



Jenny and Myles Coolican
C/- David Boyle Architect
17 Como Parade
PRETTY BEACH NSW 2257

D427/18
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 427/18/4 - APPROVAL**

Development Consent Number: 427/18

Land to which this applies: 45 McDougal Street, Kirribilli
Lot No.: 3, DP: 9250

Applicant: Jenny Coolican and Myles Coolican c/o David Boyle Architect

Proposal: Section 4.55(1A) modifications to D427/18 for changes to the colour of the metal roof sheeting

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. **427/18** and registered in Council's records as Application No. **427/18/4** relating to the land described as **45 McDougal Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **30 May 2019**, has been determined in the following manner:

- To modify the development consent (D427/18) and modify conditions A1, C3 and C33 to read as follows:***

Development in Accordance with Plans (S4.56 Amendments)

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

Plan No.	Issue	Date	Drawn by	Received
DA02	F	01.04.2019	David Boyle Architect	5 April 2019
DA03	G	01.04.2019	David Boyle Architect	5 April 2019
DA04	F	01.04.2019	David Boyle Architect	5 April 2019
DA05	F	01.04.2019	David Boyle Architect	5 April 2019
DA06	F	01.04.2019	David Boyle Architect	5 April 2019
DA08	F	01.04.2019	David Boyle Architect	5 April 2019
DA09	F	01.04.2019	David Boyle Architect	5 April 2019
DA10	F	01.04.2019	David Boyle Architect	5 April 2019
L100F	F	04.04.2019	Spirit Level Designs Pty Ltd	12 April 2019

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D427/18/3:

Plan No.	Issue	Date	Drawn by	Received
DA03	K	15.06.2020	David Boyle Architect	25 June 2020
DA06	K	15.06.2020	David Boyle Architect	25 June 2020
DA08	K	15.06.2020	David Boyle Architect	25 June 2020
DA09	K	15.06.2020	David Boyle Architect	25 June 2020
DA10	K	15.06.2020	David Boyle Architect	25 June 2020

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D427/18/4:

Plan No.	Issue	Date	Drawn by	Received
DA-02	I	09.08.2022	David Boyle Architect	12 August 2022
DA-06	L	01.08.2022	David Boyle Architect	12 August 2022

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

External Finishes and Materials

C3. External finishes and materials must be in accordance with the submitted Schedule of External Materials and Finishes Issue H dated 01.08.2022, prepared by David Boyle Architect and received by Council on 12 August 2022 unless otherwise modified by Council in writing. 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

BASIX Certificate

C33. 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. **972704S_04** 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)

2. To insert a new condition A5 to read as follows:

Terms of Consent (D427/18/4)

A5 Approval is granted for the following modifications only:

- (a) Modifications to the colour of profiled metal roof sheeting for the recessed roof in the middle of the dwelling to Colorbond Shale Grey; and
- (b) Change to paint finish of rear section of metal roof sheeting to match colour of painted timber screen in line of rear hipped roof (Dulux Monument).

Schedule of External Materials and Finishes:

- (a) External Materials changes as shown on the revised Schedule of External Materials and Finishes Issue H dated 01.08.2022

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)

Reasons for Approval:

The proposed modifications satisfy the provisions of Section 4.55 (1A) in that the proposed development is substantially the same as what was approved under DA 427/18 as the proposed modifications will not alter the use, height, scale and built form of the development as originally approved.

The proposed modifications, involving changes to the colour of the metal roof sheeting, would not cause material impacts on the significance of the conservation area and the amenity of the adjoining properties.

How community views were taken into account:

The development application was notified to the adjoining property owner at the rear of the subject site (No.15 Winslow Street) between 22 August to 5 September 2022. The notification has attracted no submissions.

The conditions attached to the original consent for Development Application No. **427/18** by endorsed date of **30 May 2019** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse** 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

23 September 2022

DATE



Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)