



Lindsay Bennelong Developments Pty Ltd
PO Box 7105
BAULKHAM HILLS NSW 2153

D442/21
JD6 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 442/21/2 - APPROVAL**

Development Consent Number: 442/21

Land to which this applies: 27-57 Falcon Street, Crows Nest
Lot No.: 25, SEC: 3, DP: 1720

Applicant: Lindsay Bennelong Developments Pty Ltd

Proposal: To modify the consent for construction of three residential flat buildings and nine townhouses, with three levels of basement parking, to relocate an electricity substation

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. **442/21** and registered in Council's records as Application No. **442/21/2** relating to the land described as **27-57 Falcon Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **16 June 2022**, has been determined in the following manner:

- To delete the table in condition A1 of the consent and replace it with the table below (amendments in bold type).***

Plan No.	Issue	Title	Drawn by	Received
DA1000	4	Site Plan	Allen Jack + Cottier	9/05/2022
DA2001	8	Basement 2 Plan	Allen Jack + Cottier	9/05/2022
DA2101	17	Level 1 East and Basement 1 West Plan	Allen Jack + Cottier	21/11/2022
DA2102	11	Level 2 East and Level 1 West Plan	Allen Jack + Cottier	21/11/2022
DA2103	8	Level 3 East and Level 2 West Plan	Allen Jack + Cottier	9/05/2022
DA2104	8	Level 4 East and Level 3 West Plan	Allen Jack + Cottier	9/05/2022
DA2105	8	Level 5 East and Level 4 West Plan	Allen Jack + Cottier	9/05/2022
DA2106	8	Level 5 West Plan	Allen Jack + Cottier	9/05/2022
DA2107	8	Level 6 West Plan	Allen Jack + Cottier	9/05/2022
DA2108	8	Level 7 West Plan	Allen Jack + Cottier	9/05/2022
DA2109	8	Level 8 West Plan	Allen Jack + Cottier	9/05/2022

DA2701	4	GFA Plan	Allen Jack + Cottier	9/05/2022
DA3100	11	Falcon Street and Hayberry Lane Elevations	Allen Jack + Cottier	9/05/2022
DA3101	7	Building A and B Elevations	Allen Jack + Cottier	9/05/2022
DA3102	8	Building C and Townhouses Elevations	Allen Jack + Cottier	21/11/2022
DA3110	8	Alexander Lane and East Elevation	Allen Jack + Cottier	21/11/2022
DA3200	6	Long Section Through Site	Allen Jack + Cottier	9/05/2022
DA3201	7	Sections Through Buildings A and B	Allen Jack + Cottier	9/05/2022
DA3203	5	Section Through Building C and Townhouse 8	Allen Jack + Cottier	9/05/2022
DA3210	5	Alexander Lane Section	Allen Jack + Cottier	9/05/2022
DA3211	2	Building D - Brick Detailing Variations	Allen Jack + Cottier	9/05/2022
DA3212	2	Building A and B - Façade Details	Allen Jack + Cottier	9/05/2022
DA3213	2	Building C - Façade Details	Allen Jack + Cottier	9/05/2022
DA8000	4	Materials Board	Allen Jack + Cottier	9/05/2022
DA5201	4	Adaptable and Liveable Apartments	Allen Jack + Cottier	9/05/2022
DA6200	4	Privacy Diagrams	Allen Jack + Cottier	9/05/2022
2521024	2	Overall Landscape Plan	place design group	16/05/2022
2521024	2	Sections	place design group	16/05/2022
2521024	2	Planting Concept Plan - Ground Level	place design group	16/05/2022
2521024	2	Planting Concept Plan - Upper Level Planters	place design group	16/05/2022
2521024	2	Planting Schedule	place design group	16/05/2022
2521024	2	Planting Palette	place design group	16/05/2022
2521024	2	Hardscape Palette	place design group.	16/05/2022
2521024-000	01	Cover Sheet	place design group	21/11/2022
2521024-002	01	Legend	place design group	21/11/2022
2521024-101	01	General Arrangement Plan 01	place design group	21/11/2022
2521024-102	01	General Arrangement Plan 02	place design group	21/11/2022

2. To stamp the altered/new plans (in bold type) as required by condition A1.

This report records the assessment of the proposed modification, to relocate an electricity substation and make related minor amendments to the development.

Reasons for Approval:

As discussed, matters raised by a single submission and the reasons approval was granted to the initial development application have been considered, as have pertinent planning controls and potential environmental impacts.

Accordingly, the evaluation concludes the proposal is satisfactory and approval of the requested modifications to the consent is recommended, as set out below.

How community views were taken into account:

In accordance with the provisions of Section 3.4.1 of Council's Community Engagement Protocol, the subject application was not required to be notified. However, due to the proximity of the substation's proposed location adjacent to residential development, the occupants of neighbouring residences at 59-61 Falcon Street were invited to comment on the application.

For the reasons outlined in the report, the concern raised by the submission was satisfactorily addressed.

The conditions attached to the original consent for Development Application No. **442/21** by endorsed date of **16 June 2022** still apply.

ADVISINGS

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

22 February 2023

DATE



Signature on behalf of consent authority
JIM DAVIES
EXECUTIVE PLANNER (ASSESSMENTS)