



Mr Henry Huang
604/8 Help Street
CHATSWOOD NSW 2067

D268/21
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 268/21/2 - APPROVAL**

Development Consent Number: 268/21

Land to which this applies: 112-114 Falcon Street, Crows Nest
Lot No.: 5, Sec: 4, DP: 1720

Applicant: Henry Huang

Proposal: Section 4.55(2) modification application to amend windows to approved dwellings, amend doors to the rear garage and to delete Condition No. C12

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. **268/21** and registered in Council's records as Application No. **268/21/2** relating to the land described as **112-114 Falcon Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **8 June 2022**, has been determined in the following manner:

1. Condition A1 of the consent shall be amended to read as follows:

Development in Accordance with Plans/Documentation

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.

Plan No.	Issue date/ Rev	Description	Prepared by	Dated
A 0.00	B	Cover	Han Chuan Huang	11/03/2022
A 0.02	B	Site Analysis	Han Chuan Huang	11/03/2022
A 0.03	B	Plan - Demolition	Han Chuan Huang	11/03/2022
A 0.04	B	Subdivision Plan	Han Chuan Huang	11/03/2022
A 1.00	B	Site Plan	Han Chuan Huang	11/03/2022
A 1.01	B	Plan - Ground Level	Han Chuan Huang	11/03/2022

A 1.02	B	Plan - Level 1	Han Chuan Huang	11/03/2022
A 1.03	B	Plan - Roof	Han Chuan Huang	11/03/2022
A 2.00	B	Elevation - North and South	Han Chuan Huang	11/03/2022
A 2.02	B	Elevation - East	Han Chuan Huang	11/03/2022
A 2.03	B	Elevation - West	Han Chuan Huang	11/03/2022
A 2.04	B	Elevation - North and South Garage	Han Chuan Huang	11/03/2022
A 2.05	B	Elevation - South - Fence	Han Chuan Huang	11/03/2022
A 3.00	B	Cross Section	Han Chuan Huang	11/03/2022
A 3.01	B	Long Sections	Han Chuan Huang	11/03/2022

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

Except where amended under the provisions of S.4.55(2) and by the following plans:

Plan No.	Rev	Description	Prepared by	Dated
A 0.00		Cover	HSquare	
A 0.02	2	Site Analysis	HSquare	20/10/2022
A 1.00	3	Site Plan	HSquare	03/11/2022
A 1.01	3	Ground Level - Front	HSquare	03/11/2022
A 1.02	B	Plan - Ground Level - Rear	HSquare	03/11/2022
A 1.03	3	Plan - Level 1	HSquare	03/11/2022
A 1.04	3	Plan - Roof	HSquare	03/11/2022
A 2.00	3	Elevation - North and South	HSquare	03/11/2022
A 2.02	3	Elevation - East	HSquare	03/11/2022
A 2.03	3	Elevation - West	HSquare	03/11/2022
A 2.04	3	Elevation - North and South Garage	HSquare	03/11/2022
A 2.05	2	Elevation Details	HSquare	20/10/2022
A 2.06	3	Elevation - South - Fence	HSquare	03/11/2022
A 3.00	3	Cross Section	HSquare	03/11/2022
A 3.01	3	Long Sections	HSquare	03/11/2022
A 5.00	3	Schedule of Materials and Finishes	HSquare	03/11/2022

And except where amended by the following conditions.

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

- 2. Condition C12 of the consent is deleted.**
- 3. The following additional condition is imposed.**

Use of the Garage for Non-habitable Purposes Only

11. The approved garages are to be used for non-habitable purposes only. The garages are not to be used/adapted for any habitable purpose.

(Reason: To ensure the spaces are restricted to non-habitable uses due to privacy issues)

Reasons for Approval:

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted 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(1) of *the Environmental Planning and Assessment Act 1979*, the proposed development as modified is substantially the same development as originally consented to.

How community views were taken into account:

The proposal is considered to be in the public interest for the reasons stated throughout this report.

The conditions attached to the original consent for Development Application No. **268/21** by endorsed date of **8 June 2022** 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

29 June 2023

DATE



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