

Nicholas Aaron Parrella
90 Falcon Street
CROWS NEST NSW 2065

D184/19
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 184/19/2 – APPROVAL**

Development Consent Number: 184/19/2

Land to which this applies: 90 Falcon Street, Crows Nest
Lot No.: A, DP: 357126

Applicant: Nicholas Aaron Parrella

Proposal: Alterations and additions to a detached dwelling.

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. **184/19** and registered in Council's records as Application No. **184/19/2** relating to the land described as **90 Falcon Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 September 2019, has been determined in the following manner: -

- *To modify the development consent DA189/19 as follows:*

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the Plans:

Plan No.	Issue	Title	Drawn by	Received
DA1001	C	Cover Sheet	Superdraft	20.08.2019
DA1005	D	Site Plan	Superdraft	20.08.2019
DA1101	D	Ground Floor Plan	Superdraft	20.08.2019
DA1102	C	Level 1 Floor Plan	Superdraft	20.08.2019
DA1103	D	Roof Plan	Superdraft	20.08.2019
DA1201	D	Shadow Diagrams 21 st June	Superdraft	20.08.2019
DA1202	B	Shadow Diagrams 21 st March	Superdraft	20.08.2019
DA1204	B	Shadow Diagram 2 nd September	Superdraft	20.08.2019

DA1210	B	View from Sun	Superdraft	20.08.2019
DA1500	C	Calculations	Superdraft	20.08.2019
DA2001	C	Elevations	Superdraft	20.08.2019
DA3001	D	Section	Superdraft	20.08.2019
DA6001	C	Finishes Schedule	Superdraft	20.08.2019

as amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
CC1101	B	Ground Floor	Superdraft	15.4.2020
CC2001	B	Elevations	Superdraft	15.4.2020

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

The development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*.

Reason for approval:

The subject is not a heritage item nor is it located within a conservation area. The first floor cannot viewed from Falcon Street and is secondary in scale to the ground floor. The first floor matches the rear building line of the adjoining dwellings at No. 88b and 90A Falcon Street. The first floor meets the objectives and a majority of the provisions for setbacks within NSDCP 2013. With respect to the zoned density, the proposed first floor position, and the north south orientation of the subject site, the proposed first floor is considered to not unreasonably impact neighbouring solar access and visual privacy. Conditions of consent can address the proposed engineering impacts of the development.

Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the proposed development will not have any unreasonable amenity or environmental impacts. The application is considered to be acceptable and therefore can be approved.

How community views were taken into account:

The owners of adjoining properties and the Hayberry Precinct were notified of the proposed development for a 14-day period. Council received nil (0) submissions. Standard conditions can also adequately address any potential, unreasonable adverse impacts within the locality and ensure the protection of the public interest. The application was notified in accordance with section A4 of the DCP 2013.

The conditions attached to the original consent for Development Application No. 184/19 by endorsed date of 12 September 2019 still apply.

ADVISINGS

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