

Marston Architects
45 Pittwater Road
MANLY NSW 2095

D57/21
AB7 (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 57/21/2 - APPROVAL

Development Consent Number: **57/21**

Land to which this applies: 15 Carter Street, Cammeray
Lot No.: 14, Sec: A, DP: 4895

Applicant: Marston Architects

Proposal: Alterations and additions to a dwelling, pool, spa, and associated works - amendments to conditions C14 and C15 to correct minor drafting errors

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. **57/21** and registered in Council's records as Application No. **57/21/2** relating to the land described as **15 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 10 March 2021, has been determined in the following manner:

1. Condition C14 is modified as follows:

Onsite Stormwater Detention

- C14.** *Onsite detention must be provided to ensure that the maximum pump-out discharge from the site does not exceed discharge which would occur during a one in five-year storm for the time of concentration determined for the particular site, for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100-year storm, is to be gradually pumped-out for gradual release to the kerb and gutter. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

Determination of the require cumulative storage must be based on the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 Edition.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

2. Condition C15 is modified as follows:

Pump-out System Design for Stormwater Disposal

C15 *The design of the pump-out system for stormwater disposal must be designed in accordance with the following criteria:*

- a) the pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the PSD 1% AEP for the one-hour duration storm.*
- b) the pump system shall be regularly maintained and serviced, every six (6) months; and*
- c) any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter.*

Engineering details demonstrating compliance with these criteria and certified by an appropriately qualified and practicing civil engineer shall be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

Reasons for Approval:

The proposed amendment of Conditions C14 (On-Site Stormwater Detention) and C15 (Pump-Out System Design for Stormwater Disposal) is to correct some minor drafting errors relating to the type of stormwater management system originally approved under DA 57/21 and would not materially change the level of compliance with any environmental planning instrument, NSLEP 2013 or NSDCP 2013. Notification of this application was not required. Nonetheless, officers consider that there would be no impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains fully consistent with the objectives of the Cammeray Conservation Area, the R2 Low Density Residential Zone, and the reasons for granting consent originally.

The proposed changes were found to be acceptable in the site circumstances and it is recommended that the subject Section 4.55(1) application be approved with the modification of Conditions C14 and C15.

How community views were taken into account:

There is no requirement to advertise a Section 4.55(1) application, and no neighbour would be impacted by this minor amendment of Conditions A4 and G3.

The conditions attached to the original consent for Development Application No. 57/21 by endorsed date of 10 March 2021 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

29 November 2021

DATE

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