

Original signed by David Hoy on 29/03/2021

Brian Marco Mariotti
2/29B Shirley Road
WOLLSTONECRAFT NSW 2065

D243/19
SCG (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 243/19/3 – APPROVAL**

Development Consent Number: 243/19/3

Land to which this applies: 116 Holtermann Street, Crows Nest
Lot No: 11, DP: 3713

Applicant: Brian Mariotti

Proposal: Section 4.55(1A) modification which seeks alterations and additions to a detached dwelling.

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. **243/19** and registered in Council's records as Application No. **243/19/3** relating to the land described as **116 Holtermann Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 17 December 2019, has been determined in the following manner: -

1. Condition A1 of the consent is amended to read as follows:

Development in Accordance with Plans/documentation

A1 To modify the development consent No. 243/19 and modify condition A1 as follows:

Plan No.	Issue date/Rev	Description	Prepared by	Dated
DA2101	2	Plans Proposed	Brian Mariotti	12/02/20
DA2103	2	Roof Plans	Brian Mariotti	12/02/20
DA3100	2	Elevations South	Brian Mariotti	12/02/20
DA3101	2	Elevations North	Brian Mariotti	12/02/20
DA3102	2	East Elevation	Brian Mariotti	12/02/20
DA3103	2	West Elevation	Brian Mariotti	12/02/20
DA3201	2	Section 1	Brian Mariotti	12/02/20
DA3202	2	Section 2	Brian Mariotti	12/02/20

Except as amended by the following plans that form part of Section 4.55 No. 243/19/3:

Plan No.	Issue date/Rev	Description	Prepared by	Dated
DA2101	3	Plans Proposed	Brian Mariotti	10/02/21
DA2103	3	Roof Plans	Brian Mariotti	10/02/21
DA3101	3	Elevations North	Brian Mariotti	10/02/21
DA3102	3	East Elevation	Brian Mariotti	10/02/21
DA3103	3	West Elevation	Brian Mariotti	10/02/21
DA3201	3	Section 1	Brian Mariotti	10/02/21
DA3202	3	Section 2	Brian Mariotti	10/02/21

And except where modified by the following conditions.

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

Reason for approval:

The proposed modifications are considered to be generally consistent with the originally approved development applications and Section 4.55 of the EPA 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 from the original development consent and is considered to be acceptable.

The subject application seeks to modify the existing development consent. Specifically, the application proposes minor alterations to the approved rear skillion roof and window dimensions, as well as the front elevation which includes the replacement of the existing French doors with a timber framed window.

In the context of the original development application consent, along with approved modification under Section 4.55 and the recommendations of Council's Conservation Planner, the modifications of DA243/2019/3 are supported.

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 subject application was notified to adjoining properties and the Holtermann/Registry Precinct inviting comment between 5 March 2021 to 19 March 2021. The notification resulted in no submission/s.

The conditions attached to the original consent for Development Application No. 243/19 by endorsed date of 17 December 2019 still apply.

ADVISINGS

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

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)