

Original signed by: Robyn Pearson Dated: 9/11/2020.

Srecko Bebek  
LSB Architects  
PO Box 903  
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D323/17  
RT(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 323/17/2 – APPROVAL**

**Development Consent Number:** 323/17/2

**Land to which this applies:** 3-11 McDougall Street, Kirribilli  
Lot No.: 4, DP: 218808

**Applicant:** Srecko Bebek, LSB Architects

**Proposal:** To modify development consent (D323/17) to provide an alternative external pedestrian accessway to the existing Wellbeing Centre within Block A of the Greenway Housing Complex.

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. **323/17** and registered in Council's records as Application No. **323/17/2** relating to the land described as **3-11 McDougall Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 November 2017, has been determined in the following manner: -

- To modify the development consent (D323/17) and modify conditions A1 and C3 to read as follows:*

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

A1. The development being carried out in accordance with the following drawings,

<b>Plan No.</b>	<b>Rev</b>	<b>Title</b>	<b>Drawn by</b>	<b>Date</b>
A03	A	Site Plan	LSB Architects	September 2017
A04	A	Site Plan Detail	LSB Architects	September 2017
A05	A	Proposed Floor Plan	LSB Architects	September 2017

A06	A	North Elevation	LSB Architects	September 2017
A07	A	South Elevation	LSB Architects	September 2017
A08	A	Section A-A & Schedule of External Finishes	LSB Architects	September 2017

and endorsed with approval stamp, except as modified by highlighting on the following drawings for D323/17/2:

<b>Plan No.</b>	<b>Rev</b>	<b>Title</b>	<b>Drawn by</b>	<b>Date</b>
03 of 09	B	Site Plan	LSB Architects	31 July 2020
04 of 09	C	Site Plan Detail	LSB Architects	21 October 2020
05 of 09	A	Site Plan Detail	LSB Architects	31 July 2020
06 of 09	C	Proposed Floor Plan	LSB Architects	21 October 2020
07 of 09	B	South & West Elevations	LSB Architects	31 July 2020
08 of 09	B	North Elevations	LSB Architects	31 July 2020
09 of 09	B	Section A-A	LSB Architects	31 July 2020

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

### **External Finishes & Materials**

C3. External finishes and materials must be in accordance with the submitted schedule on the drawing titled Section A-A, Revision B, dated 31 July 2020, prepared by LSB Architects and received by Council on 25 August 2020, unless otherwise modified by Council in writing.

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

### **2. To insert a new condition A4 to read as follows:**

#### **Terms of Consent (D323/17/2)**

A4. Approval is granted for the following works only as highlighted on the approved plans:

- (a) Deletion of the approved internal works within the entry lobby and the retention of the existing fabric;
- (b) Modification of existing external concrete paths, installation of new ramps leading from Greenway Drive to the existing disabled persons access located on the northern side of Block A. These modifications are required to achieve compliance with AS1428.1;
- (c) Modification to existing stairs leading from Ennis Road down to Greenway Drive adjacent to Block A.

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

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#### **Reason for approval:**

The proposal is considered to be substantially the same development as originally approved in accordance with S4.55(1A) of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact on adjoining properties or the surrounding areas.

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The proposed modifications do not detract from the surrounding locality or the heritage item itself.

The proposed modifications are consistent with the reasons for the original development and is therefore 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**

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

The subject application was notified to adjoining properties and Milson Precinct inviting comment between 25 September and 9 October 2020. The notification has attracted no submissions

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The conditions attached to the original consent for Development Application No. 323/17 by endorsed date of 20 November 2017 still apply.

**ADVISINGS**

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