



Mr Carl Redfern  
Redfern Lynch Architects  
165 Illawarra Road  
MARRICKVILLE NSW 2204

D325/19  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 325/19/2 - APPROVAL**

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**Development Consent Number:** 325/19

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**Land to which this applies:** 42 Abbott Street, Cammeray  
Lot No.: 11, DP: 4331

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**Applicant:** Carl Redfern

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**Proposal:** To modify Condition C1(b) to provide an alternate design for privacy screens to first floor windows (WB14 and WB 15)

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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. **325/19** and registered in Council's records as Application No. **325/19/2** relating to the land described as **42 Abbott Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **20 May 2020**, has been determined in the following manner:

- To modify the development consent (D325/19) and modify conditions A1 and C1 to read as follows:***

**Development in Accordance with Plans (S4.55 Amendments)**

- A1. The development being carried out in accordance with the following drawings:

Drawing No.	Dated	Drawn by	Received
DA.02-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.03-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.04-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.05-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.06-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.07-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.13-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.14-N	29/10/20	Redfern Lynch Architects	29/10/2020
DA.16-N	29/10/20	Redfern Lynch Architects	29/10/2020

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D325/19/2:

Plan No.	Description	Prepared by	Dated
DA:04 P	Floor Plans	Redfern Lynch Architects	27/02/2023
DA:05 P	Elevations	Redfern Lynch Architects	27/02/2023
DA:06 P	Elevations/Section	Redfern Lynch Architects	27/02/2023

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

### Privacy Protection

C1. The following devices must be installed to protect visual privacy of the adjoining properties:

- (a) A 1.5m high privacy screen, as measured from the floor level, must be installed along the northern edge of the first-floor balcony above the garage to Abbott Street; and
- (b) Installation of metal privacy hoods (600mm deep) on the first-floor bedroom windows (WB14 and WB15) on the western (rear) elevation of the western dual occupancy unit (Residence B). The design of the privacy hood for WB15 shall be modified to include a 600mm deep vertical blade to be installed perpendicular to the window at the mid-point of the 1265mm wide privacy hood to ensure adequate visual privacy protection for the adjoining property at No.44 Abbott Street.

The Certifying Authority issuing the Construction Certificate must ensure that the landscape plan(s) and associated specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To maintain visual privacy for the adjoining properties.)

### 2. To insert a new condition A4 to read as follows:

#### Terms of Consent (D325/19/2)

A4. Approval is granted for the following modifications only:

- Modifications to Condition C1(b) of the consent relating to the design of the privacy protection devices for windows WB14 and WB15.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

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#### Reasons for Approval:

The proposed modifications satisfy the provisions of Section 4.55 (1A) in that the proposed development is substantially the same as what was approved under DA 325/19 as the proposed modifications will not alter the use, building height, scale and built form of the development as originally approved.

The proposed modifications would not affect the overall building setbacks, site coverage, unbuilt upon area and landscaped area of the approved development.

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The proposed modifications would not cause material impacts on the amenity of the adjoining properties, particularly visual privacy, subject to the recommended modifications to Condition C1(b).

The issues raised in the submission received have been addressed in the assessment report.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to Condition C1(b) to ensure adequate visual privacy protection for the adjoining property.

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**How community views were taken into account:**

The proposal is considered to be in the public interest for the reasons stated throughout this report.

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The conditions attached to the original consent for Development Application No. **325/19** by endorsed date of **20 May 2020** still apply.

**ADVISINGS**

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



**28 June 2023**

DATE

Signature on behalf of consent authority

ROBIN TSE

**A/TEAM LEADER (ASSESSMENTS)**