



Mr Paul Berkemeier  
67 Milson Road  
CREMORNE POINT NSW 2090

D130/21  
JD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 APPLICATION 130/21/2 - APPROVAL**

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**Development Consent Number:** 130/21/2

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**Land to which this applies:** 172 Kurraba Road, Kurraba Point  
Lot No.: 2, DP: 602626

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**Applicant:** Mr Paul Berkemeier

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**Proposal:** To modify a consent, for alterations and additions to an attached dual occupancy.

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The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 6 December 2023.

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. **130/21** and registered in Council's records as Application No. **130/21/2** relating to the land described as **172 Kurraba Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 August 2022, has been determined in the following manner: -

**1. The table to condition A1 being replaced with the following table:**

Plan No.	Issue	Title	Drawn by	Dated
A00	E	Coversheet	BTB Architecture Studio	27 July 2023
A02	E	Proposed site plan	BTB Architecture Studio	27 July 2023
A03	E	Proposed lower ground plan	BTB Architecture Studio	27 July 2023
A04	E	Proposed ground floor plan	BTB Architecture Studio	27 July 2023
A05	E	Proposed first floor plan	BTB Architecture Studio	27 July 2023
A06	E	Proposed roof plan	BTB Architecture Studio	27 July 2023
A07	E	Proposed elevation - north	BTB Architecture Studio	27 July 2023

A08	E	Proposed elevations - south	BTB Architecture Studio	27 July 2023
A09	E	Proposed elevations - west/section D	BTB Architecture Studio	27 July 2023
A10	E	Proposed elevations - east	BTB Architecture Studio	27 July 2023
A11	E	Proposed section A	BTB Architecture Studio	27 July 2023
A12	E	Proposed section B	BTB Architecture Studio	27 July 2023
A12.1	D	Proposed section C	BTB Architecture Studio	16/08/22
A12.2	D	Proposed section E and F	BTB Architecture Studio	16/08/22
A12.3	D	Proposed section G	BTB Architecture Studio	16/08/22
A13	E	Proposed material and finishes schedule	BTB Architecture Studio	27 July 2023
A14	D	Erosion and sediment control plan	BTB Architecture Studio	16/08/22
A24		BASIX and general notes	BTB Architecture Studio	16/08/22
DEM01	E	Ground floor demolition plan	BTB Architecture Studio	27 July 2023
DEM02	E	First floor demolition plan	BTB Architecture Studio	27 July 2023
DEM03	E	Roof demolition plan	BTB Architecture Studio	27 July 2023
LA-001	E	Schedules and landscape calculations	Jane Irwin Landscape Architecture	10/11/2021
LA101	E	Site pan	Jane Irwin Landscape Architecture	10/11/2021
LA-201	F	Landscape plan	Jane Irwin Landscape Architecture	10/11/2021
SWD1876 Sheet 1/2	-	Stormwater general notes	BMB Engineers	23/02/2021
SWD1876 Sheet 2/2	-	Stormwater concept plan	BMB Engineers	23/02/2021

**2. The following being inserted at the end of condition A1:**

In relation to certain details as shown on various drawings itemised in the table, the following amendments must be made to drawings submitted with an application for a construction certificate:

- a) The north-eastern modifications including bow front balcony additions and associated bow front roof are not approved. These details are to be included in construction certificate drawings and constructed as shown in the stamped approved plans for DA 130/21 dated 19 September 2022.
- b) Amended door D08 on the northern gable end is not to be glazed but is to be constructed from a solid material and painted to match the rough cast rendered gable surrounds such that it is visually unobtrusive. These details must also be included in a construction certificate application.

(Reason: To ensure significance of the dwelling and character of the Conservation Area is retained.)

3. Condition A4 being replaced by the following:

**A4. External Finishes & Materials**

External finishes and materials must be in accordance with the submitted schedule dated July 2023, prepared by BTB Architecture Studio and received by Council on 4 August 2023, unless otherwise modified by another condition of this consent or by Council in writing.

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

**Reason for approval:**

After careful consideration, the Panel concurs with the recommended condition that requires the balcony to be straight lines rather than curved given the heritage significance of the item. The condition as imposed will allow the same functionality of the balcony/terrace while not impacting with the character of the original façade and this resolution is more acceptable to maintain the heritage value of the dwelling.

**How community views were taken into account:**

The submissions received by Council were addressed in the NSLPP report (see Council's website: <https://www.northsydney.nsw.gov.au/downloads/file/2952/lpp03-172-kurraba-road-kurraba-point-da130212-rpt>)

The conditions attached to the original consent for Development Application No. 130/21 by endorsed date of 3 August 2022 still apply.

**ADVISINGS**

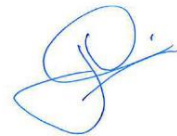
- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Jim Davies**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), 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**

**12 December 2023\_**



Signature on behalf of consent authority  
JIM DAVIES  
**EXECUTIVE ASSESSMENT PLANNER**