

Romeocad Design Pty Ltd
19/174 Willoughby Road
CROWS NEST NSW 2065

D335/19
MS3 (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 335/19/2 – APPROVAL

Development Consent Number: 335/19/2

Land to which this applies: 44 Carter Street, Cammeray
Lot No.: 1, DP: 856262

Applicant: Romeocad Design Pty Ltd

Date of Determination 10 May 2022

Proposal: Section 4.55(1A) modification relating to demolition of the existing dwelling and construction of a new dwelling with associated landscaping.

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. **335/19** and registered in Council's records as Application No. **335/19/2** relating to the land described as **44 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 January 2020, has been determined in the following manner: -

1. Amended Condition C23 as follows:

Stormwater Management and Disposal Design Plan - Construction Issue

- C1. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) The major part of stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to Council's kerb in Carter Street.
- c) ~~The minor part of stormwater from the property that cannot be drained towards the street, shall be conveyed to the absorption trenches system in the rear yard. The size of proposed trench system shall be determined from the catchment area that is draining into it and from the soil absorption rate. The minimum depth of each absorption trench must not be less than 1 meter. A distance of absorption trench from any building structure or property boundary shall be minimum 2 meters and they shall be placed in parallel to the site contours.~~
- c) **The minor part of the stormwater from the property that cannot be drained through the charged system must be pumped out, via a rainwater reuse storage tank/s of sufficient capacity, to Council's kerb in Carter Street.**
- d) Pipelines within the footpath area shall be hot dipped galvanized steel rectangular hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- e) Any footpath panel on Carter Street disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- f) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- g) The design and installation of the Rainwater Tanks shall comply with Basix and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- h) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Details demonstrating compliance are to be submitted with the Construction Certificate. The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

Reason for approval:

The modification application meets the requirements of section 4.55(1A) and has been assessed with regard to the original reasons for approval and 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 are considered substantially the same development and of minimal environmental impact. The proposed modifications would improve the approved stormwater disposal system and includes sufficient safeguards to ensure that the proposed system is capable of dealing with the volume of stormwater runoff generated by the proposed development and includes a twin redundant pump system to ensure that the system remains capable of functioning should a mechanical failure occur.

The proposed modification is therefore considered reasonable and is recommended for approval.

How community views were taken into account:

The application was notified in accordance with Council Community Engagement Protocol from 19 April 2022 until 3 May 2022. No submissions were received at Council. Nevertheless, the potential impact to adjoining properties has been considered and concluded that there would be no unreasonable impacts for surrounding properties.

The conditions attached to the original consent for Development Application No. 335/19 by endorsed date of 8 January 2020 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

19 May 2022

DATE

Signature on behalf of consent authority
Michael Stephens
A/TEAM LEADER (ASSESSMENTS)