



Ms Harriet Isaac-Cole
Pitch Studio Pty Ltd
19 Boolwey Street
BOWRAL NSW 2576

D335/21
AB7 (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 335/21/4 - APPROVAL**

Development Consent Number:	335/21
Land to which this applies:	1/23 Holbrook Avenue, Kirribilli Lot No.: 1, DP: 9438
Applicant:	Harriet Isaac-Cole, Pitch Studio
Proposal:	4.55(2) modification application to enclose the existing porch of Unit 1.

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. **335/21** and registered in Council's records as Application No. **335/21/4** relating to the land described as **1/23 Holbrook Avenue, Kirribilli**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **26 April 2022**, has been determined in the following manner:

1. Condition A1 is amended as follows:

Development in Accordance with Plans (S4.55 Amendments)

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.	Revision	Title	Drawn By	Date	Received
AR102	R11	Proposed Floor Plan	Harriet Isaac-Cole	16/02/2022	04/03/2022

Except as modified as such on the following drawings for DA 335/21/4:

Plan No.	Revision	Title	Drawn By	Date	Received
AR102	R13	Proposed Floor Plan	Harriet Isaac-Cole	20/12/2023	05/02/2024
AR201	R13	East Elevation	Harriet Isaac-Cole	20/12/2023	05/02/2024
AR202	R13	North Elevation	Harriet Isaac-Cole	20/12/2023	05/02/2024

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

2. A new Condition C6 is added as follows:

BASIX Certificate

C6. Under clause 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A339326_03** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)

3. A new Condition G5 is added as follows:

BASIX Completion Receipt

G5. In accordance with Section 45 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Reasons for Approval:

The development application has been assessed against the relevant planning instruments and policies, in particular the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013, and generally found to be satisfactory.

There would be no significant additional or unreasonable overshadowing, view loss, privacy loss and/or bulk and scale given that the proposal is for internal works that are modest in form and scale and are sympathetic to the existing heritage item, with no significant loss of original internal or external fabric.

The proposed works will provide additional resident amenity through improved accessibility and the enhancement of private indoor space without negatively impacting upon the heritage significance of the heritage item, the neighbourhood character of the locality or the amenity of adjoining properties.

The application is considered to be acceptable in the circumstances and it is recommended for approval subject to standard and site-specific conditions.

How community views were taken into account:

The subject application was notified to adjoining properties and the Milson Precinct Committee seeking comment and one submission were received. Nevertheless, it is considered that the proposal would provide improved amenity for the residents without causing any unreasonable impacts to the streetscape, the heritage significance of the building or conservation area, and/or upon the amenity of adjoining properties.

The conditions attached to the original consent for Development Application No. **335/21** by endorsed date of **26 April 2022** still apply.

ADVISINGS

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

12 April 2024

DATE



Signature on behalf of consent authority
ANDREW BEVERIDGE
SENIOR ASSESSMENT OFFICER