

Ascot Project Management
Level 10, George Street
SYDNEY NSW 2000

D443/18
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 443/18/3 - APPROVAL**

Development Consent Number: 443/18

Land to which this applies: 63 Carter Street, Cammeray
Lot No.: 0 SP: 12678, SP 53002

Applicant: Ascot Project Management

Proposal: Modification of Development Consent DA443/18 for a
residential flat building - various modifications

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **443/18** and registered in Council's records as Application No. **443/18/3** relating to the land described as 63 Carter Street, Cammeray.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 December 2018, has been determined in the following manner:

Conditions A1 and A4 to be amended and Conditions A5 and A6 to be added, as follows:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- 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.

Plan No.	Issue	Title	Drawn by	Dated
TP108.100	K	Site Plan	DKO Architecture	13/7/21
TP108.102	H	Ground Driveway Plan	DKO Architecture	5/8/20
TP108.103	H	Basement 1	DKO Architecture	5/8/20
TP108.104	L	Ground Floor	DKO Architecture	13/7/21

TP108.105	L	Level 01	DKO Architecture	13/7/21
TP108.106	I	Level 02	DKO Architecture	13/7/21
TP108.107	L	Level 03	DKO Architecture	13/7/21
TP108.108	L	Level 04	DKO Architecture	13/7/21
TP108.109	L	Roof Plan	DKO Architecture	13/7/21
TP108.110	K	Typical Floor Plans	DKO Architecture	13/7/21
TP108.111	K	Typical Floor Plans	DKO Architecture	13/7/21
TP108.112	K	Typical Floor Plans	DKO Architecture	13/7/21
TP108.113	K	Typical Floor Plans	DKO Architecture	13/7/21
TP108.114	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.115	H	Basement 1	DKO Architecture	5/8/20
TP108.116	K	Ground Floor	DKO Architecture	13/7/21
TP108.300	L	North Elevation	DKO Architecture	13/7/21
TP108.301	L	East Elevation	DKO Architecture	13/7/21
TP108.302	K	South Elevation	DKO Architecture	13/7/21
TP108.303	J	West Elevation	DKO Architecture	13/7/21
TP108.304	L	Additional North Elevation	DKO Architecture	13/7/21
TP108.305	H	Elevation 61 Carter Street	DKO Architecture	5/8/20
TP108.306	L	Section A	DKO Architecture	13/7/21
TP108.307	L	Section B	DKO Architecture	13/7/21
TP108.308	F	Section C	DKO Architecture	6/12/19
TP108.309	F	Sections Detail	DKO Architecture	6/12/19
TP108.310	F	Sections Detail	DKO Architecture	6/12/19
TP108.311	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.312	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.313	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.314	H	Section Detail	DKO Architecture	5/8/20
TP108.507	F	Adaptable Units	DKO Architecture	6/12/19
TP108.512	F	Material Schedule	DKO Architecture	6/12/19
1110 L-01	M	Lower Ground and Ground Floor Landscape Plan	Site Design + Studios	8/10/19
1110 L-02	M	Level 01 Landscape Plan	Site Design + Studios	8/10/19
1110 L-03	M	Level 02 Landscape Plan	Site Design + Studios	8/10/19
1110 L-04	M	Level 04 Landscape Plan	Site Design + Studios	8/10/19
1110 L-05	M	Planting Schedule and Detail	Site Design + Studios	8/10/19
1110 L-06	M	Fence Plan and Detail	Site Design + Studios	8/10/19
SK1	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/7/20
SK2	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/7/20
SK3	A	Section 1	Partridge Structural Pty Ltd	3/7/20
SK4	A	Section 2	Partridge Structural Pty Ltd	3/7/20
SK5	A	Details	Partridge Structural Pty Ltd	3/7/20
SK6	A	Details	Partridge Structural Pty Ltd	3/7/20

Reference 200421.02FA	Supplementary Traffic Advice in Response to Council Comments For The Proposed Residential Development at 63 Carter Street, Camberay	McLaren Traffic Engineering	17/8/20
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(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Amended Landscape Plans

A4. The landscape plans prepared by Site Design + Studios and referred to in Condition A1 are to be amended to be in accordance with the current approved architectural plans prepared by DKO Architecture.

The amended landscape plans must be submitted to the satisfaction of the Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure that the landscaping plans are consistent with the amended architectural plans)

Reason for Approval:

The s.4.56 application has been assessed against all applicable environmental planning instruments and Council policies and with regard to the Land and Environment Court decision, and is considered to be generally satisfactory, including in relation to s.4.56 of the Environmental Planning and Assessment Act 1979, the North Sydney LEP 2013 and North Sydney DCP 2013, subject to amended conditions of consent.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979, the application is considered to be satisfactory as detailed in the assessment report.

How community views were taken into account:

The proposal was notified and advertised in accordance with s.3.4.3 of the North Sydney Community Engagement Protocol. No submissions were received.

The conditions attached to the original consent for Development Application No. 443/18/3 by endorsed date of 20 December 2018 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **George Youhanna**. 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 4.56 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 4.56 of the *Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

11 October 2021

DATE

Signature on behalf of consent authority
GEORGE YUHANNA
EXECUTIVE PLANNER