

Rapid Plans
C/- Gregg Barr-Jones
PO Box 6193
FRENCHS FOREST DC 2086

D297/20
DWH (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 297/20/2 – APPROVAL

Development Consent Number: 297/20/2

Land to which this applies: 77 Holtermann Street, Crows Nest
Lot No.: B, DP: 107972

Applicant: Rapid Plans

Proposal: Section 4.55 (1A) application to modify Development Application No. 297/20 to install reverse cycle air con to roof, alterations to skylights, windows, doors and alter location of bathroom and sitting room internally permit a two storey semi-detached dwelling within a conservation area.

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. **297/20** and registered in Council's records as Application No. **297/20/2** relating to the land described as **77 Holtermann Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 April 2021, has been determined in the following manner: -

- 1. To amend Condition A1 of the consent to reflect the proposed modifications so as to read as follows:***

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 of this consent.

Plan No.	Dated	Issue	Title	Drawn By	Received
DA1004	21/1/2021	8	Site Plan	Rapid Plans	10/3/2021
DA1007	21/1/2021	8	Demolition Ground Floor Plan	Rapid Plans	10/3/2021
DA1008	21/1/2021	8	Demolition First Floor Plan	Rapid Plans	10/3/2021
DA1009	21/1/2021	8	Landscape Open Space Plan Existing	Rapid Plans	10/3/2021
DA1010	21/1/2021	8	Landscape Open Space Plan Proposed	Rapid Plans	10/3/2021
DA1011	21/1/2021	8	Landscape Plan	Rapid Plans	10/3/2021
DA1012	21/1/2021	8	Sediment & Erosion Plan	Rapid Plans	10/3/2021
DA1013	21/1/2021	8	Waste Management Plan	Rapid Plans	10/3/2021
DA2001	21/1/2021	8	Ground Floor	Rapid Plans	10/3/2021
DA2002	21/1/2021	8	Ground Floor	Rapid Plans	10/3/2021
DA2003	21/1/2021	8	First Floor	Rapid Plans	10/3/2021
DA2004	21/1/2021	8	First Floor	Rapid Plans	10/3/2021
DA2005	21/1/2021	8	Roof	Rapid Plans	10/3/2021
DA3000	21/1/2021	8	Section 1	Rapid Plans	10/3/2021
DA3001	21/1/2021	8	Section 2	Rapid Plans	10/3/2021
DA4000	21/1/2021	8	Elevations 1	Rapid Plans	10/3/2021
DA4001	21/1/2021	8	Elevation 2	Rapid Plans	10/3/2021
DA4002	21/1/2021	8	Elevation 3	Rapid Plans	10/3/2021
DA5001	21/1/2021	8	Material & Colour sample board	Rapid Plans	10/3/2021

Modifications under S4.55

The plans referenced above are amended to reflect the amendments shown on the following plans:

Modification 297/20/2

Plan No.	Dated	Issue	Title	Drawn By	Received
DAMod2001	6/09/2021	-	Ground Floor	Rapid Plans	23/09/2021
DAMod2002	6/09/2021	-	Ground Floor	Rapid Plans	23/09/2021
DAMod2003	6/09/2021	-	First Floor	Rapid Plans	23/09/2021
DAMod2004	6/09/2021	-	First Floor	Rapid Plans	23/09/2021
DAMod2005	6/09/2021	-	Roof	Rapid Plans	23/09/2021
DAMod3000	6/09/2021	-	Section 1	Rapid Plans	23/09/2021
DAMod3001	6/09/2021	-	Section 2	Rapid Plans	23/09/2021
DAMod4000	6/09/2021	-	Elevations 1	Rapid Plans	23/09/2021
DAMod4001	6/09/2021	-	Elevation 2	Rapid Plans	23/09/2021
DAMod4002	6/09/2021	-	Elevation 3	Rapid Plans	23/09/2021

And except where amended by the following conditions of consent.

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

2. To amend Condition C23 to read as follows:

BASIX Certificate

C23. 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. A392497_04 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)

The development application has been assessed against *North Sydney Local Environmental Plan 2013* and *North Sydney Development Control Plan 2013*.

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.

Reason for approval:

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.

The proposal is satisfactory subject to recommended amendments and conditions. Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the application is considered to be satisfactory and therefore can be approved.

How community views were taken into account:

The submissions received in response to the modification application have been considered in the assessment of the modification application.

The conditions attached to the original consent for Development Application No. 297/20 by endorsed date of 7 April 2021 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)