

Development Consent No. 264/17

Applicant's Name

Craig Wood, C/- MCK Architects

Land to which this applies

42 Carabella Street, Kirribilli

Proposal

To modify DA264/17 with regards to amendments to Conditions C9(b) and (d) and C15.

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. **264/17** and registered in Council's records as Application No. **264/17/2** relating to the land described as **42 Carabella Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 11 December 2017, has been determined in the following manner: -

Modify Conditions C9 and C15 as follows:

Heritage Requirement

- C9. a) **Weatherboards** - The weatherboard cladding is to be natural timber weatherboard or composite material cladding equal to 'Scyon Linear' cladding, with traditional profile and paint finish, 16mm thick and 180mm wide, laid in a horizontal pattern. No approval is given for any other type of artificial weatherboards, or fibre cement cladding.
- b) **New Windows and Doors**- New windows W0.8, W0.9, W1.8 and W1.9 to the original house are to be timber-framed, sashed with two panes. New windows and doors on the rear addition are to have aluminium or steel framing sections of a width 45mm or wider, or are to be timber-framed, or Vitrocsa aluminium framing or equivalent high quality aluminium framing system
- c) **Roof Slate**- New roof slate to be natural roof slate, similar in appearance to the slates on No. 40 Carabella Street and applied with traditional fixings, not hooks.

- d) **Metal Roof Sheeting** - The new metal roof sheeting to the existing dormers and front balcony is to have a traditional corrugated roof profile equal to Custom Orb. No approval is given for min-orb or tray profile roof sheeting. New metal roofing to dormers and over first floor rear bedrooms is to be a copper or zinc rolled seam profiled roof that has a traditional appearance.
- e) **Dormers-** There is to be no glazing in the side walls of the dormer windows.
- f) **Screen** - 1.8m high privacy screen to be painted a visually recessive colour.
- g) **Photovoltaic cells** – No approval is given under this consent for Photovoltaic cells on the roof of the dwelling.
- h) **Interior** - Original decorative plaster ceilings, ceiling roses and cornices, timber staircase, floorboards, fire places, mantle pieces and skirting boards are to be retained. (not on original report attached)

The Certifying Authority must also 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 exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

Compliance with Acoustic Report

- C15. The recommendations contained in Clause 5 only of Day Design Acoustic Report number 6333.1.2R dated 25 October 2017, or as mutually agreed with the adjoining owner must be implemented during construction and complied with for the on-going use of the development.

The Principal 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 maintain an appropriate level of amenity for adjoining land uses)

Add Condition I1 as follows:

Acoustics

- I1. The on-going use of the semi-detached dwelling must comply with all the acoustic recommendations contained in Clause 5 only of Day Design Acoustic Report number 6333.1.2R dated 25 October 2017 or as mutually agreed with the adjoining owner as detailed in Condition C15 of this consent.

(Reason: To ensure compliance with the acoustic recommendations and to maintain the amenity of the adjoining semi-detached dwelling.)

Reason for approval

The reasons given for granting approval to the DA are summarised below:

The recommended approval of the modified application is not considered to be inconsistent with the reasons given for the original approval.

The proposed modification has been assessed against Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended), and found to be generally acceptable in the site circumstances.

The applicant proposes amendments to Conditions C9(b) and (d) and C15 of DA264/17. The amendments to these conditions are considered generally acceptable from a heritage and acoustic viewpoint subject to some minor re-wording of these conditions and an additional condition to ensure the acoustic recommendations are implemented on an ongoing basis.

Consequently, the Section 4.55 application is considered to be reasonable in the circumstances and it is recommended for **approval** subject to modified conditions of consent.

The conditions attached to the original consent for Development Application No. 264/17 by endorsed date of 11 December 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Luke Donovan**. 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (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 Certifying Authority 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.

DATE

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