

Original signed by Robyn Pearson on 24/4/2020

Date determined: 22/4/2020

Date operates: 24/4/2020

Date lapses: 24/4/2025

Redlands Ltd
C/- Urbis Pty Ltd
Attention: Shaun de Smeth
Angel Place, Level 8, 123 Pitt Street
SYDNEY NSW 2000

D59/20
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Approval**

Development Application Number: 59/20

Land to which this applies:

Shop 1, 260-270 Military Road, Neutral Bay
Lot No.: 138, SP: 33651

Applicant:

Redlands Ltd, C/- Urbis Pty Ltd

Proposal:

Change of use from commercial to educational establishment

Determination of Development Application:

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

Date of Determination:

22 April 2020

Reason for approval:

The proposal has been assessed under the relevant planning instruments including NSLEP 2013 and NSDCP 2013 and generally found to be acceptable. The proposed use associated with the neighbouring Redlands School will not involve any construction or demolition of the existing building beyond minor internal fit-out works and is considered to be a minimal and sympathetic addition to the streetscape and the local Neighbourhood Centre.

The change of use from a uniform shop to offices and occasional small examination purposes, is not considered to be an excessive intensification of the use of the site, with the existing accessibility to the site maintained by its proximity to the adjacent Redlands School and the access to public transport along Military Road.

Appropriate conditions are recommended for imposition with the granting of consent to this change of use application to ensure that residential amenity is maintained.

Consent to operate from: 24 April 2020

Consent will lapse on: 24 April 2025

Period of Consent Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 24 April 2025.

How community views were taken into account: Community views have been considered as the development application was notified for fourteen (14) days and Council received no submissions. Nevertheless, council has stipulated appropriate conditions of consent, to minimise impacts of the development while in construction and operation.

Review of determination and right of appeal: Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority – please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

DATE

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

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act* 1989.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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A. Conditions that Identify Approved Plans

Terms of the Consent

- A1. Approval is granted for the use of the premises as an educational establishment including an office space and ancillary scholastic purposes associated with the Redlands School to be located at the ground level of the subject property.

No approval is given or implied in this consent for building works, both internal and external, within the subject property, beyond internal fit outs for the use of office space.

(Reason: To ensure the terms of the consent are clear)

Development in Accordance with Plans/documentation

- A2. 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.

Drawing No.	Title	Drawn by	Dated	Received
A101	Cover Sheet	Drafting Help	26/02/20	24/03/2020
A104	Elevations	Drafting Help	26/02/20	24/03/2020
A105	Floorplan - Proposed	Drafting Help	26/02/20	24/03/2020

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

Plans on Site

- A3. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

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

No Demolition of Extra Fabric

- A4. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

I. On-Going / Operational Conditions

Fire Safety

- I1. The fire safety requirements as detailed in the Fire Safety Report prepared by Design Confidence dated 6 November 2019 and received by Council on 24 March 2020, must be installed prior to the commencement of the new use on the premises.

(Reason: To ensure the safety of the occupants of the premises)

Hours of Operation

- I2. The hours of operation are restricted to:

8am – 8pm (Monday to Friday)

Upon expiry of the permitted hours:

- (a) all activities must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all students and/or visitors to the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained, and hours of operation are consistent with those in surrounding locality)

Noise and Vibration Impact

- I3. The on-going use of the premises approved under this consent must not cause a noise nuisance for adjoining land uses and/or properties.

(Reason: To maintain the amenity of surrounding land uses)

Waste Collection

- I4. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

- I5. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Maximum Capacity – Premises

- I6. The maximum number of students allowed by this consent is 12 persons/seats.
- a) the maximum number of students within the premises allowed by this consent is 12 persons/seats.
- (Reason: Protection of residential amenity, provision of public information, and to assist in assessing ongoing compliance)