

Original signed by: **Robyn Pearson** on: **11/9/2020**

Alexander & Aspasia Lekopoulos  
C/- Victoria Aleporos  
21 Formosa Street  
DRUMMOYNE NSW 2047

D82/15  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.55 MODIFICATION 82/15/3 – APPROVAL**

**Development Consent Number:** **82/15/3**

**Land to which this applies:**

45 Carter Street, Cammeray  
Lot No.: 1, DP: 960025

**Applicant:**

Victoria Aleporos

**Proposal:**

Section 4.55(2) modifications to DA No 82/15 for various alterations and additions to a dwelling including internal and external changes including new balconies.

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. **82/15/3** 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. Condition A4 is inserted as follows:**

**A. *Conditions that Identify Approved Plans***

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

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

<b>Drawing Number</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
SK01	Ground Floor Plan	Victoria Aleporos Architect	08/08/2020	11/08/2020
SK02	First Floor Plan	Victoria Aleporos Architect	08/08/2020	11/08/2020
SK03	Second Floor Plan	Victoria Aleporos Architect	08/08/2020	11/08/2020
SK04	Roof Plan	Victoria Aleporos Architect	08/08/2020	11/08/2020
SK05	Elevations/Section	Victoria Aleporos Architect	08/08/2020	11/08/2020
SK06	Elevations	Victoria Aleporos Architect	08/08/2020	11/08/2020

except as amended by the following conditions and this consent.

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

**2. Condition C14 is amended as follows:**

**C. *Prior to the Issue of a Construction Certificate***

**BASIX Certificate**

C14. 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. 387695 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:**

The s4.55 modification application has been assessed against the relevant planning instruments and policies, in particular the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013, and generally found to be satisfactory.

There would be no unreasonable overshadowing, view loss, privacy loss and/or excessive bulk and scale as a result of the proposal given that the works are located within the existing footprint of the existing dwelling on the subject site. The reconfiguration of the front garden and path will also not result in any change to the compliant levels of landscaped area or unbuilt-upon area.

The works will generally be sympathetic to the overall design of the subject dwelling and the character of the Cammeray Neighbourhood. The proposed works will provide additional resident amenity without negatively impacting the neighbourhood character or the dwelling.

The proposed changes were found to be acceptable in the site circumstances and it is recommended that the subject Section 4.55(2) application be **approved**.

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

The subject application was notified to adjoining properties and the Bay Precinct Committee seeking comment and no submissions were received. Nevertheless, appropriate standard conditions have been applied to maintain residential amenity.

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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**

\_\_\_\_\_  
DATE

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