

Brian Marco Mariotti
116 Holtermann Street
CROWS NEST NSW 2065

D243/19
MD1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 243/19/2 – APPROVAL**

Development Consent Number: 243/19/2

Land to which this applies: 116 Holtermann Street, Crows Nest
Lot No.: 2, DP: 588376

Applicant: Brian Marco Mariotti

Proposal: Additions of solar panels to the rear skillion roof, partial reconstruction of existing side wall, reconfiguration of bathroom areas and inclusion of an additional skylight to the rear skillion roof.

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. **243/19/2** 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. To insert the following condition/s into the consent dated 17/12/19:

Development in accordance with Plans (S4.55 Amendments)

A1. The development must be carried out in accordance Condition A1 of the consent dated 17/12/19 and endorsed with Council's approval stamp except as modified by the following plans and, further, except where amended by the conditions contained within the subject consent.

Plan No.	Issue	Dated	Title	Drawn by	Received
DA2101	2	10.02.20	Plans proposed	Brian Mariotti	12.02.20
DA2103	2	10.02.20	Roof plans	Brian Mariotti	12.02.20
DA3101	2	10.02.20	North & south elevations	Brian Mariotti	12.02.20
DA3102	2	10.02.20	East elevation	Brian Mariotti	12.02.20
DA3103	2	10.02.20	West elevation	Brian Mariotti	12.02.20
DA3201	2	10.02.20	Sections 1	Brian Mariotti	12.02.20
DA3202	2	10.02.20	Sections 2	Brian Mariotti	12.02.20

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

Photovoltaic Solar Panels

C17. The proposed photovoltaic solar panels must be reduced in size and number so that the panels do not cover more than 33% of the skillion roof plane.

(Reason: To ensure the solar panels do not dominate the skillion roof plane)

2. *To delete condition C16 of the consent dated 17/12/19 and insert in lieu thereof the following new condition/s:*

BASIX Certificate

C16. Under clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A352730_03 for the development are fulfilled. Plans and specifications complying 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, 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)

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*.

The subject application seeks to modify the existing development consent. Specifically, the application proposes minor alterations to the approved rear skillion roof, solar panels, reconstruction of the Thomas Lane wall, internal alterations, and a skylight. The proposal does not alter the approved building envelope or contemporary presentation to Thomas Lane and the rear.

Reason for approval:

In the context of the original development application consent, and subject to Council's Conservation Planner's recommendation that the proposed solar panels be reduced so that they do not cover more than 33% of the skillion roof plane, the proposal is considered to be satisfactory with respect to site and local heritage significance and area character.

The proposal is consistent with the reasons of approval of DA 243/19 and satisfies Section 4.55 of the Act.

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 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 **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

Signature on behalf of consent authority
LUKE DONOVAN
A/TEAM LEADER ASSESSMENTS