



Mr Mitchell Ross  
Ascot Project Management  
Suite 205, 3 Gladstone Street  
NEWTOWN NSW 2042

D443/18  
DK4 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.56 MODIFICATION 443/18/6 - APPROVAL**

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**Development Consent Number:** 443/18

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**Land to which this applies:** 63 Carter Street, Cammeray  
Lot No.: 1, DP: 1269633; SP 12678 & SP 53002

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**Applicant:** Ascot Project Management - Mitchell Ross

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**Proposal:** Section 4.56 Modification of Court Approval of DA 443/18 to provide for an additional storage cage in the ground floor car park and relocate 10 bicycle parking spaces.

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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. **443/18/6** 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 **15 January 2020**, has been determined in the following manner:

***Development in Accordance with Plans/Documentation***

A1. The development being carried out in accordance with drawings numbered:

Plan No.	Issue	Title	Drawn by	Dated
TP108.100	K	Site Plan	DKO Architecture	13/07/2021
TP108.102	H	Ground Driveway Plan	DKO Architecture	5/08/2020
TP108.103	H	Basement 1	DKO Architecture	5/08/2020
TP108.104	L	Ground Floor	DKO Architecture	13/07/2021
TP108.105	L	Level 01	DKO Architecture	13/07/2021
TP108.106	I	Level 02	DKO Architecture	13/07/2021
TP108.107	L	Level 03	DKO Architecture	13/07/2021
TP108.108	L	Level 04	DKO Architecture	13/07/2021
TP108.109	L	Roof Plan	DKO Architecture	13/07/2021

TP108.110	K	Typical Floor Plans	DKO Architecture	13/07/2021
TP108.111	K	Typical Floor Plans	DKO Architecture	13/07/2021
TP108.112	K	Typical Floor Plans	DKO Architecture	13/07/2021
TP108.113	K	Typical Floor Plans	DKO Architecture	13/07/2021
TP108.114	H	Typical Floor Plans	DKO Architecture	5/08/2020
TP108.115	H	Basement 1	DKO Architecture	5/08/2020
TP108.116	K	Ground Floor	DKO Architecture	13/07/2021
TP108.300	L	North Elevation	DKO Architecture	13/07/2021
TP108.301	L	East Elevation	DKO Architecture	13/07/2021
TP108.302	K	South Elevation	DKO Architecture	13/07/2021
TP108.303	J	West Elevation	DKO Architecture	13/07/2021
TP108.304	L	Additional North Elevation	DKO Architecture	13/07/2021
TP108.305	H	Elevation 61 Carter St	DKO Architecture	5/08/2020
TP108.306	L	Section A	DKO Architecture	13/07/2021
TP108.307	L	Section B	DKO Architecture	13/07/2021
TP108.308	F	Section C	DKO Architecture	6/12/2019
TP108.309	F	Sections Detail	DKO Architecture	6/12/2019
TP108.310	F	Sections Detail	DKO Architecture	6/12/2019
TP108.311	H	Ramp Section Detail	DKO Architecture	5/08/2020
TP108.312	H	Ramp Section Detail	DKO Architecture	5/08/2020
TP108.313	H	Ramp Section Detail	DKO Architecture	5/08/2020
TP108.314	H	Section Detail	DKO Architecture	5/08/2020
TP108.507	F	Adaptable Units	DKO Architecture	6/12/2019
TP108.512	F	Material Schedule	DKO Architecture	6/12/2019
1110 L-01	M	Lower Ground and Ground Floor Landscape Plan	Site Design + Studios	8/10/2019
1110 L-02	M	Level 01 Landscape Plan	Site Design + Studios	8/10/2019
1110 L-03	M	Level 02 Landscape Plan	Site Design + Studios	8/10/2019
1110 L-04	M	Level 04 Landscape Plan	Site Design + Studios	8/10/2019
1110 L-05	M	Planting Schedule and Detail	Site Design + Studios	8/10/2019
1110 L-06	M	Fence Plan and Detail	Site Design + Studios	8/10/2019
SK1	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/07/2020
SK2	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/07/2020
SK3	A	Section 1	Partridge Structural Pty Ltd	3/07/2020
SK4	A	Section 2	Partridge Structural Pty Ltd	3/07/2020
SK5	A	Details	Partridge Structural Pty Ltd	3/07/2020
SK6	A	Details	Partridge Structural Pty Ltd	3/07/2020
Reference 200421.02FA		Supplementary Traffic Advice in Response to Council Comments For The Proposed Residential Development at 63 Carter Street, Cammeray	McLaren Traffic Engineering	17/08/2020

Except where modified under the provisions of S4.56 of the EP&A Act 1979 with change shown clouded red on the following plans:

Plan No.	Issue	Title	Drawn by	Dated
TP108.116	M	Ground Floor	DKO Architecture	9/3/23
TP108.104	N	Ground G	DKO Architecture	9/3/23

And except where amended by the following conditions.

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

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**Reasons 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. The application is recommended for **approval**.

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

The application was notified to surrounding properties and to previous submitters in accordance with s.3.4.3 Modifications of Development Consents granted by the Court of the North Sydney Community Engagement Protocol, and in accordance with s.4.56(1)(c) of the *Environmental Planning and Assessment Act 1979*, between 11 April 2023 and 26 April 2023.

No submissions have been received.

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The conditions attached to the original consent for Development Application No. **443/18** by endorsed date of **15 January 2020** still apply.

**ADVISINGS**

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

**26 June 2023**

DATE



Signature on behalf of consent authority  
DAMON KENNY  
**EXECUTIVE PLANNER (ASSESSMENTS)**