

Ascot Project Management Pty Ltd
Level 10, 420 George Street
SYDNEY NSW 2000

D443/18
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 443/18/2 – APPROVAL**

Development Consent Number: 443/18/2

Land to which this applies: 63 Carter Street, Cammeray
SP: 12678

Applicant: Ascot Project Management Pty Ltd

Proposal: Modification of Development Consent DA443/18 for a residential flat building – various modifications.

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. **443/18/2** relating to the land described as **63 Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in the Order issued by the Land and Environment Court, dated 15 January 2020, has been determined in the following manner: -

- *Conditions A1 and A4 to be amended and Conditions A5 and A6 to be added, as follows:*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Dated
TP108.100	H	Site Plan	DKO Architecture	5/8/20
TP108.102	H	Ground Driveway Plan	DKO Architecture	5/8/20
TP108.103	H	Basement 1	DKO Architecture	5/8/20
TP108.104	H	Ground Floor	DKO Architecture	5/8/20
TP108.105	H	Level 01	DKO Architecture	5/8/20
TP108.106	H	Level 02	DKO Architecture	5/8/20

TP108.107	H	Level 03	DKO Architecture	5/8/20
TP108.108	H	Level 04	DKO Architecture	5/8/20
TP108.109	H	Roof Plan	DKO Architecture	5/8/20
TP108.110	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.111	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.112	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.113	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.114	H	Typical Floor Plans	DKO Architecture	5/8/20
TP108.115	H	Basement 1	DKO Architecture	5/8/20
TP108.116	H	Ground Floor	DKO Architecture	5/8/20
TP108.300	H	North Elevation	DKO Architecture	5/8/20
TP108.301	H	East Elevation	DKO Architecture	5/8/20
TP108.302	H	South Elevation	DKO Architecture	5/8/20
TP108.303	H	West Elevation	DKO Architecture	5/8/20
TP108.304	H	Additional North Elevation	DKO Architecture	5/8/20
TP108.305	H	Elevation 61 Carter St	DKO Architecture	5/8/20
TP108.306	H	Section A	DKO Architecture	5/8/20
TP108.307	H	Section B	DKO Architecture	5/8/20
TP108.308	F	Section C	DKO Architecture	6/12/19
TP108.309	F	Sections Detail	DKO Architecture	6/12/19
TP108.310	F	Sections Detail	DKO Architecture	6/12/19
TP108.311	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.312	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.313	H	Ramp Section Detail	DKO Architecture	5/8/20
TP108.314	H	Section Detail	DKO Architecture	5/8/20
TP108.507	F	Adaptable Units	DKO Architecture	6/12/19
TP108.512	F	Material Schedule	DKO Architecture	6/12/19
1110 L-01	M	Lower Ground & Ground Floor Landscape Plan	Site Design + Studios	8/10/19
1110 L-02	M	Level 01 Landscape Plan	Site Design + Studios	8/10/19
1110 L-03	M	Level 02 Landscape Plan	Site Design + Studios	8/10/19
1110 L-04	M	Level 04 Landscape Plan	Site Design + Studios	8/10/19
1110 L-05	M	Planting Schedule and Detail	Site Design + Studios	8/10/19
1110 L-06	M	Fence Plan and Detail	Site Design + Studios	8/10/19
SK1	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/7/20
SK2	A	Bulk Excavation Plan	Partridge Structural Pty Ltd	3/7/20
SK3	A	Section 1	Partridge Structural Pty Ltd	3/7/20
SK4	A	Section 2	Partridge Structural Pty Ltd	3/7/20
SK5	A	Details	Partridge Structural Pty Ltd	3/7/20

SK6	A	Details	Partridge Structural Pty Ltd	3/7/20
Reference 200421.02FA		Supplementary Traffic Advice in Response to Council Comments For The Proposed Residential Development at 63 Carter Street, Cammeray	McLaren Traffic Engineering	17/8/20

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

Amended Landscape Plans

A4. The landscape plans prepared by Site Design + Studios and referred to in Condition A1 are to be amended to be in accordance with the amended architectural plans prepared by DKO Architecture, Issue H, dated 5/8/20.

The amended landscape plans must be submitted to the satisfaction of the Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure that the landscaping plans are consistent with the amended architectural plans)

Acoustic Report

A5. The development is to comply with and be constructed in accordance with all treatments and recommendations contained in the Acoustic Report prepared by Acoustic Logic, numbered 20200253.2/3006A/R3/EC and dated 24/4/20.

(Reason: To ensure that the development has an acceptable acoustic impact on dwellings on the site and on adjoining sites)

Traffic Report

A6. The development is to comply with and be constructed in accordance with all treatments, changes and recommendations contained in the document titled Supplementary Traffic Advice in Response to Council Comments For the Proposed Residential Development at 63 Carter Street, Cammeray, prepared by McLaren Traffic Engineering, reference 200421.02FA, dated 17/8/20.

(Reason: Traffic and pedestrian safety)

Reason 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.

How community views were taken into account:

The proposal was notified and advertised in accordance with s.3.4.3 of the North Sydney Community Engagement Protocol. The issues raised in the submissions have been addressed in this report and the application has been assessed with regard to all issues raised. It is noted that some issues raised relate to the original DA rather than the proposed amendments.

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 **the undersigned**. 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 & 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 & Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
GEORGE YOUHANNA
EXECUTIVE PLANNER