

Original signed by: Robyn Pearson on: 18/11/19

Mrs Aspasia Lekopoulos  
45 Carter Street  
CAMMERAY NSW 2062

D82/15  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 82/15/2 – APPROVAL**

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**Development Consent Number:** 82/15/2

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**Land to which this applies:** 45 Carter Street, Cammeray  
Lot No.: 1, DP: 960025

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**Applicant:** Aspasia Lekopoulos

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**Proposal:** Section 4.55(1) modification to DA82/15, to delete  
Condition C9 (Driveway Crossing)

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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. **82/15** and registered in Council's records as Application No. **82/15/2** relating to the land described as **45 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 April 2016, has been determined in the following manner: -

*1. To insert new Condition A4 as follows;*

**Terms of Consent (No work to the driveway on Council's road reserve)**

A4. No approval is given or implied for any works to the driveway on Council's road reserve that provides vehicular access to the subject site.

(Reason: To clarify the terms of the consent)

*2. To delete Condition C9 (Driveway Crossing and Associated Works Permit);*

*3. To modify Condition C11 to reduce bond from \$8,000.00 to \$1,500.00;*

*4. To modify Condition C13 to delete the Engineering Construction Bond from the schedule, which reduces the sum from \$8,000.00 to \$1,500.00; and*

*5. To modify Condition G2 to delete clause (a).*

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**Reason for approval:**

The proposed removal of Condition C9 (Driveway Crossing and Associated Works Permit) and other conditions associated with the requirement for a driveway permit that were recommended by Council's Development Engineer would not materially change the level of compliance with any environmental planning instrument, NSLEP and NSDCP. Notification of this application was not required under section 4 in NSDCP 2013. Nonetheless, Council officers considered that there would be no impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains fully consistent with the objectives of the R3 (Medium Density Residential) Zone, and the reasons for granting consent originally.

The proposal was found to be acceptable in the site circumstances and it is recommended that the subject Section 4.55(1) application be approved with removal of Condition C9 and other conditions associated for a driveway crossing.

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

There was no requirement to advertise this Section 4.55(1) application, and no neighbour would be impacted by the removal of Condition C9 and other conditions associated for a driveway crossing.

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The conditions attached to the original consent for Development Application No. 82/15 by endorsed date of 28 April 2016 still apply.

**ADVISINGS**

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

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**