‘red card’ qualification).
 - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.
- A copy of this route is to be made available to all contractors, and must be clearly depicted at a location within the site.
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- (e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- (g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.
- (h) Luna Park Pty Ltd is to be consulted during the preparation of the Construction and Traffic Management Plan.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Traffic Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority, prior to the commencement of any works.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site. To obtain the permit, an application must be made to Council on a '*Application to satisfy development consent*' form with payment of the adopted assessment.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Site Contamination and Remediation

D13. Further assessment is to be carried out by a suitably qualified environmental consultant. The assessment should include site characterisation of soils and ground water with respect to contaminants of concern. This could be carried out through intrusive borehole or test pit investigations following the removal of structures, prior to the engagement of groundworks contractor.

A Construction Environmental Management Plan (CEMP) shall be drawn up by a suitably qualified person/environmental consultant detailing the process for excavation, storage & handling, classification, disposal or re-use of disturbed soils on the site.

Soil to be excavated/disturbed shall be tested for contamination. Should any soil or material be subsequently found to contain contaminants of concern, work in the immediate area must cease and the advice of a suitably qualified specialist, accredited by the NSW Environment Protection Authority, be gained and, if needed, a Remedial Action Plan be developed. The contaminated material must be classified for disposal purposes, appropriately stored, and properly disposed of to a facility licensed to receive that category of waste.

Waste facility receipts must be retained on site for inspection by Council's officer upon request. (or submitted to Council/PCA).

The CEMP must detail the required management processes / procedures to be adopted during site demolition/construction works to ensure soils are handled / disposed appropriately. Where groundwater is encountered during development works, the CEMP should include details on required treatment and disposal requirements.

The site will be required to be adequately remediated and validated as being fit for its intended use by a suitably experienced environmental consultant. A notice of completion, including validation is to be provided to Council following removal of and remediation of any contamination.

(Reason: To ensure the site is suitable for the proposed use)

Tree Bond for Public Trees

- D14. Prior to the commencement of works, the certifying authority shall be satisfied that appropriate contractual arrangements have been provided or will be provided between the Council and the contracted builder which secure the protection of the trees listed below;

SCHEDULE

Tree Species	Location
7 x mature <i>Phoenix canariensis</i> (T13-T19)	Olympic Drive, adjacent to the subject site

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Dilapidation Report Damage to Public Infrastructure

- D15. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant who details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the commencement of any works.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority prior to the commencement of any works.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Dilapidation Report Private Property (Excavation)

D16. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the commencement of works. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/ies prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

D17. A photographic survey and dilapidation report of adjoining properties No's. 20 Alfred Street, Milsons Point, 1 Northcliff Street, Milsons Point, and Luna Park (1 Olympic Drive, Milsons Point) detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **SHALL BE** submitted to the Certifying Authority for approval prior to the commencement of works. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the commencement of works.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Sediment Control

D18. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the commencement of any works. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the specifications are submitted prior to the commencement of any works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Work Zone

- D19. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the commencement of any works.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority prior to the commencement of works.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Parking Meter Relocation

- D20. Where metered parking is located adjacent to the site, Council will require the removal/relocation of existing parking meter and associated meter infrastructure. An application must be made to North Sydney Council for the approval of the Parking Meter Manager. The application must include a copy of the plans of the proposed temporary and permanent driveways for the entire site.

The Certifying Authority must ensure that the specifications are submitted prior to the commencement of any works.

(Reason: To ensure the proper management of public land and funds)

Stormwater Management and Disposal Design Plan – Construction Issue

- D21. Prior to the commencement of any works, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to Council's stormwater system.

- c) The applicant shall engage a specialist Hydraulics Engineer to carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council prior to the commencement of any works.
- d) All civil and drainage works within the road reserve shall be designed and built in accordance with Council's current "Infrastructure Specification". Prior to the commencement of any works the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to the commencement of any works. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12-month defects liability period.
- e) Stormwater falling on paved and landscaped areas across the site will be collected and managed by a pit and pipe network. Where trapped low points occur such as the northern landscaped area at the corner of Paul Street and Alfred Street S, the pit and pipe network will be designed to collect and convey the 1%AEP event. In other areas, the pit and pipe network will be designed to collect the 5%AEP event. As the external pool area is sunken into the site, the stormwater network was design for the 1%AEP as there is no overland flow (Note: the 'minor' event has been assumed as council's DCP does not specify this value). Stormwater from roofs and other structural building elements will be captured and conveyed via gutters and downpipes to the in-ground pit and pipe network.
- f) Rainwater tanks are sealed tanks designed to retain rainwater collected from roofs for subsequent re-use on site. Only roof water from the main building (Catchment R1) has been modelled to discharge directly to the rainwater harvesting tank. Due to the high-water demand for the proposed development (i.e. Pool), the only way to service the reuse demand is by having a very large rainwater tank which is not feasible for a site like this due to spatial restrictions. As such, only a 15KL shall be provided to allow for some water re-use onsite for toilet flushing and irrigation.
- g) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted prior to the commencement of any works.
- h) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Details demonstrating compliance are to be submitted with all other drainage details to Council prior to the commencement of any works:-

(Reason To ensure controlled stormwater management and disposal without nuisance)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

D22. Prior to the commencement of works, the certifying authority shall be satisfied that appropriate contractual arrangements have been provided or will be provided between the Council and the contracted builder which secures the following;

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
- c) Remedying any defects in any such public work that arise within 1 year for stormwater and 6 months for major road works and 2 months for vehicular crossing & small associated footpath works, after the work is completed.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Construction Noise Management Plan

D23. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- a) Identification of noise affected receivers near to the site.
- b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) Details of work schedules for all construction phases;
- d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
- e) Representative background noise levels should be submitted in accordance with the ICNG.
- f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.

- h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

The Construction Noise Management Plan and must be submitted to the Principal Certifying Authority and a copy provided to Council prior to the commencement of works.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

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

Reason for approval:

The majority of the conditions that are the subject of the modification application were imposed in accordance with the recommendations of various Council officers, Sydney Water and Sydney Trains. Further comments were sought from those officers and external bodies and the recommendation of this Assessment Report is consistent with the comments received.

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**.

How community views were taken into account:

The application was not notified or advertised nor was it required to be under the provisions of Council's Community Engagement Strategy. The amendments sought are technical in nature and do not impact on the intent of the consent. No submissions have been received.

The conditions attached to the original consent for Development Application No. 347/19 by endorsed date of 1 July 2020 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