

Andrew Douglas McLeod
288 West Street
CAMMERAY NSW 2062

D18/19
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 18/19/2 – APPROVAL**

Development Consent Number: 18/19/2

Land to which this applies: 288 West Street, Cammeray
Lot No.: 1, DP: 1922

Applicant: Andrew Douglas McLeod

Proposal: Section 4.55 Modification - Alterations at the rear of an existing dwelling house and construction of a carport

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. **18/19** and registered in Council's records as Application No. **18/19/2** relating to the land described as **288 West Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 May 2019, has been determined in the following manner: -

1. Condition A5 Development in Accordance with Plans is to be imposed.

Development in Accordance with Plan (s4.55)

A1. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Title	Drawn by	Plan No	Dated	Received
Ground Floor and Demolition Plan	Mark Hurcum Design Practice	A101 D	11/07/2019	15/07/2019
Roof Plan		A102 D	11/07/2019	15/07/2019
North and West Elevation		A202 C	11/07/2019	15/07/2019
South and East Elevation		A201 C	11/07/2019	15/07/2019
Section A-A		A221 C	11/07/2019	15/07/2019

except as amended by the following conditions and this consent.

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

2. ***Condition C10 Additional Landscaping is to be deleted.***
3. ***Condition C11 Driveway Boundary Gates is to be deleted.***
4. ***Condition C12 Amendments to Carport is to be imposed.***

Amendments to Carport

C12. The following amendments are to be made to the carport:

- a) The carport is to be setback a minimum of 0.5m from the southern (Jenkins Street) boundary. A fence return is to be constructed on the eastern side of the driveway between the boundary fence (Jenkins Street) and the carport.
- b) A panel lift door is to be used on the Jenkins Street frontage in lieu of a roller door.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain the predominant building setback to Jenkins Street and minimise the impact of the carport on the streetscape.)

5. ***Condition C13 Obtain Vehicle Crossing is to be imposed.***

Obtain Vehicle Crossing

C13. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the '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 issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum: -

- a) the vehicular access way 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 maximum width of the vehicular layback must be 6.5 metres (including the wings);

- c) The crossing section over the footpath (between the property boundary and grass verge) must be perpendicular on a single straight grade of maximum 3% falling to the grass verge. The driveway crossing section over the grass verge (between back of the layback and footpath) must be perpendicular on a single straight which if necessary, may be greater than 4.5 %, but taking into account that the change in cross fall grade in between the road shoulder and driveway crossing is no more than 15%. The cross fall of the road shoulder is measured for a distance of 1200 mm falling to the gutter lip, starting from the surface of the existing carriageway 1650 mm from the existing face of kerb;
- d) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
- e) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- f) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- g) If the change in the cross-fall grade of the existing road shoulder levels and projected driveway crossing taken from existing footpath boundary levels exceeds 15%, the gutter levels and road shoulder levels will require some adjustment to prevent scraping of vehicles and to ensure smooth transitions. As a result, the kerb & gutter are to be transitioned as necessary on both sides of the proposed layback crossing to ensure that a minimum longitudinal fall of 1% is achieved to maintain gutter flows, but transition on both sides must be no less than 2 meters long;
- h) transitioning works of minimum two (2) footpath panels on both sides of the vehicular crossing are required to ensure uniformity in the footpath;
- i) A longitudinal section along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line is required and shall include all changes of grade and levels, both existing and proposed. The footpath shall be designed (at a single straight grade of maximum 3% falling to grass verge) so that it is uniform without showing signs of dipping or rising particularly at entrances;
- j) A longitudinal section is required along the gutter line (both existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line showing how it is intended to blend the new vehicular crossing;
- k) sections along centre-line and extremities are required at a scale of 1:25 to be taken from the centre-line of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- l) The kerb, gutter, and minimum 600 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Jenkins Street must be reconstructed, to ensure uniformity in the road reserve;

- m) any twisting of driveway access must occur entirely within the subject property;
- n) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- o) the sections must show the calculated clearance to the underside of any overhead structure;
- p) all redundant stormwater pipelines within the footpath area shall be removed and footpath, grass and kerb shall be reinstated;
- q) 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;
- r) any footpath panel that is disturbed for the purpose of this development works must be reconstructed as a whole panel.

The permit must be granted by Council prior to the issue of any Construction Certificate.

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

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

Reason for approval:

The matters for consideration as outlined in section 4.15(1) of the Act and the requirements of 4.55(1A) have been satisfied. The proposed development, as modified is considered sustainably the same development and is considered to be of minimal environmental impact. The proposed development, as modified is generally in accordance with the objectives of the NSDCP 2013 and is recommended for approval.

How community views were taken into account:

The proposed modification was notified in accordance with Council's Notification Policy, however, no submissions were received.

The conditions attached to the original consent for Development Application No. 18/19 by endorsed date of 7 May 2019 still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS