



Amy Dowse
21 Yeo Street
NEUTRAL BAY NSW 2089

D329/20
TH2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 329/20/2 - APPROVAL**

Development Consent Number: 329/20

Land to which this applies: 21 Yeo Street, Neutral Bay
Lot No.: 8, DP: 259271

Applicant: Amy Dowse

Proposal: To modify the wording of a Condition C7 Stormwater Management and Disposal Design Plan - Construction Issue Detail of Development Consent No. 329/20

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. **329/20** and registered in Council's records as Application No. **329/20/2** relating to the land described as **21 Yeo Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **25 March 2021**, has been determined in the following manner:

- To amend condition C7 Stormwater Management and Disposal Design Plan - Construction Issue Detail of the consent so as to read as follows:***

Stormwater Management and Disposal Design Plan - Construction Issue Detail

- C7.** *Prior to issue of the Construction Certificate, 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:*
- 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 via existing stormwater lines and existing outlet point onto "right of way" surface.*

Details demonstrating compliance are to be submitted with the Construction Certificate.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

The proposal involves the modification of a consent to permit the modification of Condition No. C7 Stormwater Management and Disposal Design Plan - Construction Issue Detail of Development permitting stormwater runoff to be conveyed in a controlled manner by gravity via existing stormwater lines and existing outlet point onto the "right of way" surface.

Reasons for Approval:

In respect of the requirements of Condition No. C7 of Development Consent No. 329/20, Council is satisfied that the requirements of the original condition are overly complex and burdensome noting existing stormwater disposal can still apply.

Accordingly, it is recommended that the condition of consent be modified.

How community views were taken into account:

In accordance with the provisions of Section 3.4.2 of Council's Community Engagement Protocol, 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. **329/20** by endorsed date of **25 March 2021** still apply.

ADVISINGS

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

30 May 2023

DATE



Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)