



Hosking Munro Pty Ltd
24 Princes Street
HUNTERS HILL NSW 2110

D15/22
RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 15/22/2 - APPROVAL**

Development Consent Number: 15/22

Land to which this applies: 7/1 Waruda Street, Kirribilli
Lot No.: 7 DP: 15930

Applicant: Hosking Munro Pty Ltd

Proposal: To modify a consent DA15/22 to delete a window

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. **15/22** and registered in Council's records as Application No. **15/22/2** relating to the land described as **7/1 Waruda Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **29 June 2022**, has been determined in the following manner:

1. Add Condition A5 as follows:

Development in Accordance with Plans (s4.55 Amendments)

1. The development being carried out in accordance with plans identified in Condition A1 of the consent and A4 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Rev	Description	Prepared by	Dated
CC200	D	Proposed Elevation A Section 1	Hosking Munro Pty Ltd	21/12/2022
CC102	B	Proposed Lower Floor Plan	Hosking Munro Pty Ltd	21/12/2022

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

~~2. Delete Conditions C1, C2, C3, C4, C8, E12 as follow:~~

~~**C1 Dilapidation Report Damage to Public Infrastructure**~~

~~C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any predeveloped damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.~~

~~The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.~~

~~The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.~~

~~A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.~~

~~{Reason: To record the condition of public infrastructure prior to the commencement of construction}~~

~~**Structural Adequacy of Existing Building**~~

~~C2. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.~~

~~{Reason: To ensure the structural integrity of the building is maintained}~~

~~**Sediment Control**~~

~~C3. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.~~

~~A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing.~~

~~The Sediment Control Plan must be consistent with the Blue Book and disclose:~~

- ~~a) All details of drainage to protect and drain the site during the construction processes;~~
- ~~b) All sediment control devices, barriers and the like;~~
- ~~c) Sedimentation tanks, ponds or the like;~~
- ~~d) Covering materials and methods; and~~

- ~~e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.~~
- ~~f) Methods for the temporary and controlled disposal of stormwater during construction.~~

~~All works must be undertaken in accordance with the approved Sediment Control plan.~~

~~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 protect the environment from the effects of sedimentation and erosion from development sites)~~

Waste Management Plan

~~C4. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:~~

- ~~a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;~~
- ~~b) The design of the on-site waste storage and recycling area; and~~
- ~~c) Administrative arrangements for waste and recycling management during the construction process.~~

~~The approved Waste Management Plan must be complied with at all times in the carrying out of the development.~~

~~(Reason: To encourage the minimisation of waste and recycling of building waste)~~

Asbestos and Hazardous Material Survey

~~C8. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.~~

~~Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:~~

- ~~a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;~~
- ~~b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.~~
- ~~c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and~~
- ~~d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.~~

~~The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.~~

~~{Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily}~~

~~Sediment and Erosion Control Signage~~

~~E12. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.~~

~~{Reason: To protect the environment from the effects of sedimentation and erosion from development sites}~~

Reasons for Approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the cultural heritage of the existing development on the subject site. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

How community views were taken into account:

The subject application was notified to adjoining properties and Bradfield Precinct inviting comment between 3 – 17 March 2023. No submissions were received during the notification period.

The conditions attached to the original consent for Development Application No. **15/22** by endorsed date of **29 June 2022** still apply.

ADVISINGS

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

6 April 2023

DATE



Signature on behalf of consent authority
MIGUEL RIVERA
A/TEAM LEADER (ASSESSMENTS)