

Original signed by Robyn Pearson on 8/10/2021

Richard Garside
24 Hodgson Avenue
CREMORNE NSW 2090

D151/20
RT (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 151/20/3 - APPROVAL

Development Consent Number: 151/20

Land to which this applies: 24 Hodgson Avenue, Cremorne Point
Lot No.: 26, DP: 71151

Applicant: Richard Garside

Proposal: Section 4.55 (2) application seeking modifications to D151/20 for an extension of the roof over a ground floor terrace adjacent to the north-east corner of the 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. **151/20** and registered in Council's records as Application No. **151/20/3** relating to the land described as 24 Hodgson Avenue, Cremorne Point.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 December 2020, has been determined in the following manner:

1. To modify the development consent (D151/20) and modify condition A1 to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings:

| Plan No. | Rev No. | Description | Prepared by | Dated |
|----------|---------|-------------------------|-------------------|---------|
| DA03 | D | Site Plan | Corben Architects | 29/9/20 |
| DA08 | C | Proposed Plan - Level 1 | Corben Architects | 25/6/20 |
| DA09 | D | Proposed Plan - Level 2 | Corben Architects | 29/9/20 |

| | | | | |
|------|---|-------------------------|-------------------|---------|
| DA10 | D | Proposed Plan – Level 3 | Corben Architects | 29/9/20 |
| DA11 | D | North Elevation | Corben Architects | 29/9/20 |
| DA12 | D | East Elevation | Corben Architects | 29/9/20 |
| DA13 | D | South Elevation | Corben Architects | 29/9/20 |
| DA14 | D | West Elevation | Corben Architects | 29/9/20 |
| DA15 | D | Section A-A | Corben Architects | 29/9/20 |
| DA16 | D | Section B-B | Corben Architects | 29/9/20 |

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D151/20/2:

| Plan No. | Rev No. | Description | Prepared by | Dated |
|-----------------|----------------|-------------------------|--------------------|--------------|
| DA03 | F | Site Plan | Corben Architects | 23/06/21 |
| DA10 | F | Proposed Plan - Level 3 | Corben Architects | 23/06/21 |
| DA11 | F | North Elevation | Corben Architects | 23/06/21 |
| DA12 | F | East Elevation | Corben Architects | 23/06/21 |
| DA14 | F | West Elevation | Corben Architects | 23/06/21 |
| DA15 | F | Section A-A | Corben Architects | 23/06/21 |
| DA16 | F | Section B-B | Corben Architects | 23/06/21 |

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D151/20/3:

| Plan No. | Rev No. | Description | Prepared by | Dated |
|-----------------|----------------|-------------------------|--------------------|--------------|
| DA03 | G | Site Plan | Corben Architects | 13/07/21 |
| DA08 | G | Proposed Plan – Level 1 | Corben Architects | 13/07/21 |
| DA09 | G | Proposed Plan – Level 2 | Corben Architects | 13/07/21 |
| DA10 | G | Proposed Plan – Level 3 | Corben Architects | 13/07/21 |
| DA11 | G | North Elevation | Corben Architects | 13/07/21 |
| DA12 | G | West Elevation | Corben Architects | 13/07/21 |
| DA15 | G | Section A-A | Corben Architects | 13/07/21 |

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

2. To insert a new condition A5 to read as follows:

Terms of Consent (D151/20/3)

A5. Approval is granted for the following modifications only:

- An extension of the roof over a ground floor terrace adjacent to the north-east corner of the main dwelling.
- Addition of two (2) skylights on the extended roof cover.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: to ensure the terms of the consent are clear)

Reason for Approval:

The proposed modifications involving an extension of a roof over the existing ground floor terrace adjacent to the north-eastern corner of the existing dwelling, satisfy the provisions of Section 96(2) in that the proposed development is substantially the same as what was approved under DA151/20 as the proposed works would not change the building height, setbacks, site coverage/unbuilt upon area/landscaped area and the overall appearance as originally approved.

The proposed modifications would have no material impacts on the amenity of the surrounding properties.

The proposed modifications would have no adverse impacts on the significance of the subject property and the conservation area.

How community views were taken into account:

The subject application was notified to adjoining properties and the Bennett Precinct inviting comment between 30 July and 13 August 2021. The notification has attracted one (1) submission. The issues raised in the submission have been addressed in the assessment report.

The conditions attached to the original consent for Development Application No. **151/20/3** by endorsed date of 2 December 2020 still apply.

ADVISINGS

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

11 October 2021

DATE

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