

O'Keefe Architects  
C/- Paul O'Keefe  
4/281 Pacific Highway  
NORTH SYDNEY NSW 2060

D296/16  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 296/16/3 – APPROVAL**

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**Development Consent Number:** 296/16/3

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**Land to which this applies:** 234 West Street, Crows Nest  
Lot No.: 8, DP: 1482

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**Applicant:** O'Keefe Architects

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**Proposal:** To modify development consent DA296/16 for demolition of an existing cottage and construction of a new cottage with 2-storey addition and car space at rear.

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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. **296/16** and registered in Council's records as Application No. **296/16/3** relating to the land described as **234 West Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 December 2016, has been determined in the following manner:

**1. To modify Condition A4**

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

A4. 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 "clouded" in the following drawings:

Plan No.	Rev.	Issue	Title	Drawn by	Received
DA 03	2	S96	Demolition Plan + Site/Roof Plan	Paul O'Keefe Architect	25/5/18
DA 04	2	S96	Ground + First Floor Plan	Paul O'Keefe Architect	25/5/18

DA 05	2	S96	Elevations / Section	Paul O'Keefe Architect	25/5/18
DA 06	2	S96	Sections BB + CC	Paul O'Keefe Architect	25/5/18

All as modified by the modifications shown "clouded" in the following drawings:

Plan No.	Rev.	Issue	Title	Drawn by	Dated
DA 01		4.55	Site analysis/BASIX	Paul O'Keefe Architect	16/11/21
DA 02		4.55	WM Plan	Paul O'Keefe Architect	16/11/21
DA 03		4.55	Demo/site/roof plan	Paul O'Keefe Architect	16/11/21
DA 04		4.55	Ground and First floor plan	Paul O'Keefe Architect	16/11/21
DA 05		4.55	Elevations/section	Paul O'Keefe Architect	16/11/21
DA 06		4.55	Section BB and CC	Paul O'Keefe Architect	16/11/21

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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**Reason for approval:**

The proposed modification to the approved development is supported as it will not have any material adverse heritage or residential amenity impacts, and is generally consistent with the planning controls for the site, and is considered to be acceptable.

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

The development application was notified between 14/1/22 and 28/1/22. No submissions were received.

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The conditions attached to the original consent for Development Application No. 296/16 by endorsed date of 7 December 2016 still apply.

**ADVISINGS**

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

**7 April 2022**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
GEORGE YOUHANNA  
**EXECUTIVE PLANNER**