

Blare Management Pty Limited  
Attention: Jeremy Bryden  
Level 1, 19-23 Hollywood Avenue  
BONDI JUNCTION NSW 2022

D441/17  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 441/17/3 – APPROVAL**

**Development Consent Number:** 441/17/3

**Land to which this applies:** Unit 3B, 65 Kirribilli Avenue, Kirribilli  
Lot No.: 8, SP: 62930

**Applicant:** Blare Management Pty Limited

**Proposal:** Section 4.55(1A) modifications to DA 441/17/3 to convert part of Unit 3B into a bathroom.

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. **441/17** and registered in Council's records as Application No. **441/17/3** relating to the land described as **Unit 3B, 65 Kirribilli Avenue, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 26 September 2019, has been determined in the following manner: -

**1. To add additional conditions A4 and C21 as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

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

Drawing No.	Title	Drawn By	Date
A-DA-001	Site Plan	Tasman Storey and Associates	1 August 2019
A-DA-002	Floor Plan	Tasman Storey and Associates	1 August 2019

except as amended by the following conditions and this consent.

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

**No External Service Ducts**

C21. No service ducts are to be installed on the Kirribilli Avenue Elevation of the building to keep external walls, highly visible from the public domain, free of plumbing, drainage, mechanical ventilation vents or any other utility installations. 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 quality built form of the development)

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The proposed modifications satisfy Section 4.55(1A) in that the proposal is considered to be substantially the same development as originally approved by Council. The proposal is for internal works only and will not have any impact on the external appearance of the subject unit within the existing building on the site. The proposal will enhance the amenity of the subject unit for residents, while having no negative impact upon neighbouring properties or the locality.

**Reason for approval:**

As a result, no objection is raised to the proposed works on heritage or character reasons. subject to the imposition of a condition to ensure that there are no unsightly ducts added to the exterior of the building visible from the public domain (*refer to Condition C21*).

In summary, the proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be approved with modifications to the relevant conditions.

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

Notification was not required under Council's notification policy pursuant to Section 4 in NSDCP 2013. Nevertheless, it is considered that the modification of consent would provide improved amenity for the residents without causing any unreasonable impacts to the streetscape and/or adjoining properties, given that the works are within the existing footprint of the building with no external windows or doors.

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The conditions attached to the original consent for Development Application No. 441/17 by endorsed date of 26 September 2019 still apply.

**ADVISINGS**

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

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
**ROBYN PEARSON**  
**TEAM LEADER ASSESSMENTS**