



Ms Denise Wing Yin Barnett
C/- Bijl Architecture
7/100 Penshurst Street
WILLOUGHBY NSW 2068

D281/22
RW (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 281/22/3 - APPROVAL**

Development Consent Number:	281/22
Land to which this applies:	16 Carter Street, Cammeray Lot No.: 18, DP: 6259
Applicant:	Denise Wing Yin Barnett
Proposal:	To modify consent DA281/22 including reconfigurations of internal rooms, new internal stair, amendments to glazing and the introduction of fireplace with vent

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. **281/22** and registered in Council's records as Application No. **281/22/3** relating to the land described as **16 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **6 February 2023**, has been determined in the following manner:

A. Add Condition A5 as follows:

Development in Accordance with Plans (s4.55 Amendments)

- A1. The development being carried out in accordance with plans identified in Condition A1 of the consent and A5 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Rev	Description	Prepared by	Dated
DA03	C	Proposed Ground Floor Plan	Bijl Architecture	21/7/2023
DA04	C	Proposed First Floor Plan	Bijl Architecture	21/7/2023
DA05	C	Elevations - North, South and Streetscape	Bijl Architecture	21/7/2023
DA06	C	Elevations - East and West	Bijl Architecture	21/7/2023
DA07	C	Sections - AA and BB	Bijl Architecture	21/7/2023
EX01	C	Existing and Demolition Floor Plan	Bijl Architecture	21/7/2023
-	S4.55 application	External Materials and Colours	Bijl Architecture	Sept 2023

A. Modify Condition C12 as follows:

BASIX Certificate

C12. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. ~~A451115, dated 13 September 2022~~, **A451115_03, dated 21 July 2023** for the development are fulfilled. Plans and specifications complying 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 ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Reasons for Approval:

The proposed modifications are considered to be generally 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 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 and 4.15(1) 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:

No submissions were received during the fourteen-day notification period.

The conditions attached to the original consent for Development Application No. **281/22** by endorsed date of **6 February 2023** still apply.

ADVISINGS

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

3 October 2023

DATE


Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)