



Thomas Alexander Drozdzewski
3/73 Grasmere Road
CREMORNE NSW 2090

D241/21
TH2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 241/21/2 - APPROVAL**

Development Consent Number: 241/21

Land to which this applies: 56 Reynolds Street, Cremorne
Lot No.: 15, DP: 102964

Applicant: Thomas Alexander Drozdzewski

Proposal: To modify a consent for alterations and additions to a dwelling house

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. **241/21** and registered in Council's records as Application No. **241/21/2** relating to the land described as **56 Reynolds Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **26 October 2021**, has been determined in the following manner:

A. Add Condition A5 as follows:

Development in Accordance with Plans/Documentation (s4.55 Amendments)

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

| Plan No. | Rev | Title | Drawn by | Received |
|----------|-----|------------------------------|--------------------------|-----------|
| 2101 | B | Proposed Basement Floor Plan | Tuck Architecture Studio | 4/10/2022 |
| 2102 | B | Proposed Ground Floor Plan | Tuck Architecture Studio | 4/10/2022 |
| 2103 | B | Proposed Level 1 Plan | Tuck Architecture Studio | 4/10/2022 |
| 2104 | B | Proposed Roof Plan | Tuck Architecture Studio | 4/10/2022 |
| 3101 | C | South Elevation | Tuck Architecture Studio | 4/10/2022 |
| 3102 | C | North Elevation | Tuck Architecture Studio | 4/10/2022 |
| 3103 | C | East & West Elevation | Tuck Architecture Studio | 4/10/2022 |
| 3201 | B | Section A & B | Tuck Architecture Studio | 4/10/2022 |

Note: No approval is granted for the unauthorised works shown in the plans identified in Condition A5 that have already been constructed prior to this consent. The unauthorised works include but are not limited to internal alterations to the ground floor and first floor, replacement of ground floor windows on the eastern elevation and alterations to the design/height of the BBQ masonry chimney. The consent holder may consider a building information certificate should it be desired to regularise such works.

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

B. Modify Condition C16 as follows:

BASIX Certificate

C16. 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. ~~(A415294)~~ (A415294_03) 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 be sympathetic to the original dwelling)

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. 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 granting of development consent to the originally approved development and are considered to be acceptable.

The modification application seeks minor amendments to the internal layout of rooms within the dwelling or generally reduces the scale of works originally granted consent under DA No. 241/21.

Reasons for Approval:

The bulk and scale of the dwelling will remain as previously approved and the dwelling subject to the modification application has a compliant site coverage, landscaped and un-built upon area.

The development would retain reasonable privacy and access to sunlight for adjoining properties and the dwelling will remain low density in accordance with the objectives for the R2 Low Density Residential Zone.

Having regard to the provisions of section 4.55 and 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:

The application was notified to adjoining properties and the Brightmore Precinct. Council received no submissions following notification of the development application.

The conditions attached to the original consent for Development Application No. **241/21** by endorsed date of **26 October 2021** still apply.

ADVISINGS

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

28 November 2022

DATE



Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)