



Mr L Slabbert  
Tract Consultants Pty Ltd  
Level 8/80 Mount Street  
NORTH SYDNEY NSW 2060

D7/22  
KRR (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 7/22/3 - APPROVAL**

<b>Development Consent Number:</b>	<b>7/22</b>
<b>Land to which this applies:</b>	80 Falcon Street, Crows Nest Lot No.: A, DP: 377060
<b>Applicant:</b>	Mr Leonard Slabbert
<b>Proposal:</b>	Proposed amendments to the approved Development Application to alter the internal floor plan for the ground floor and first floor

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. **7/22** and registered in Council’s records as Application No. **7/22/3** relating to the land described as **80 Falcon Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **4 April 2023**, has been determined in the following manner:

**1. To amend Condition A1 and C14 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

DA07/22 Approved Plan List

Plan No.	Dated	Issue	Title	Drawn by	Received
A-21-00	19/01/2023	02	Cover Page	Cas Building	21/03/2023 - 01/2023
A-21-02	19/01/2023	02	Site Plan	Cas Building	23/01/2023
A-21-03	19/01/2023	02	Demolition Plan and Site Plan	Cas Building	23/01/2023
A-21-04	19/01/2023	02	Ground Floor Plan	Cas Building	23/01/2023
A-21-05	19/01/2023	02	First Floor Plan	Cas Building	23/01/2023
A-21-06	19/01/2023	02	Elevations	Cas Building	23/01/2023
A-21-07	19/01/2023	02	Sections	Cas Building	23/01/2023
A-21-08	19/01/2023	02	Windows and doors	Cas Building	23/01/2023
A-21-09	19/01/2023	02	Site Analysis	Cas Building	23/01/2023
A-21-11	19/01/2023	02	BASIX	Cas Building	23/01/2023

DA431/17/3 Approved Plan List

Plan No.	Dated	Issue	Title	Drawn by	Received
CDC01	27/11/2023	A	Cover Sheet	Affordable Plans	8/12/2023
CDC10	27/11/2023	A	Existing/Demolition	Affordable Plans	8/12/2023
CDC11	27/11/2023	A	GFA Calculation	Affordable Plans	8/12/2023
CDC12	27/11/2023	A	Site Coverage	Affordable Plans	8/12/2023
CDC13	27/11/2023	A	Site Analysis	Affordable Plans	8/12/2023
CDC14	27/11/2023	A	Sediment Control Plan	Affordable Plans	8/12/2023
CDC31	27/11/2023	A	Floor Plan	Affordable Plans	8/12/2023
CDC33	27/11/2023	A	Roof Plan	Affordable Plans	8/12/2023
CDC41	27/11/2023	A	Elevations, 1 of 2	Affordable Plans	8/12/2023
CDC42	27/11/2023	A	Elevations, 2 of 2	Affordable Plans	8/12/2023
CDC51	27/11/2023	A	Sections	Affordable Plans	8/12/2023
CDC71	27/11/2023	A	BASIX requirements	Affordable Plans	8/12/2023

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

(Condition Modified by **DA 7/22/3** approved on **22 February 2024**)

**Reasons 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 and 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:**

Two submissions in support of the modifications were received both being from the owners/occupiers of the adjoining semi at 82 Falcon Street, Crows Nest. In the absence of any concerns raised, the submission are noted for the record

The conditions attached to the original consent for Development Application No. **7/22** by endorsed date of **4 April 2023**, still apply.

**ADVISINGS**

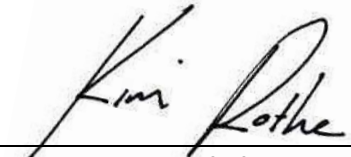
- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr Kim Rothe**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as 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 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 2024**

DATE

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