

Original signed by: **Robyn Pearson** Dated:.....9/06/2021

Daniel Younan & Associates Pty Ltd
PO Box 32
NORTHBRIDGE NSW 1560

D333/19
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 APPLICATION 333/19/2 - APPROVAL**

Development Consent Number: 333/19/2

Land to which this applies: 182 Kurraba Road, Kurraba Point
Lot No.: 0, SDP: 14129

Applicant: Daniel Younan & Associates Pty Ltd

Proposal: To modify a consent for alterations and additions to convert duplex into a residential flat building with Strata Subdivision.

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 June 2021.

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. **333/19** and registered in Council's records as Application No. **333/19/2** relating to the land described as **182 Kurraba Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 June 2021, has been determined in the following manner: -

To delete condition A1, A3, C18 and C21 of the consent and insert in lieu thereof the following new conditions, namely:

Development in Accordance with Plans/documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions and this consent.

Plan No.	Issue	Title	Drawn by	Received
DA_100_00	05	Proposed lower ground (L)	Daniel Younan & Ass.	13/04/2021
DA_100_10	05	Proposed lower ground (U)	Daniel Younan & Ass.	13/04/2021
DA_100_20	05	Proposed ground	Daniel Younan & Ass.	13/04/2021
DA_100_30	05	Proposed level 1	Daniel Younan & Ass.	13/04/2021
DA_100_40	05	Proposed level 2	Daniel Younan & Ass.	13/04/2021
DA_100_50	05	Proposed roof plan	Daniel Younan & Ass.	13/04/2021
DA_200_00	05	Proposed south elevation	Daniel Younan & Ass.	13/04/2021
DA_200_01	05	Proposed north elevation	Daniel Younan & Ass.	13/04/2021
DA_200_02	05	Proposed east elevation	Daniel Younan & Ass.	13/04/2021
DA_200_03	05	Proposed west elevation	Daniel Younan & Ass.	13/04/2021
DA_300_00	05	Section A-A	Daniel Younan & Ass.	13/04/2021
DA_300_01	05	Section B-B	Daniel Younan & Ass.	13/04/2021
DA_300_02	05	Section C-C	Daniel Younan & Ass.	13/04/2021
DA_300_03	05	Section D-D	Daniel Younan & Ass.	13/04/2021
DA_300_04	05	Section E-E	Daniel Younan & Ass.	13/04/2021
DA_400_00	05	Finishes & materials	Daniel Younan & Ass.	13/04/2021
L-01/2	B	Landscape Plan	Ray Fuggle Associates	31/01/2020
L-02/2	B	Landscape Plan	Ray Fuggle Associates	31/01/2020
DA-800-00	04	Draft Strata Sheet 1	Daniel Younan & Ass.	02/02/2020
DA-800-01	04	Draft Strata Sheet 2	Daniel Younan & Ass.	02/02/2020
DA-800-02	04	Draft Strata Sheet 3	Daniel Younan & Ass.	02/02/2020

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

External Finishes & Materials

- A3. External finishes and materials must be in accordance with the submitted drawing numbered DA_400_00 Revision 05, prepared by Daniel & Younan & Associates and received by Council on 13 April 2021 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)

Level 2 Vergola

- A4. The vergola over the level 2 balcony in the north eastern corner of the building shall be deleted from the approved plans.

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: Unacceptable breach of height control, bulk and scale of building, impact on views)

Privacy

C18. The following privacy devices are to be provided:

Privacy Measures	Windows/Location Details
Ensuite Windows – Obscure or frosted glazing to whole window.	W39
Doors/Full Height Windows – Obscure or frosted glazing to lower part to a minimum height of 1500mm above the finished floor level.	W16; W26; W37; W41
Windows – Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour's windows.	W17; W18; W27; W28; W40
Privacy Screens – Balconies Solid balustrades and obscure or frosted glass screens to a height of 1.6m above finished floor level are to be provided to the northern edges of balconies at the nominated locations.	Balconies on the northeast corner on: Lower ground floor (upper) Ground floor Level 1 Level 2

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 an adequate level of privacy is provided to adjoining property located at Nos. 176 and 178 Kurraba Road)

BASIX Certificate

C21. 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's. A413062, A413063, A413065, and A413066 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)

Reason for approval:

The Panel is satisfied that the modification of the application is substantially the same as the application that was approved and considers that the impacts are insignificant. Therefore, the application warrants approval, subject to conditions including those in the addendum report.

How community views were taken into account:

The submissions received by Council were addressed in the NSLPP report (see Council's website: [North Sydney Council - 2 June 2021 \(nsw.gov.au\)](http://www.northsydney.nsw.gov.au)).

The conditions attached to the original consent for Development Application No. 333/19 by endorsed date of 15 April 2020 still apply.

ADVISINGS

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