

Original signed by: Kim Rothe Dated: 27/11/2020

John Mashonis
PO Box 1024
KOGARAH NSW 1485

D06/15
KRR(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 06/15/5 – APPROVAL**

Development Consent Number: 6/15/5

Land to which this applies: 301 Miller Street, Cammeray
Lot No.: 1, DP: 1235788

Applicant: John Mashonis

Proposal: Section 4.55(1A) modification to alter vehicular crossover to Miller Street.

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. **06/15** and registered in Council's records as Application No. **06/15/5** relating to the land described as **301 Miller Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 May 2015, has been determined in the following manner: -

1. To amend Condition A1, C1 and C16 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

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

DA06/15 Approved Plan List

Drawing Numbered /Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	B	30 March 2015	MCHP	10 April 2015
12-004-DA100 Basement Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA101 Ground Floor Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA102 First Floor Plan	C	30 March 2015	MCHP	10 April 2015

12-004-DA103 Second Floor Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA200 Elevations	C	30 March 2015	MCHP	10 April 2015
12-004-DA201 Elevations	B	20 October 2014	MCHP	10 April 2015
12-004-DA202 Elevations	A	20 October 2014	MCHP	13 January 2015
12-004-DA203 Elevations	B	30 March 2015	MCHP	10 April 2015
12-004-DA204 Sections	B	30 March 2015	MCHP	10 April 2015
12-004-DA301 Area Calculations / Colours and Finishes	B	30 March 2015	MCHP	10 April 2015

DA06/15/4 Approved Plan List

Drawing Numbered /Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	B	30 March 2015	MCHP	6 December 2019
12-004-DA100 Basement Floor Plan	C	30 March 2015	MCHP	6 December 2019
12-004-DA203 Elevations	B	30 March 2015	MCHP	6 December 2019
12-004-DA205 Sections	A	20 October 2014	MCHP	6 December 2019

DA06/15/5 Approved Plan List

Drawing Numbered /Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	D-1	22/07/2020	MGROUPE	30/10/2020
12-004-DA003 Basement Plan	D-1	22/07/2020	MGROUPE	30/10/2020
12-004-DA003 Ground Floor Plan	D-1	22/07/2020	MGROUPE	30/10/2020

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

(Condition Modified by DA06/15/5 approved on 27 November 2020)

Roads and Maritime Requirements

C1. Prior to the issue of a Construction Certificate:

1. The design and construction of the gutter crossing on Miller Street shall be in accordance Roads and Maritime requirements. **TfNSW requires a minimum distance of 1m from the face of driveway and existing power pole at the site frontage on Miller Street.**
2. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

2. All vehicles are to enter and leave the site in a forward direction. In this regard a swept path plan should be submitted to Council to demonstrate that this can be achieved in a scenario where the car park is full.
3. All vehicles are to be wholly contained on site before being required to stop.
4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD201 21001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the CivilWorks requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, 4S2890.6-2009.

(Reason: To satisfy RMS terms of approval for the proposed new vehicular crossing adjacent to a Classified Road and comply with the requirement of Section 138 of the Roads Act 1993)

Obtain **Amended Driveway Crossing and associated works permit**

C16. ~~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”~~ **an “Amendment to Existing Vehicle Access Crossing”** 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 width of the vehicular layback must be ~~6.5m~~ **a maximum of 5.0m** (including the wings).
- c) **There must be a minimum distance of 1m from the northern side of the crossover and the existing power pole at the site frontage on Miller Street**
- d) The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
- e) ~~Alignment levels at the boundary have an important impact on the proposed levels for new driveway. No work must start until first obtaining boundary alignment levels from Council. 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 councils boundary levels.~~
- g) The part of crossing between the lip of the layback and footpath (over the grass verge) must be on a single straight grade, falling to the back of the layback. It must be taken into account that the change in cross fall grade of 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. The part of crossing over the footpath must not exceed 4.5%.
- h) ~~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 may require some adjustment (lifting) 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.~~
- i) The footpath and grass verge on Miller Street must be reconstructed and are to be transitioned at least 1.5m on both sides or for additional pavement panel, whichever is ~~grater~~ **greater**, to ensure uniformity on the footpath.
- j) The kerb gutter, and ~~600-mm~~ **one lane width (or as directed by TfNSW)** road shoulder wide- strip, adjacent to all new layback and gutter works, on Miller Street must be reconstructed, to ensure uniformity in the road reserve.
- k) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.

- l) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- ~~m) 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.~~
- ~~n) A longitudinal section along the gutter line of Miller Street 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.~~
- ~~o) 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.~~
- ~~p) The sections must show the calculated clearance to the underside of any overhead structure.~~
- ~~q) All details of internal ramps between parking levels.~~
- ~~r) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".~~
- s) 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.
- t) Any footpath panel or part of the kerb on Miller Street 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 Construction Certificate issued.~~

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

Reason for approval:

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for approval

How community views were taken into account:

The application was not required to be notified.

The conditions attached to the original consent for Development Application No. 06/15 by endorsed date of 8 May 2015 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Kim Rothe**. 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)