

Kirsty Betar
90 Carabella Street
KIRRIBILLI NSW 2061

D67/19
RP (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 67/19/3 – APPROVAL**

Development Consent Number: 67/19/3

Land to which this applies: 90 Carabella Street, Kirribilli
Lot No.: 1, DP: 965041

Applicant: Kirsty Betar

Proposal: To modify a consent for additions and alterations to an existing semi-detached dwelling including a new first floor addition

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. **67/19** and registered in Council's records as Application No. **67/19/3** relating to the land described as **90 Carabella Street, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 10 September 2019, has been determined in the following manner:

- To modify the consent to include a new condition (A4) reflecting the changes to the plans and the nominated BASIX Certificate 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 on:

Drawing No.	Revision	Title	Drawn by	Dated
S4.55-2001	02	Ground Floor Plan	Place Studio	27/04/2021
S4.55-2002	01	First Floor Plan	Place Studio	07/04/2021
S4.55-2003	01	Roof Plan	Place Studio	07/04/2021
S4.55-3001	02	Section 1 & 2	Place Studio	27/04/2021
S4.55-3002	02	Section 3	Place Studio	27/04/2021

S4.55-4001	02	Northeast Elevation	Place Studio	27/04/2021
S4.55-4002	02	Southeast Elevation	Place Studio	27/04/2021
S4.55-4003	02	Northwest Elevation	Place Studio	27/04/2021
S4.55-4004	02	Southwest Elevation	Place Studio	27/04/2021

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)

BASIX Certificate

C13. 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. A335858_13 dated 27 April 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)

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55(2) of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 (2) & 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**.

How community views were taken into account:

As indicated above the section 4.55 application was notified to adjoining properties and the Precinct for 14 days but no submissions were received. Nevertheless, conditions of consent were imposed with the original consent to preserve residential amenity.

The conditions attached to the original consent for Development Application No. 67/19 by endorsed date of 10 September 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)**