

Original signed by

Robyn Pearson

on 22/2/22

Lesley Knight
C/- Hill Thalys Architecture + Urban Projects
Level 4, 15 Foster Street
SURRY HILLS NSW 2010

D69/21
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 69/21/2 - APPROVAL**

Development Consent Number: 69/21/2

Land to which this applies: 110 Carabella Street, Kirribilli
Lot No.: 9, DP: 4453

Applicant: Lesley Knight

Proposal: Alterations and additions to the dwelling including a new first floor level and rear addition - Minor amendments.

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. **69/21** and registered in Council's records as Application No. **69/21/2** relating to the land described as **110 Carabella Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 July 2021, has been determined in the following manner:

1. To amend condition A1 to include the revised plans:

Development in Accordance with Plans (S4.55 Amendments)

- 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 plans and conditions of this consent.

Plan No.	Revision	Title	Drawn by	Dated	Received
DA200	D	Proposed Ground Floor Plan	Hill Thalys Architects	09/06/2021	09/06/2021
DA201	D	Proposed First Floor Plan	Hill Thalys Architects	09/06/2021	09/06/2021

DA202	D	Proposed Roof Plan	Hill Thalys Architects	09/06/2021	09/06/2021
DA203	D	Proposed Site Plan	Hill Thalys Architects	09/06/2021	09/06/2021
DA220	E	Proposed Section A+B	Hill Thalys Architects	09/06/2021	09/06/2021
DA221	D	Proposed Section C	Hill Thalys Architects	09/06/2021	09/06/2021
DA222	C	Proposed Section D	Hill Thalys Architects	09/06/2021	09/06/2021
DA210	D	Proposed Street Elevations	Hill Thalys Architects	09/06/2021	09/06/2021
DA211	D	Proposed Side SE Elevation	Hill Thalys Architects	09/06/2021	09/06/2021
DA212	D	Proposed Side NW Elevation	Hill Thalys Architects	09/06/2021	09/06/2021
DA400	C	External Finishes Schedule	Hill Thalys Architects	09/06/2021	09/06/2021
LS01	C	Existing Trees	Melissa Wilson	08/06/2021	09/06/2021
LS02	C	Landscape - Ground Level	Melissa Wilson	08/06/2021	09/06/2021
LS03	C	Landscape - Level 1	Melissa Wilson	08/06/2021	09/06/2021

as amended by the following plans:

Plan No.	Revision	Title	Drawn by	Dated	Received
DA200	E	Proposed Ground Floor Plan	Hill Thalys Architects	29/9/21	30/9/21
DA201	E	Proposed First Floor Plan	Hill Thalys Architects	29/9/21	30/9/21
DA202	E	Proposed Roof Plan	Hill Thalys Architects	29/9/21	30/9/21
DA203	D	Proposed Site Plan	Hill Thalys Architects	29/9/21	30/9/21
DA204	A	Proposed Lower Ground plan	Hill Thalys Architects	29/9/21	30/9/21

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

2. A new condition to conserve the heritage significance of the conservation area as follows:

New Wall Cladding

- C27. New wall cladding on the street elevation of the new addition is to be laid in a horizontally and is to be painted a visually submissive colour that is sympathetic to the approved colour scheme on the External Finishes Schedule Drawing DA 400 Revision C prepared by Hill Thalys. Plans and specifications which comply 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 fully satisfy the requirements of this condition.

(Reason: To maintain the heritage significance of the Conservation Area)

Reason for Approval:

The proposed modifications have been assessed under the relevant planning instruments including NSLEP 2013 and NSDCP 2013 and was found to be generally satisfactory.

The proposed changes to the plans are permissible in an R2 zone with Council consent and there were no submissions from adjoining properties.

Furthermore, there would be no additional impacts to the conservation area and/or upon residential amenity.

Having regard to the provisions of Section 4.55 of the *EP&A Act 1979* the application is considered to be satisfactory and therefore can be approved.

How community views were taken into account:

The owners of surrounding properties along with the Milson Precinct Committee were notified of the plans as required by the North Sydney Community Engagement Protocol and no submissions were received. Nevertheless, appropriate conditions of consent were imposed with the original application to maintain the character of the Conservation Area and residential amenity.

The conditions attached to the original consent for Development Application No. 69/21 by endorsed date of 2 July 2021 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 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

22 February 2022

DATE



Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS