

Original signed by: Robyn Pearson on: 13/11/2020

Precision Planning Pty Ltd  
PO Box 6135  
NORTH RYDE NSW 2113

D352/18  
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.55 MODIFICATION 352/18/2 – APPROVAL**

**Development Consent Number:** 352/18/2

**Land to which this applies:** 42A Carter Street, Cammeray  
Lot No.: 2, DP: 619933

**Applicant:** Precision Planning Pty Ltd

**Proposal:** Alterations and additions to an existing dwelling – Minor changes to windows and front entry

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. **352/18** and registered in Council's records as Application No. **352/18/2** relating to the land described as **42A Carter Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 29 January 2019, has been determined in the following manner: -

**1. Condition A1 to be amended to reflect the revised plans as follows:**

**Development in accordance with the plans/documents**

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.

Drawing No.	Description	Prepared by	Dated	Received
#189 - 1	Site & Site Analysis Plan	Precision Planning	17 October 2018	18 October 2018
#189 - 4	Proposed Lower Ground Floor Plan	Precision Planning	17 October 2018	18 October 2018
#189 - 5	Proposed ground and first floor plan	Precision Planning	17 October 2018	18 October 2018
#189 - 6	South and North Elevations	Precision Planning	17 October 2018	18 October 2018
#189 - 7	East and West Elevations	Precision Planning	17 October 2018	18 October 2018
#189 - 8	Sections a-a and b-b	Precision Planning	17 October 2018	18 October 2018
#189 - 9	Sections c-c and d-d	Precision Planning	17 October 2018	18 October 2018
#189 - 10	Calculation Plans	Precision Planning	17 October 2018	18 October 2018

As amended by the following plans:-

<b>Drawing No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Received</b>
#189 - 1 (b)	Site & Site Analysis Plan	Precision Planning	27.7.20	2.9.20
#189 - 4 (b)	Proposed Lower Ground Floor Plan	Precision Planning	27.7.20	2.9.20
#189 - 5 (b)	Proposed ground and first floor plan	Precision Planning	27.7.20	2.9.20
#189 - 6 (b)	South and North Elevations	Precision Planning	27.7.20	2.9.20
#189 - 7 (b)	East and West Elevations	Precision Planning	27.7.20	2.9.20
#189 - 9 (b)	Sections c-c and d-d	Precision Planning	27.7.20	2.9.20
#189 - 10 (b)	Calculation Plans	Precision Planning	27.7.20	2.9.20

2. *The BASIX Certificate condition (C9) should be amended below to reflect the window changes:-*

### **BASIX Certificate**

- C9. 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. A323233\_03 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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The section 4.55 application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

There would be minimal privacy loss arising from the proposed changes to windows given the existing fencing, vegetation along the eastern boundary and the distance to the rear boundary.

### **Reason for approval:**

Given that the new additions would be minor with a compliant height of 5.4 metres, there would be minimal overshadowing and no view loss arising from the subject section 4.55 application.

The application is acceptable in the site circumstances and recommended for **approval** subject to the following amendments to the previously imposed conditions.

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

DA352/18/2 was notified to adjoining properties and the Bay precinct committee seeking comments between 11 September and 2 October 2020. There were no submissions received by Council. Nevertheless, conditions of consent were imposed with the original application to maintain residential amenity.

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The conditions attached to the original consent for Development Application No. 352/18 by endorsed date of 29 January 2019 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 4.55 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**