

Original signed by: Robyn Pearson Dated: 11/2/2020

Rapid Plans P/L
Attention: Gregg Barr-Jones
PO Box 6193
FRENCHS FOREST NSW 2086

D448/18
LK(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 448/18/2 – APPROVAL**

Development Consent Number: 448/18/2

Land to which this applies: 25 Willoughby Street, Kirribilli
Lot No. 6, Sec. A, DP: 4453

Applicant: Rapid Plans P/L
Attention: Gregg Barr-Jones

Proposal: Section 455(1A) modifications to DA 448/18 including changes to the rear boundary treatment, garage door, and window alterations.

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. **448/18** and registered in Council's records as Application No. **448/18/2** relating to the land described as **25 Willoughby Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 3 June 2019, has been determined in the following manner: -

- To modify the development consent (DA448/18) and modify condition A1 to include the revised plans, and also modify Condition C15 (BASIX Certificate) to reflect the amended application:*

Development in Accordance with Plans (S 4.55 Amendments)

The development being carried out in accordance with the following drawings:

Drawing Number	Revision	Title	Drawn by	Dated
DA1003	1	Site Plan	Rapid Plans	14/03/2019
DA1006	1	Demolition Ground Floor	Rapid Plans	14/03/2019

DA1007	1	Demolition Roof	Rapid Plans	14/03/2019
DA1010	1	Landscape Plan	Rapid Plans	14/03/2019
DA2001	1	Ground Floor Plan	Rapid Plans	14/03/2019
DA2002	1	First Floor Plan	Rapid Plans	14/03/2019
DA2003	1	Roof Plan	Rapid Plans	14/03/2019
DA3001	1	Section 1 Section 2	Rapid Plans	14/03/2019
DA3002	1	Garage Plan and Section	Rapid Plans	14/03/2019
DA4001	1	North Elevation	Rapid Plans	14/03/2019
DA4002	1	East Elevation	Rapid Plans	14/03/2019
DA4003	1	West and South Elevations	Rapid Plans	14/03/2019
DA5001	1	Perspectives	Rapid Plans	14/03/2019

and endorsed with Council's approval stamp, except as modified by the following drawings for DA448/18/2:

Drawing Number	Revision	Title	Drawn by	Dated
DAMOD1003	2	Site Plan	Rapid Plans	05/02/2020
DAMOD1006	2	Demolition Ground Floor	Rapid Plans	05/02/2020
DAMOD1007	2	Demolition Roof	Rapid Plans	05/02/2020
DAMOD1010	2	Landscape Plan	Rapid Plans	05/02/2020
DAMOD2001	2	Ground Floor Plan	Rapid Plans	05/02/2020
DAMOD2002	2	First Floor Plan	Rapid Plans	05/02/2020
DAMOD2003	2	Roof Plan	Rapid Plans	05/02/2020
DAMOD3001	2	Section 1 Section 2	Rapid Plans	05/02/2020
DAMOD3002	2	Garage Plan and Section	Rapid Plans	05/02/2020
DAMOD4001	2	North Elevation	Rapid Plans	05/02/2020
DAMOD4002	2	East Elevation	Rapid Plans	05/02/2020
DAMOD4003	2	West and South Elevations	Rapid Plans	05/02/2020
DAMOD5001	2	Perspectives	Rapid Plans	05/02/2020

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

BASIX Certificate

C15. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A335571_04 dated 12 December 2019 for the development are fulfilled.

Plans and specifications complying 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements).

2. To insert new conditions no. A4 and A5 as follows:

Terms of Consent (DA448/18/2)

A4. Approval is granted for the following works as specified and highlighted in colour on the proposed modifications drawings listed in Condition A1:

- a) Alterations to an approved window and provision of a new window on the eastern elevation of the dwelling.
- b) Amended door and removal of a step on the western elevation of the dwelling.
- c) Amendment to the position of a door in the east elevation of the approved garage building.
- d) Provision of an 11.4 sq.m area of permeable paving in rear garden ('versipave' or similar) to replace a previously approved area of grass.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear).

No approval for masonry wall

A5. No approval is granted for a masonry wall on the rear (south) boundary as shown on the proposed modifications drawings listed in Condition A1 of this consent. Boundary treatment along the laneway (south boundary) is to comprise a timber fence as originally approved by DA448/18.

(Reason: The applicant has confirmed they intend to build a timber fence as originally approved).

The proposed modifications seeking changes to windows and doors, and a new area of permeable paving in the rear garden, satisfies the provisions of Section 4.55(1A) in that the proposed development is substantially the same as what was approved under DA448/18 and the proposed modifications will not alter the use or the form of the development as originally approved.

Reason for approval:

The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no material impacts on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the objectives of the R2 (Low Density Residential) Zone, and the reasons for granting consent originally.

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 and new conditions as appropriate.

How community views were taken into account:

The proposal was notified and advertised in accordance with Part A, Section 4 *Notification of Applications* of North Sydney DCP 2013. Notification of the original application attracted no submissions. The subsequent amendments to the plans were not re-notified given the minor extent of the changes proposed. Nonetheless, neighbour amenity has been carefully considered and the impacts are considered negligible and acceptable.

The conditions attached to the original consent for Development Application No. 448/18 by endorsed date of 3 June 2019 still apply.

ADVISINGS

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

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