



Hugo Raggett
46 Baltic Street
NEWTOWN NSW 2042

D14/21
MS3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 14/21/2 - APPROVAL**

Development Consent Number:	14/21
Land to which this applies:	27 Holdsworth Avenue, Neutral Bay Lot No.: 1, DP: 546980
Applicant:	Hugo Raggett
Date of Determination	13 May 2022
Proposal:	Section 4.55(2) modification relating to alterations and additions to an existing semi-detached dwelling house and construction of a garage

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. **14/21** and registered in Council's records as Application No. **14/21/2** relating to the land described as **27 Holdsworth Avenue, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 July 2021, has been determined in the following manner:

A. To insert Condition A5 Development in Accordance with Plans (S4.55 Amendments)

Development in Accordance with Plans (S4.55 Amendments)

- A1. 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:

Plan No	Issue	Title	Dated	Prepared	Received
DA103	04	Site Plan	21/12/2021	Hugo Raggett	31/12/2021
DA104	04	Lower Ground Floor Plan	21/12/2021		31/12/2021
DA106	04	Ground Floor Plan	21/12/2021		31/12/2021
DA107	04	First Floor Plan	21/12/2021		31/12/2021
DA108	04	Roof Plan	21/12/2021		31/12/2021
DA202	04	Front Elevation	21/12/2021		31/12/2021
DA203	04	East Elevation	21/12/2021		31/12/2021
DA204	04	North Elevation	21/12/2021		31/12/2021
DA301	04	Long Section	21/12/2021		31/12/2021
DA302	04	Short Section	21/12/2021		31/12/2021

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)

B. To amend condition C18 BASIX Certificate

BASIX Certificate

- C18. Under clause 97A(3) of the *Environmental Planning and Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A401604_03**, dated **26 September 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)

C. To delete condition C1 Glazing

Reasons for Approval:

The modification application meets the requirements of section 4.55(2) and has been assessed with regard to the original reasons for approval and the matters for consideration as outlined in section 4.15(1) of the Act, which have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the

NSDCP 2013.

The proposed modifications are considered substantially the same development. The proposed modification relates to the internal configuration of the approved additions and associated changes to the size and location of windows. The proposed modifications to the windows would not result in any new or additional privacy impacts and maintains the intended balanced use of glazing so as not to overwhelm the character of the original pair of semi-detached dwellings.

The proposed modification is therefore considered reasonable and is recommended for approval.

How community views were taken into account:

The application was notified in accordance with Council's Community Engagement Protocol from 21 January 2022 until 4 February 2022. No submissions were received. Nevertheless, the potential impacts of the proposed modifications have been considered and there would be no additional impacts to the amenity of the surrounding dwellings.

The conditions attached to the original consent for Development Application No. 14/21 by endorsed date of 14 July 2021 still apply.

ADVISINGS

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



30 May 2022

DATE

Signature on behalf of consent authority
ROBIN TSE
A/TEAM LEADER (ASSESSMENTS)