

Original signed by Robyn Pearson on 4/8/2020

Valerie Hanson
2 Priory Road
WAVERTON NSW 2060

D252/18
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 252/18/2 – APPROVAL**

Development Consent Number: 252/18/2

Land to which this applies: 2 Priory Road, Waverton
Lot No.: 7, DP: 7544

Applicant: Valerie Hanson

Proposal: Modification to driveway location and design details of the 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. **252/18** and registered in Council's records as Application No. **252/18/2** relating to the land described as **2 Priory Road, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 December 2018, has been determined in the following manner: -

1. Condition A6 is to be imposed

Development in Accordance with Plans (S4.55 Amendments)

A6. 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:

Plan No	Issue	Title	Dated	Prepared	Received
A 01	A	Site Plan	22.06.2020	a. BASTAS architects	25 June 2020
A 03	A	Ground Floor and Roof Plan	22.06.2020	a. BASTAS architects	25 June 2020
A 11	A	Elevation	22.06.2020	a. BASTAS architects	25 June 2020
A 12	A	Section	22.06.2020	a. BASTAS architects	25 June 2020

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 A4 and A5 are to be deleted.*

3. *Condition C11 is to be imposed.*

Amendments to the Plans

C11. The panel lift door along the north eastern elevation of the carport is to be an open security screen, not less than 50% open in design.

(Reason: To minimise the bulk and scale along the streetscape)

4. *Condition C7 (Obtain Driveway Crossing Permit under s.138 Road Act 1993) is to be replaced as follows:*

Obtain Driveway Crossing Permit under s.138 Road Act 1993

C7. 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 4.0 metres (including the wings);
- c) the top of the proposed northern side layback wing must be constructed at a minimum distance of 600mm from the existing power pole;
- d) the boundary footpath and gutter levels need to be adjusted to prevent scraping of vehicles;
- e) the crossing section over the footpath (between the property boundary and grass verge) be perpendicular on a single straight grade of approximately 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;
- f) 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 1 meter long;

- g) transitioning works of the footpath panels on both sides of the vehicular crossing are required to ensure uniformity in the footpath;
- h) a longitudinal section along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary lines is required and shall include all changes of grade and levels, both existing and proposed;
- i) a longitudinal section is required along the gutter line at a scale of 1:50 extending 5m past the property boundary line showing how it is intended to blend the new vehicular crossing; and shall include all changes of grade and levels, both existing and proposed;
- j) 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;
- k) the works will require reconstruction of the carriageway shoulder extending out minimum 600mm from the gutter lip in AC10 - 50mm thick, adjacent to all new kerb/gutter and layback works;
- l) any twisting of driveway access must occur entirely within the subject property;
- m) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- n) the sections must show the calculated clearance to the underside of any overhead structure;
- o) all redundant stormwater pipelines within the footpath area shall be removed and footpath, grass and kerb shall be reinstated;
- p) 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;
- q) any footpath panel that is disturbed for the purpose of this stormwater 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 development, as proposed to be modified, is considered substantially the same development and has regard to the reason for approval of the original application. The modification has been assessed against the matters for consideration as outlined in section 4.15(1) of the Act which have been satisfied.

The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

The proposed modifications provide improved vehicle access, and alterations to the design of the carport which would have minimal impact to the heritage values of the dwelling within the conservation area and are considered an improvement over the approved scheme. The proposed modification is therefore recommended for approval.

How community views were taken into account:

The development application was notified in accordance with Council's Community Engagement Protocol from 10 July 2020 until 24 July 2020, however no submissions were received. Conditions were imposed on the original consent that are considered to minimise the potential construction impacts on the surrounding residential area.

The conditions attached to the original consent for Development Application No. 252/18 by endorsed date of 21 December 2018 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