

Adam and Jennifer Moncrieff  
C/- Weir Phillips Architects  
L19, 100 William Street  
WOOLLOOMOOLOO NSW 2011

D300/19  
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 300/19/2 - APPROVAL**

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**Development Consent Number:** 300/19/2

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**Land to which this applies:** 19 King George Street, Lavender Bay  
Lot No.: 8 DP: 520996

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**Applicant:** Adam and Jennifer Moncrieff

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**Proposal:** To modify DA300/19 in respect of roof reconfiguration to the rear of the dwelling, internal reconfiguration and associated modifications

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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. **300/19** and registered in Council's records as Application No. **300/19/2** relating to the land described as **19 King George Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 February 2020, has been determined in the following manner: -

- To add Condition A4 'Development in Accordance with Plans (S4.55 Amendments)' and Condition C25 'Roofing materials - Reflectivity' to read 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:

<b>Drawing No.</b>	<b>Revision</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated</b>
DA01	D	Site Analysis/Roof Plan	Weir Phillips Architects	1/03/2021
DA02	D	Proposed Lower Ground	Weir Phillips Architects	1/03/2021
DA03	D	Proposed Ground Floor Plan	Weir Phillips Architects	1/03/2021
DA04	D	Proposed First Floor Plan	Weir Phillips Architects	1/03/2021
DA05	D	Proposed Attic Plan	Weir Phillips Architects	1/03/2021
DA06	D	Presentation North/South Elevation	Weir Phillips Architects	1/03/2021

DA07	D	Presentation East Elevation	Weir Phillips Architects	1/03/2021
DA08	D	Presentation West Elevation	Weir Phillips Architects	1/03/2021
DA09	D	Proposed North/South Elevation	Weir Phillips Architects	1/03/2021
DA10	D	Proposed East Elevation	Weir Phillips Architects	1/03/2021
DA11	D	Proposed West Elevation	Weir Phillips Architects	1/03/2021
DA12	E	Proposed Section A	Weir Phillips Architects	22/03/2021
DA13	D	Proposed Section B and C	Weir Phillips Architects	1/03/2021
DA14	D	External Finishes	Weir Phillips Architects	1/03/2021

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)

### **Roofing Materials - Reflectivity**

C25 Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. 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 that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

### **2. To modify Condition C24 'BASIX Certificate' to read as follows:**

#### **BASIX Certificate**

C24. 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. **1031380S\_02 dated 4 March 2021** 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)

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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.

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

Furthermore, the modifications will result in reduced amenity impacts to adjoining properties given that the roof form over the rear part of the dwelling will be lower than that which was approved. Whilst the modified roof form will result in a minor non-compliance (200 mm) with the building height control, the objectives of the building height control will be achieved.

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The modifications will not impact the heritage significance of the conservation area noting that the changes are located at the rear and not highly visible from the public domain. The proposed modifications are consistent with the reasons for the granting 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**.

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

No submissions received.

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The conditions attached to the original consent for Development Application No. 300/19 by endorsed date of 5 February 2020 still apply.

**ADVISINGS**

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

**Endorsed for and on behalf of North Sydney Council**

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DATE

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LUKE DONOVAN  
A/TEAM LEADER (ASSESSMENTS)