

Richard Beere Design Pty Ltd
Unit 2, 11 Beach Road
BONDI BEACH NSW 2026

D387/19
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 387/19/2 – APPROVAL**

Development Consent Number: 387/19/2

Land to which this applies: Units 2, 6 & 7, 61 Kirribilli Avenue, Kirribilli
Lot No.: 6, DP: 20043

Applicant: Richard Beere Design Pty Ltd

Proposal: Modifications to existing windows and balcony within
units 2, 6 – minor change to windows in unit 6 (ensuite &
kitchen)

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. **387/19** and registered in Council's records as Application No. **387/19/2** relating to the land described as **Units 2, 6 & 7, 61 Kirribilli Avenue, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 May 2019, has been determined in the following manner: -

1. Condition A1 should be amended as following to include the plans for the revised windows:

Development in Accordance with Plans (S96 Amendments)

A1. 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:

Plan No.	Description	Prepared by	Dated
1.00 Issue 2	Site plan	Richard Beeredesign	20/8/20
1.01 Issue A	Floor plan – level 3	Richard Beeredesign	3/11/20
2.01 issue A	East elevation	Richard Beeredesign	3/11/20

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)

2. Add condition A4 - Terms of the consent:

Terms of the Consent

A4. Approval is granted for the elongation of windows (W6.4 & W6.5) within the ensuite for bedroom 1 and within the kitchen on the eastern elevation of Unit 6.

No approval is given or implied in this consent for any other use, or building works, (both internal and external) without further approval from Council.

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

Reason for approval:

The development application has been assessed against the North Sydney Local Environmental Plan 2013, the North Sydney Development Control Plan 2013 and the relevant State Planning Policies and found to be satisfactory in the site circumstances.

Given the minor nature of the application, there would be no unreasonable impact upon the character of the Kirribilli Conservation Area with appropriate conditions of consent that were imposed with the original application.

The proposed changes to the two windows involve the elongation of the windows (by 390mm) that is unlikely to cause privacy loss because of the minor nature of the enlargement. Furthermore, the windows on the western side of the adjoining building at No. 63-65 Kirribilli Avenue are relatively small so overlooking would be minimised.

The proposal would not cause any overshadowing nor would there be any additional floor area to increase the bulk and scale of the building. Furthermore, the windows do not protrude beyond the existing building line so there would be no view loss arising from the proposed changes.

Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, the application is satisfactory and recommended for approval subject to the attached standard conditions of consent.

How community views were taken into account:

On 28 August 2020, the subject application was notified to adjoining properties and the Bradfield Precinct inviting comment between 4 to 18 September 2020. There were no submissions. Nevertheless, appropriate conditions of consent were imposed with the original consent to maintain residential amenity and the significance of the conservation area.

The conditions attached to the original consent for Development Application No. 387/19 by endorsed date of 28 May 2019 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.
- (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