

James Michael Elliot
7/9 Myrtle Street
NORTH SYDNEY NSW 2060

D271/15
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 271/15/5 – APPROVAL**

Development Consent Number: 271/15/5

Land to which this applies: 134 Holt Avenue, Cremorne
Lot No.: 17, DP: 4764

Applicant: James Michael Elliot

Proposal: Section 4.55(1A) application to modify DA 271/15 with regards to the addition of roof hoods to front entries; the addition of skylights and two small north facing windows

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. **271/15** and registered in Council's records as Application No. **271/15/5** relating to the land described as **134 Holt Avenue, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 December 2015, has been determined in the following manner: -

1. Modify Condition A4 as follows:

Development in Accordance with Plans

A4. 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 those amendments indicated in colour on the plans that formed part of application No. 271/15/2:

Drawing number	Revision	Title	Drawn by	Dated
S9601	-	Site plan	Connor + Soloman Architects	September 2016
S9602	-	Basement plan	Connor + Soloman Architects	September 2016
S9603	-	Ground floor plan	Connor + Soloman Architects	September 2016
S9604	-	First floor plan	Connor + Soloman Architects	September 2016
S9605	-	Second floor plan	Connor + Soloman Architects	September 2016
S9606	-	Roof plan	Connor + Soloman Architects	September 2016

S9607	-	North-Front building elevation	Connor + Soloman Architects	September 2016
S9608	-	South-Rear building elevation	Connor + Soloman Architects	September 2016
S9609	-	East – Side building elevation	Connor + Soloman Architects	September 2016
S9610	-	West – Side building elevation	Connor + Soloman Architects	September 2016
S9611	B	North courtyard elevation	Connor + Soloman Architects	September 2016
S9612	B	South courtyard elevation	Connor + Soloman Architects	September 2016
S9613	B	Section BB – Front building	Connor + Soloman Architects	September 2016
S9614	B	Section AA – Rear building	Connor + Soloman Architects	September 2016
S9615	B	Section CC	Connor + Soloman Architects	September 2016
S9616	B	Section DD	Connor + Soloman Architects	September 2016

Or as amended by the clouded areas indicated on those part that form part of application No. 271/15/4:

Drawing number	Revision	Title	Drawn by	Dated
S96-2 01	A	Site plan	Connor + Soloman Architects	October 2018
S96-2 02	A	Basement plan	Connor + Soloman Architects	October 2018
S96-2 03	A	Ground floor plan	Connor + Soloman Architects	October 2018
S96-2 04	A	First floor plan	Connor + Soloman Architects	October 2018
S96-2 05	A	Second floor plan	Connor + Soloman Architects	October 2018
S96-2 06	A	Roof plan	Connor + Soloman Architects	October 2018
S96-2 07	A	North-Front building elevation	Connor + Soloman Architects	October 2018
S96-2 08	A	South-Rear building elevation	Connor + Soloman Architects	October 2018
S96-2 09	A	East – Side building elevation	Connor + Soloman Architects	October 2018
S96-2 10	A	West – Side building elevation	Connor + Soloman Architects	October 2018
S96-2 11	A	North courtyard elevation	Connor + Soloman Architects	October 2018
S96-2 12	A	South courtyard elevation	Connor + Soloman Architects	October 2018
S96-2 13	A	Section AA – Rear building	Connor + Soloman Architects	October 2018
S96-2 14	A	Section BB – Front building	Connor + Soloman Architects	October 2018
S96-2 15	A	Section CC	Connor + Soloman Architects	October 2018
S96-2 16	A	Section DD	Connor + Soloman Architects	October 2018
S96-2 17	A	Finishes Schedule	Connor + Soloman Architects	October 2018

Or as amended by the clouded areas indicated on those part that form part of application No. 271/15/5:

Drawing number	Revision	Title	Drawn by	Dated
4.55-3.01	A	Site plan	Connor + Soloman Architects	July 2019
4.55-3.02	A	Basement plan	Connor + Soloman Architects	July 2019
4.55-3.03	A	Ground floor plan	Connor + Soloman Architects	July 2019
4.55-3.04	A	First floor plan	Connor + Soloman Architects	July 2019
4.55-3.05	A	Second floor plan	Connor + Soloman Architects	July 2019
4.55-3.06	A	Roof plan	Connor + Soloman Architects	July 2019
4.55-3.07	A	North-Front building elevation	Connor + Soloman Architects	July 2019
4.55-3.08	A	South-Rear building elevation	Connor + Soloman Architects	July 2019
4.55-3.09	A	East – Side building elevation	Connor + Soloman Architects	July 2019

4.55-3.10	A	West – Side building elevation	Connor + Soloman Architects	July 2019
4.55-3.11	A	North courtyard elevation	Connor + Soloman Architects	July 2019
4.55-3.12	A	South courtyard elevation	Connor + Soloman Architects	July 2019
4.55-3.13	A	Section AA – Rear building	Connor + Soloman Architects	July 2019
4.55-3.14	A	Section BB – Front building	Connor + Soloman Architects	July 2019
4.55-3.15	A	Section CC	Connor + Soloman Architects	July 2019
4.55-3.16	A	Section DD	Connor + Soloman Architects	July 2019

Except as amended by other conditions of this consent.

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

2. Add Condition C33 as follows:

Skylight(s)

C33. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply 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 fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

The proposed hoods over the entries to dwellings 1, 2 and 4 will provide privacy to the front entries of these dwellings.

The proposed skylights to bedroom 4 and the bathroom of dwellings 1 and 2 will provide improved sunlight to these rooms without impacting the amenity of adjoining properties.

Reason for approval:

An additional condition is recommended that the skylights sit no higher than 100mm above roof plane when in a closed position to minimize their visual impact.

The new second floor northern windows to the stairwell of dwellings 1 and 2 will improve sunlight to these dwellings without impacting privacy as any outlook through these stairwell windows will be over the front gardens of the dwellings and/or Holt Avenue.

The conditions attached to the original consent for Development Application No. 271/15 by endorsed date of 2 December 2015 still apply.

ADVISINGS

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