



Miss Julie Ong
2 Ada Avenue
STRATHFIELD NSW 2135

D143/20
DK4 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 143/20/2 - APPROVAL**

Development Consent Number: 143/20/3

Land to which this applies: Unit 3, 11 Waruda Street, Kirribilli
Lot No.: 3, SP: 2500

Applicant: Julie Ong

Proposal: Modifications to DA143/20 for Alterations and additions to Unit 3 within an existing residential flat building - changes to the internal layout

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. **143/20** and registered in Council's records as Application No. **143/20/3** relating to the land described as **Unit 3, 11 Waruda Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **14 July 2020**, has been determined in the following manner:

- Conditions A1 and C7 below are modified to include the changes to the previously approved plans:**

Conditions that Identify Approved Plans

Development in Accordance with Plans/documentation

- 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. | Description | Dated | Prepared by |
|-----------|----------------------------|------------|-------------|
| 101 Rev 2 | Site plan | 12/05/2020 | David Gan |
| 102 Rev 2 | Existing ground floor plan | 12/05/2020 | David Gan |
| 103 Rev 2 | Demolition plan | 12/05/2020 | David Gan |
| 104 Rev 2 | Proposed floor plan | 12/05/2020 | David Gan |
| 105 Rev 2 | Services plan | 12/05/2020 | David Gan |

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| 106 Rev 2 | Finishes plan | 12/05/2020 | David Gan |
| 300 Rev 2 | East elevation | 12/05/2020 | David Gan |
| 301 Rev 2 | South elevation | 12/05/2020 | David Gan |
| 400 Rev 2 | Sections | 12/05/2020 | David Gan |

As amended by the following plans being the subject of 143/20/3:

| Plan No. | Description | Dated | Prepared by |
|-----------------|----------------------------|--------------|--------------------|
| 101 Rev 3 | Site plan | 23/11/2022 | MCK Architecture |
| 102 Rev 3 | Existing ground floor plan | 23/11/2022 | MCK Architecture |
| 103 Rev 3 | Demolition plan | 23/11/2022 | MCK Architecture |
| 104 Rev 3 | Proposed floor plan | 23/11/2022 | MCK Architecture |
| 105 Rev 3 | Services plan | 23/11/2022 | MCK Architecture |
| 106 Rev 3 | Finishes plan | 23/11/2022 | MCK Architecture |
| 300 Rev 3 | East elevation | 23/11/2022 | MCK Architecture |
| 301 Rev 3 | South elevation | 23/11/2022 | MCK Architecture |
| 400 Rev 3 | Sections | 23/11/2022 | MCK Architecture |

No approval is granted for changes to the exterior of the residential flat building.

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

BASIX Certificate

C7. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A377233_02** 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)

The proposed modifications to the previously approved plans have been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and generally found to be satisfactory.

The proposed changes would not alter the permissibility of the proposal given that the original application proposed alterations and additions to an existing residential flat building that is a permissible form of development in an R4 Zone.

Reasons for Approval:

Given that the proposed works would be internal and wholly within the existing building, the works would have no impact upon the significance of the Conservation Area nor would they cause any overshadowing and/or view loss. There would be no changes to windows/doors so there would be no privacy impacts for adjoining properties arising from modification application.

Council's Conservation Planner has raised no objection to the proposed development given that the proposed development would have no material impact on the significance of the Kirribilli Conservation Area.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979 the application is satisfactory having regard to the relevant legislation and therefore can be approved.

How community views were taken into account:

The proposal is considered to be satisfactory and the approval of the application will be in the public interest.

The conditions attached to the original consent for Development Application No. **143/20** by endorsed date of **14 July 2020** still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council



12 April 2023

DATE

Signature on behalf of consent authority
ROBIN TSE
A/TEAM LEADER (ASSESSMENTS)
