

Kirsty Betar
90 Carabella Street
KIRIRIBILLI NSW 2061

D67/19
RT (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 67/19/4 - APPROVAL

Development Consent Number: 67/19/4

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

Applicant: Kirsty Betar

Proposal: To modify a consent DA67/19 for the deletion of the waste storage area adjacent to the rear property boundary, installation of a new staircase at the rear, revised ground cover within the rear garden and revised landscaping treatments within the front and rear gardens.

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. **67/19/4** 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:

1. To insert conditions A5 and A6 to read as follows:

Development in Accordance with Plans (D67/19/4)

A5. The development being carried out in accordance with plans identified in Conditions A1 and A4 of the consent and endorsed with Council approval stamp, except as modified by the modifications shown on:

Plan No./Rev	Date	Description	Drawn by
S4.55-2001 Rev 01	19.11.21	Ground Floor Plan	Place Studio

S4.55-2002 Rev 01	19.11.21	First Floor Plan	Place Studio
S4.55-2003 Rev 01	19.11.21	Roof Plan	Place Studio
S4.55-3001 Rev 01	19.11.21	Section 1 & 2	Place Studio
S4.55-3002 Rev 01	19.11.21	Section 3	Place Studio
S4.55-4001 Rev 01	19.11.21	North-East Elevation	Place Studio
S4.55-4002 Rev 01	19.11.21	South-East Elevation	Place Studio
S4.55-4003 Rev 01	19.11.21	North-West Elevation	Place Studio
S4.55-4004 Rev 01	19.11.21	South-West Elevation	Place Studio

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

Terms of Consent (D69/19/4)

A6. Approval is granted for the following modifications only:

- a) Deletion of the approved bin storage area adjacent to the rear (Crescent Place) property boundary;
- b) Demolition of an existing concrete staircase connecting the rear garden and the street (Crescent Place) level along the rear property boundary and the construction of a new steel stringer staircase;
- c) Replacement of the approved timber decking within the rear garden with pavers;
- d) Proposed landscaping treatments within the front and rear gardens including replacement planters and planting as required by Condition G8 of this consent.

All building elements must be located wholly within the subject site with no encroachment onto the adjoining land.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

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

2. To modify condition G8 to read as follows:

Landscaping

G8. The proposed landscaping within the subject site as shown on the submitted landscape plan (Drawing No. S4.55 - 2003 Rev 01, dated 19.05.21, prepared by Place Studio), including the following amendments must be completed prior to the issue of any Occupation Certificate:

- a) The garden bed in front of the front building line of the main dwelling shall be planted with shrub or hedges at a minimum height of 500mm (as measured from the ground level);

- b) The installation of a 300mm wide planter box along the edge of the southern property boundary with No. 88 Carabella Street between the dwelling entrance stair bottom landing and the planter box along the front property boundary to provide a soft landscape buffer between the properties. The height of the additional planter box shall match that of the planter box along the front property boundary; and
- c) The new pavers on the rear courtyard/garden must be graded to allow drainage of surface water towards the existing stormwater pit located at the north-western corner of the courtyard to minimise any stormwater drainage impacts on the adjoining properties.

(Reason: To ensure landscape quality and minimise impacts for the adjoining properties)

Reason for Approval:

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*.

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposed works would not change the overall building height, setbacks, bulk and scale and the overall appearance of the subject semi-detached dwelling as approved in the original DA.

The proposed modifications would have no further impacts on the amenity of the surrounding properties.

The proposed modifications would have no adverse impacts on the character of the Conservation Area.

The landscape quality of the subject site would generally be maintained with the imposition of a condition requiring the implementation of landscaping as shown in a modified landscape plan.

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.

How community views were taken into account:

The application was notified to surrounding neighbours and Milson and Bradfield precincts between 10 December 2021 and 18 January 2022. The notification has attracted no submissions.

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 **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 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

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS