

**Original signed by: Robyn Pearson Dated: 21/8/2020**

Lara Simone Ford  
11 Carter Street  
CAMMERAY NSW 2062

D432/18  
LK(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 432/18/2 – APPROVAL**

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**Development Consent Number:** 432/18/2

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**Land to which this applies:** 11 Carter Street, Cammeray  
Lot No.: 12, Sec: A, DP: 4895

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**Applicant:** Lara Simone Ford

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**Proposal:** Section 4.55(2) modification to DA432/18 for alterations to the approved development including additional demolition and excavation, and amendments to the lower ground floor level including addition of a new rumpus room.

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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. **432/18** and registered in Council's records as Application No. **432/18/2** relating to the land described as **11 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 April 2019, has been determined in the following manner: -

- To modify the development consent (DA432/18) and modify condition A1 to include the revised plans:*

**Development in Accordance with Plans (S 4.55 Amendments)**

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

Drawing Number	Revision	Title	Drawn by	Dated
DA01-02	B	Site Plan	Utz Sanby Architects	25/02/2019
DA02-01	A	Ground Floor Plan	Utz Sanby Architects	27/11/2018
DA02-02	B	First Floor Plan	Utz Sanby Architects	27/11/2018
DA02-03	B	Roof Plan	Utz Sanby Architects	25/02/2019
DA02-04	A	Lower Ground Floor Plan	Utz Sanby Architects	27/11/2018

DA03-01	C	Long Section	Utz Sanby Architects	20/03/2019
DA04-01	B	North Elevation	Utz Sanby Architects	25/02/2019
DA04-02	B	West Elevation	Utz Sanby Architects	25/02/2019
DA04-03	B	South Elevation	Utz Sanby Architects	25/02/2019
DA04-04	B	East Elevation	Utz Sanby Architects	25/02/2019
DA06-01	A	Schedule of Materials/Colours	Utz Sanby Architects	27/11/2018

and endorsed with Council's approval stamp, except as modified and indicated as such on the following drawings for DA432/18/2:

Drawing Number	Revision	Title	Drawn by	Dated
DA02-01	B	Ground Floor	Utz Sanby Architects	06/08/2020
DA02-02	B	First Floor	Utz Sanby Architects	22/06/2020
DA02-03	B	Roof Plan	Utz Sanby Architects	06/08/2020
DA02-04	A	Lower Ground Floor Plan	Utz Sanby Architects	22/06/2020
DA03-01	A	Long Section	Utz Sanby Architects	22/06/2020
DA04-01	A	North Elevation	Utz Sanby Architects	22/06/2020
DA04-02	B	West Elevation	Utz Sanby Architects	06/08/2020
DA04-03	B	South Elevation	Utz Sanby Architects	06/08/2020
DA04-04	B	East Elevation	Utz Sanby Architects	06/08/2020

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

**2. To insert new condition No. A5 as follows:**

**Terms of Consent (DA432/18/2)**

A5. Approval is granted only for the modifications at lower ground floor level that are clouded red on the drawings listed in Condition A1 of this consent.

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

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

**3. To modify condition No. C11 as follows:**

**BASIX Certificate**

C11. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A334241 03 dated 29 June 2020 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)

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**Reason for approval:**

This application satisfies the provisions of Section 4.55(2) in that the proposed development is substantially the same as what was approved under DA 432/18, and the proposed modifications will not alter the use or form of the development as originally approved.

The proposed modifications would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. Subject to conditions attached to the original consent, which will continue to apply, there would be no undue impacts on the residential amenity of any adjoining properties, or on the character of the conservation area, and the proposal remains consistent with the objectives of the R2 (Low Density Residential) Zone, and the reasons for granting consent originally.

The proposal was found to be acceptable in the site circumstances and is recommended that this subject Section 4.55(2) application be approved with modifications to the relevant conditions, and the imposition of several new conditions.

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

The proposal was notified and advertised in accordance with Part A, Section 4 *Notification of Applications* of North Sydney DCP 2013. No submissions were received. Nonetheless neighbour amenity has been considered where it is concluded that there will be no undue impacts subject to existing conditions of consent which will continue to apply.

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The conditions attached to the original consent for Development Application No. 432/18/2 by endorsed date of 4 April 2019 still apply.

**ADVISINGS**

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

\_\_\_\_\_  
DATE

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