



Graphio AM  
3.04/56 Bowman Street  
PYRMONT NSW 2009

D12/22  
AB7(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 12/22/2 - APPROVAL**

**Development Consent Number:** 12/22

**Land to which this applies:** 96 Grasmere Road, Cremorne  
Lot No.: 2 DP: 945430

**Applicant:** Graphio AM

**Proposal:** Modification to DA 12/22, involving modification of the driveway width and vehicular crossing condition to retain street tree.

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. **12/22** and registered in Council's records as Application No. **12/22/2** relating to the land described as **96 Grasmere Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **7 June 2022**, has been determined in the following manner:

**1. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documents endorsed with Council's approval stamp:

Plan No.	Issue	Title	Drawn by	Dated	Received
DA-001	Rev D	Project details	Become Architecture	18.05.22	31.05.2022
DA-005	Rev C	Site analysis	Become Architecture	18.05.22	31.05.2022
DA-010	Rev G	Existing/demolition site plan	Become Architecture	18.05.22	31.05.2022
DA-015	Rev H	Proposed site plan	Become Architecture	18.05.22	31.05.2022
DA-099	Rev K	Proposed lower ground plan	Become Architecture	18.05.22	31.05.2022
DA-100	Rev L	Proposed ground level plan	Become Architecture	18.05.22	31.05.2022
DA-101	Rev J	Proposed Level 01 Plan	Become Architecture	18.05.22	31.05.2022
DA-102	Rev G	Proposed roof plan	Become Architecture	18.05.22	31.05.2022
DA-400	Rev G	Proposed building elevations	Become Architecture	18.05.22	31.05.2022
DA-401	Rev G	Proposed building elevations	Become Architecture	18.05.22	31.05.2022
DA-420	Rev J	Proposed building sections	Become Architecture	18.05.22	31.05.2022

DA-920	Rev B	External finishes schedule	Become Architecture	10.12.21	31.05.2022
LA LP 01/03	03	Landscape Plan - lower ground level and ground level	Black Beetle IK/GB	23.05.22	31.05.2022
LA LP 02/03	03	Landscape Plan - level 1 - legend/ notes/ plant schedule	Black Beetle IK/GB	23.05.22	31.05.2022
1/2	-	Plan of Subdivision	Karl Robertson	05.01.22	12.01.2022
2/2	-	Plan of Subdivision	Karl Robertson	05.01.22	12.01.2022

Except as modified as such on the following drawings for DA 12/22/2:

Plan No.	Issue	Title	Drawn by	Dated	Received
1.00	1	Site Plan	Graphio AM	21/11/2022	06/12/2022
2.00	1	Driveway Plan	Graphio AM	21/11/2022	06/12/2022

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

**2. Condition C11 is amended as follows:**

**Obtain Driveway Crossing and Associated Works Permit**

C1. Prior to the issue of the Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works permit to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees.

Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative. The civil design drawings shall detail the following infrastructure construction requirements of Council in relation to the consent:

- a) The proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing, or parking floor.
- b) The redundant layback crossing on Grasmere Road must be reinstated as upright kerb gutter, grass verge and concrete footpath.
- c) The width of the vehicular layback must be 5.2m (including the wings).
- d) The vehicular laybacks must be set square to the kerb.
- e) The crossing (between the layback and the property boundary) must be perpendicular on a single straight grade of approximately 2-3%, falling to the back of the layback.
- f) The footpath and grass verge on Grasmere Road must be reconstructed for the full property length to ensure uniformity on the footpath.
- g) The gutter levels and road shoulder levels on Grasmere Road must stay unchanged.
- h) The kerb gutter, and 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Grasmere Road must be reconstructed, to ensure uniformity in the road reserve.
- i) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.
- j) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.

- k) The design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed.
- l) A longitudinal section along the gutter line Grasmere Road at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed.
- m) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed.
- n) The sections must show the calculated clearance to the underside of any overhead structure.
- o) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- p) Any footpath panel on Grasmere Road that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

All driveway and infrastructure works on the road reserve must proceed in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified on the permit. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained prior to its issue, is referenced on, and accompanies the relevant Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

The proposed modifications satisfy the provisions of Section 4.55(1A) in that the proposed development remains substantially the same as what was approved by DA 12/22. The proposed modifications to the landscaping will not alter the use of the development as originally approved and will have minimal environmental impact. The proposed reduction in the width of the driveway from 6m as required by Condition C11(c) of the original consent, to 5.2m will enable the retention of a street tree as required by Conditions C14-C16 of the consent.

**Reasons for Approval:**

The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no impact on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R2 Low Density Residential zone, and the original reasons for granting consent.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be **approved**.

**How community views were taken into account:**

The proposed modifications were not required to be notified. Nevertheless, it is considered that the proposed modifications would not result in any additional impacts to adjoining properties.

The conditions attached to the original consent for Development Application No. **12/22** by endorsed date of **7 June 2022** still apply.

**ADVISINGS**

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

**18 January 2023**

DATE



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