

Stephanie Brancatisano Architecture Pty Ltd
30 Albany Road
STANMORE NSW 2048

D384/18
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 384/18/3 – APPROVAL**

Development Consent Number: 384/18/3

Land to which this applies: 2 Kareela Road, Cremorne Point
Lot No.: 25, DP: 660969

Applicant: Stephanie Brancatisano Architecture Pty Ltd

Proposal: Section 4.55 (2) application to modify development consent D384/18 for various internal and external changes.

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. **384/18** and registered in Council's records as Application No. **384/18/3** relating to the land described as **1 Kareela Road, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 17 June 2019, has been determined in the following manner: -

- To modify the development consent (D384/18) and modify conditions A1, C18 and G11 to read as follows:***

Development in Accordance with Plans (S4.55 Amendments)

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

Plan No.	Rev	Date	Drawn by	Received
DA06.7	B	04.04.19	BMA Architects	4 April 2019
DA06.8	B	04.04.19	BMA Architects	4 April 2019
DA06.9	B	04.04.19	BMA Architects	4 April 2019
DA06.10	B	04.04.19	BMA Architects	4 April 2019
DA06.11	B	04.04.19	BMA Architects	4 April 2019
DA06.12	B	04.04.19	BMA Architects	4 April 2019
DA06.13	B	04.04.19	BMA Architects	4 April 2019

DA06.14	C	04.04.19	BMA Architects	4 April 2019
DA06.15	B	04.04.19	BMA Architects	4 April 2019
DA06.16	B	04.04.19	BMA Architects	4 April 2019
DA06.17	C	04.04.19	BMA Architects	4 April 2019
DA06.18	C	04.04.19	BMA Architects	4 April 2019
DA06.19	B	04.04.19	BMA Architects	4 April 2019
DA06.20	B	04.04.19	BMA Architects	4 April 2019
DA06.21	B	04.04.19	BMA Architects	4 April 2019
DA06.28	B	18.03.19	BMA Architects	4 April 2019

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D384/18/2:

Plan No.	Rev	Date	Prepared by	Received
DA06.3	D	17/06/21	BMA Architects	17 June 2021
DA06.4	D	17/06/21	BMA Architects	17 June 2021
DA06.7	D	17/06/21	BMA Architects	17 June 2021
DA06.8	D	17/06/21	BMA Architects	17 June 2021
DA06.9	D	17/06/21	BMA Architects	17 June 2021
DA06.10	D	17/06/21	BMA Architects	17 June 2021
DA06.11	D	17/06/21	BMA Architects	17 June 2021
DA06.12	E	17/06/21	BMA Architects	17 June 2021
DA06.14	F	17/06/21	BMA Architects	17 June 2021
DA06.15	E	17/06/21	BMA Architects	17 June 2021
DA06.16	E	17/06/21	BMA Architects	17 June 2021
DA06.17	F	17/06/21	BMA Architects	17 June 2021
DA06.18	E	17/06/21	BMA Architects	17 June 2021
DA06.19	D	17/06/21	BMA Architects	17 June 2021
DA06.20	F	17/06/21	BMA Architects	17 June 2021
DA06.21	E	17/06/21	BMA Architects	17 June 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D384/18/3:

Plan No.	Rev	Date	Title	Prepared by
DA06.12	F	05/10/21	Proposed Site Plan	BMA
DA06.13	C	05/10/21	Proposed Lower Ground Floor Plan	BMA
DA06.14	H	05/10/21	Proposed Ground Floor Plan	BMA
DA06.15	G	05/10/21	Proposed First Floor Plan	BMA
DA06.16	F	05/10/21	Proposed Attic Plan	BMA
DA06.17	H	05/10/21	Proposed Elevation – West & East	BMA
DA06.18	F	05/10/21	Proposed Elevation – South	BMA
DA06.19	E	05/10/21	Proposed Elevation – North	BMA
DA06.20	G	05/10/21	Proposed Section A - A	BMA
DA06.21	F	05/10/21	Proposed Section B - B	BMA

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

BASIX Commitments

- C18. 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. A419123_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)

Compliance with Certain Conditions

- G11. Prior to the issue of any Occupation Certificate, Conditions C19, C20, C21, C22 and C23 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent.)

2. To insert new conditions A6 and C23 to read as follows:

Terms of Consent (D384/18/3)

- A6. Approval is granted for the following modifications only:

- (a) Reconstruction of the eastern elevation of the ground and first floor sunroom/balcony on main dwelling and the associated support columns to remove any encroachment onto Council's property;
- (b) Reconstruction of an existing brick fence along the eastern property boundary to remove any encroachment onto Council's property;
- (c) Widening of the garage door;
- (d) Removal of the triangular highlight windows on the southern elevation of the new addition;
- (e) Installation of four (4) solar panels on the north-western side of the roof above the main dwelling;
- (f) Rectification of drawing errors for existing windows EX-09 and EX-10 on the northern elevation of the main dwelling; and
- (g) Installation of fire shutters to Windows EX-19 and EX-20 on the northern elevation of the main dwelling;

All building elements must be located wholly within the subject site with no encroachment onto the adjoining land.

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

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

Heritage Requirements (D384/18/3)

C23. The following are to be applied to works under D384/18/3:

- (a) New doors to balconies on the eastern elevation shall be Federation style with solid moulded timber base panel and glazed panel above; and
- (b) The number of solar panels shall be restricted to four (4) and are to be installed on the western side of the northern roof plane as indicated on the approved plans. The solar panels shall be laid flat on the roof plane and not in a tilted position.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To be sympathetic to the character of the conservation area)

3. To delete Condition G12 (Deed of Agreement for Minor Encroachments)

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposed works would not change the overall building height, setbacks, bulk and scale and the general appearance of the development as approved in the original DA384/18.

The proposed modifications would have no adverse impacts on the amenity of the surrounding properties.

Reason for approval:

The proposed modifications would have no adverse impacts on the significance of the subject property and the conservation area subject to the imposition of appropriate conditions.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications to existing conditions of consent and addition of new conditions.

How community views were taken into account:

The subject S4.55 application was notified to the adjoining properties and the Cremorne Point Precinct for a period of 14 days between 25 October and 5 November 2021. The notification resulted in no submissions.

The conditions attached to the original consent for Development Application No. 384/18 by endorsed date of 17 June 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

DATE

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