

Original signed by David Hoy on 3/8/2021

Chern Tan
C/- CplusC Architectural Workshop
62 Ivy Street
DARLINGHURST NSW 2008

D130/20
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 130/20/2 - APPROVAL**

Development Consent Number: 130/20

Land to which this applies: 46 Edward Street, North Sydney
Lot No.: 18 DP: 7544

Applicant: CplusC Architectural Workshop

Proposal: Modify development application No. 130/20, to correct stormwater conditions

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. **130/20** and registered in Council's records as Application No. **130/20/2** relating to the land described as 46 Edward Street, North Sydney.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 October 2020, has been determined in the following manner:

1. To amend Condition A1 as follows:

A. CONDITIONS THAT IDENTIFY APPROVED PLANS

A1. Development in Accordance with Plans/Documentation

Plan No.	Issue	Title	Drawn by	Received
DA001	D	Site Plan	CplusC Architectural Workshop	22.6.2020
DA002	D	Proposed Site Plan	CplusC Architectural Workshop	22.6.2020
DA003	E	Existing Ground Floor Plan	CplusC Architectural Workshop	2.9.2020
DA004	E	Proposed Ground Floor Plan	CplusC Architectural Workshop	2.9.2020
DA005	D	Existing Lower Ground Floor	CplusC Architectural Workshop	2.9.2020
DA006	E	Proposed Lower Ground Floor Plan	CplusC Architectural Workshop	2.9.2020
DA007	E	Proposed Roof Plan	CplusC Architectural Workshop	2.9.2020

DA008	E	Elevation East/Street	CplusC Architectural Workshop	2.9.2020
DA009	D	Elevation North	CplusC Architectural Workshop	22.6.2020
DA010	D	Elevation West	CplusC Architectural Workshop	22.6.2020
DA011	E	Elevation South	CplusC Architectural Workshop	2.9.2020
DA012	D	Section A	CplusC Architectural Workshop	22.6.2020
DA013	E	Section B	CplusC Architectural Workshop	2.9.2020
DA023	D	Erosion Control and Waste Management	CplusC Architectural Workshop	22.6.2020
DA024	D	Stormwater Management Plan	CplusC Architectural Workshop	22.6.2020
DA025	D	External Finishes and Materials	CplusC Architectural Workshop	22.6.2020

As amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
DA024	E	Stormwater Management Plan	CplusC Architectural Workshop	18.6.2021

2. Amended conditions **C5**, **C6** and **C22** of the consent so as to read as follows:

C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (AND ONGOING, WHERE INDICATED)

Charged Stormwater System

C5. Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted to the Certifying Authority for approval with the Construction Certificate for construction works.

Stormwater shall be conveyed from the site to the nearest Council stormwater drainage system. All proposals shall be in accordance with Council's specifications.

- 1) All feasible roof area that can be discharged by a charged line system, shall be directed to a rainwater tank, and from there to the street gutter; all other areas are to be discharged to an OSD and/or level spreader. There must be a minimum difference in height between the most remote section of the roof gutter and the discharge/control pit at the property boundary of 1.8 metres. In addition, all local and friction losses must be taken into account and therefore, functionality of the system must be supported by hydraulic calculation, which must be presented with hydraulic grade line (HGL). There must be a gravity flow across the footpath from an isolating sealed and lid-bolted pit within the property. All pipes must be a minimum of 100 mm and all joints must be solvent welded. A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site dispersal system. Gutter guards must be installed on all gutters to minimize debris entering the system.
- 2) A Positive Covenant will be required to be placed on the title of the property to inform owners of their responsibility in maintaining the system.
- 3) All gutters and pipes in the system must be designed for a 1 in 100-year ARI storm event.

On-Site Rainwater Retention System

- C6. On site rainwater retention must be provided, water is to be used for irrigation. Any overflow from the rainwater tank shall be charged to street gutter via a charged line system. The completed works shall be certified as compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code and Sydney Water regulations upon completion.

On-Site Stormwater Detention

- C22. On site detention must be provided to ensure that the maximum discharge of stormwater from the site experienced by adjoining downstream property owners, which would occur during a State of Nature 1 in 5-year storm of one-hour duration is not exceeded for all events, up to and including the 1 in 100-year storm.

For small areas up to 0.5 hectares, determination of the require cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

3. To delete condition **C21** from of the consent.

The proposal involves the modification of a consent to amend Condition No. C5, C6, C22 and delete Condition C21 on the basis that the conditions contradict each other and were placed on in error.

Reason for Approval:

In respect of the requirements of Condition No. C5, C6, C22 and Condition C21, Council is satisfied that the requirements of the condition may be considered to have been applied in error.

Accordingly, it is recommended that the conditions be amended and deleted from the consent.

How community views were taken into account:

In accordance with the provisions of the North Sydney Community Participation Plan 2019, the subject application was not required to be notified. Therefore, no submissions have been received.

The conditions attached to the original consent for Development Application No.130/20/2 by endorsed date of 22 October 2020 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Hugh Shouldice**. 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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER - ASSESSMENTS