

Development Consent No. 264/17

Section 4.55 Application

Applicant's Name

Craig Wood, C/- MCK Architects

Land to which this applies

42 Carabella Street, Kirribilli
Lot No.: 100, DP: 1154168

Proposal

To modify a development consent DA264/17 for various modifications to a dwelling including rebuilding floor structure of level 1 rear wing and rebuilt ground level nib walls.

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. **264/17/3** 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:

1. **To delete condition A1 of the development consent and insert in lieu thereof the following new condition, namely:**

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp,

Plan	Rev	Title	Drawn by	Dated
DA02	L	Site Plan	MCK Architects	28/11/17
DA10	L	Ground Floor Plan	MCK Architects	28/11/17
DA11	L	First Floor Plan	MCK Architects	28/11/17
DA12	L	Attic Floor Plan	MCK Architects	28/11/17

DA13	L	Roof Plan	MCK Architects	28/11/17
DA20	L	West Elevation	MCK Architects	28/11/17
DA21	L	North Elevation (Carabella Street)	MCK Architects	28/11/17
DA22	L	South Elevation	MCK Architects	28/11/17
DA30	L	Section AA	MCK Architects	28/11/17
DA31	L	Section BB + CC	MCK Architects	28/11/17
DA40	L	Materials schedule	MCK Architects	28/11/17
DA70	D	Roof Ridge Detail	MCK Architects	28/11/17
DA71	B	En-suite, ceiling and plumbing details	MCK Architects	10/11/17
L01-L02	4	Ground Floor Plan and First Floor Plan	Jane Irwin Landscape Architecture	14/09/17

Except as modified in highlighting on the following plans:

Plan	Rev	Title	Dated	Prepared by	Received
DA02	N	Site Plan	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA10	N	Ground floor plan	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA11	N	First Floor Plan	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA20	N	West Elevation	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA21	N	North Elevation (Carabella St)	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA22	N	South Elevation	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA30	N	Section AA	16/10/2018	MCK Architects Pty Ltd	23/10/2018
DA31	N	Section BB and CC	16/10/2018	MCK Architects Pty Ltd	23/10/2018

Except where amended by the following conditions of this consent.

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

2. To insert the following new Condition C19:

Timber Floor boards to be reused

C19. Despite the provisions of Condition C9, the first floor timber floor and floor structure of the rear service wing may be demolished and rebuilt in accordance with drawings approved under Modification Application DA264/17/3. The timber floor boards to be installed over the slab should be chosen to match those in the first-floor principal spaces as closely as possible. Salvaged timber boards from the subject building (where possible) and other salvaged flooring sources should be used. The timber boards are to be installed on timber battens and not directly laid on the concrete slab.

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 comply with the terms of this consent and provide for the re-use of heritage fabric)

Reason 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 surrounding area. 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 & 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 were community views taken into account in making the decision

The subject application was notified immediately adjoining properties inviting comment between 1-15 November 2018. No submissions were received.

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 **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. 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
LARA HUCKSTEPP
EXECUTIVE PLANNER