

Original signed by Kim Rothe on 30/11/2020

Tim Lee Architects
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D4/20
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 4/20/2 – APPROVAL**

Development Consent Number: 4/20/2

Land to which this applies: 129 Holtermann Street, Crows Nest
Lot No.: 2, DP: 205237

Applicant: Tim Lee Architects

Proposal: Modification to approved roof ridge level and minor internal alterations.

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. **4/20** and registered in Council's records as Application No. **4/20/2** relating to the land described as **129 Holtermann Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 January 2020, has been determined in the following manner: -

1. To amend Condition A1 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent

DA04/20 Approved Plan List

Plan No.	Dated	Issue	Title	Drawn by	Received
A-00	7 March 2020	B	Title	Tim Lee Architects	8 March 2020
A-01	7 March 2020	B	Demolition Plan	Tim Lee Architects	8 March 2020
A-02	7 March 2020	B	Site Plan	Tim Lee Architects	8 March 2020

A-03	7 March 2020	B	Floor Plans	Tim Lee Architects	8 March 2020
A-04	7 March 2020	B	Elevations	Tim Lee Architects	8 March 2020
A-05	7 March 2020	B	Elevations	Tim Lee Architects	8 March 2020
A-06	7 March 2020	B	Section	Tim Lee Architects	8 March 2020
A-07	7 March 2020	B	Window and Door Schedules	Tim Lee Architects	8 March 2020
A-08	7 March 2020	B	Erosion control Notes and Plans	Tim Lee Architects	8 March 2020
A-09	7 March 2020	B	BASIX	Tim Lee Architects	8 March 2020
A-10	7 March 2020	B	Carport details	Tim Lee Architects	8 March 2020
A-11	7 March 2020	B	Landscape Plan	Tim Lee Architects	8 March 2020

DA04/20/2 Approved Plan List

Plan No.	Dated	Issue	Title	Drawn by	Received
A-00	9 September 2020	F	Title	Tim Lee Architects	2 October 2020
A-01	9 September 2020	F	Demolition Plan	Tim Lee Architects	2 October 2020
A-02	9 September 2020	F	Site Plan	Tim Lee Architects	2 October 2020
A-03	9 September 2020	F	Floor Plans	Tim Lee Architects	2 October 2020
A-04	9 September 2020	F	Elevations	Tim Lee Architects	2 October 2020
A-05	9 September 2020	F	Elevations	Tim Lee Architects	2 October 2020
A-06	9 September 2020	F	Section A-A	Tim Lee Architects	2 October 2020
A-07	9 September 2020	F	Window and Door Schedules	Tim Lee Architects	2 October 2020
A-08	9 September 2020	F	Erosion control Notes and Plans	Tim Lee Architects	2 October 2020
A-09	9 September 2020	F	BASIX	Tim Lee Architects	2 October 2020
A-10	9 September 2020	F	Carport details	Tim Lee Architects	2 October 2020
A-11	9 September 2020	F	Landscape Plan	Tim Lee Architects	2 October 2020
A-12	9 September 2020	F	Section B-B	Tim Lee Architects	2 October 2020
A-13	9 September 2020	F	Section C-C – Roof Alignment	Tim Lee Architects	2 October 2020

(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 of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15 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 owners of adjoining properties and the Holtermann Precinct were notified of the development, for a 14-day period, between 16 and 30 October 2020, in accordance with section A4 of NSDCP 2013. No submissions have been received for the duration of the assessment.

The conditions attached to the original consent for Development Application No. 4/20 by endorsed date of 7 January 2020 still apply.

ADVISINGS

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