

Original signed by: Robyn Pearson Dated: 16/7/2018

Development Consent No. 162/17

Section 4.55 Application

Applicant's Name

Bruce Swalwell, Architecture Pty Ltd

Land to which this applies

12 Lodge Road, Cremorne
Lot No.: 1, DP: 784708

Proposal

New below ground sewer pump out – S4.55 to change the location of the pump.

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. **162/17** and registered in Council's records as Application No. **162/17/2** relating to the land described as **12 Lodge Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 October 2017, has been determined in the following manner: -

- (i) **Condition A1 concerned with the previously approved plans to be modified to include the revised position of the pump and associated piping.**

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1 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.

Plan No.	Details	Dated	Drawn By	Received
H000-S1	Site Plan with Survey	30 April 2018	Bruce Swalwell	2 May 2018
H001-01	Ground Floor Plan	30 April 2018	Bruce Swalwell	2 May 2018
H002-S1	Specification Sheet	30 April 2018	Bruce Swalwell	2 May 2018
H003-S1	Details Sheet	30 April 2018	Bruce Swalwell	2 May 2018

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

- (ii) **Additional conditions are imposed to minimise noise nuisance arising from the revised location of the pump.**

Noise from Plant and Equipment

C7 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 modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy 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 Industrial Noise Policy published by the NSW Environment Protection Authority.

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

Noise and Vibration Impact

I6 The on-going use of the pump approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Reason for approval

The subject application has been assessed having regard to the relevant statutory controls including the SREP Sydney Harbour Catchment (2005), NSLEP 2013 and NSDCP 2013 where the proposed changes were found to be satisfactory.

The recommended conditions of consent would prevent any impacts to Sydney Harbour and/or for adjoining properties. The wastewater system would be located below ground level so there would be no additional bulk and scale to the site. Nor would there be any impact on residential amenity in terms of privacy (visual/aural) loss, additional overshadowing or view loss.

There were no submissions as a result of the notification process.

Council's Environmental Health Officer has considered to the amended location of the pump and raised no objection to the re-positioning of the pump. The conditions of consent previously imposed would protect the harbour from any environmental harm.

Therefore, the application is recommended for approval subject to the imposition of appropriate conditions of consent.

How were public submissions taken into account

After Council notified the subject Section 4.55 application there were no submissions.

The conditions attached to the original consent for Development Application No. 162/17 by endorsed date of 16 October 2017 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (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 Certifying Authority 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.

DATE

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