

Original signed by: David Hoy Dated: 12/3/2020

David John Dowe  
29 Lithgow Street  
WOLLSTONECRAFT NSW 2065

D26/16  
MD1(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 26/16/2 – APPROVAL**

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**Development Consent Number:** 26/16/2

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**Land to which this applies:** 179 West Street, Crows Nest  
Lot No.: 2, Sec: 1, DP: 819

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**Applicant:** David John Dowe

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**Proposal:** Modification of consent including addition of solar panels to roof, new door to ensuite, window reconfiguration, roof colour change to “Monument”, and other modifications.

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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. **26/16** and registered in Council's records as Application No. **26/16/2** relating to the land described as **179 West Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 29 July 2016, has been determined in the following manner: -

- 1. To delete Condition A4 of the consent dated 12/06/16 and insert in lieu thereof the following new condition:**

**External Finishes & Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule documented on Drawing FS01, Revision B, dated 26 November 2019 prepared by Wolski Coppin Architecture and received by Council on 7 February 2020 unless otherwise modified by Council in writing.

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

**2. To insert the following Conditions A5 and C22 into the consent dated 12/06/16:**

**Development in Accordance with Plans (S4.55 Amendments)**

A5 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 the modifications shown in colour on the plans numbered DA02 rev. B, DA03 rev. B & DA04 rev. B, dated 26.11.19, drawn by Wolski Coppin Architecture and received by Council on 7 February 2020 except as amended by the following conditions and this consent.

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

**Solar Energy Systems**

C22 The solar energy system must be not have the capacity to generate more than 100kW.

(Reason: To comply with Division 4 Electricity generating works or solar energy systems in *State Environmental Planning Policy (Infrastructure) 2007*)

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The application has been assessed against the *Environmental Planning and Assessment Act 1979*, *North Sydney Local Environmental Plan 2013* and *North Sydney Development Control Plan 2013*.

**Reason for approval:**

The application does not propose new or to alter the approved room layout, floor area, siting, site coverage or un-built upon area, size, room or roof height, landscaping or private open space, or site facilities. The proposal essentially maintains the approved nature and extent of works and will not increase or introduce new noise, privacy, sunlight, vegetation, heritage, character or amenity impacts on the site, surrounding properties or the local area. The proposal maintains a high-quality urban environment and the desired future character as expressed in Council's controls.

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**How community views were taken into account:**

The owners of adjoining properties and the local community precinct committee were notified of the proposed development for a 14-day period in accordance with Council's Community Engagement Protocol. The notification resulted in no submissions.

DA 26/16 was approved subject to conditions addressing potential adverse impacts to the locality and protecting the public interest. The subject proposal does not affect these conditions.

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Having regard to the provisions of Section 4.15 of the Act, the application is considered to be satisfactory and therefore, can be approved.

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The conditions attached to the original consent for Development Application No. 26/16 by endorsed date of 29 July 2016 still apply.

### **ADVISINGS**

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

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