

Original signed by David Hoy on 20/6/2022

Victoria Aleporos Architect
21 Formosa Street
DRUMMOYNE EAST NSW 2047

D416/11
LV2 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 416/11/3 - APPROVAL**

Development Consent Number: 416/11

Land to which this applies: 15 Ryries Parade, Cremorne
Lot No.: 56, DP: 10291

Applicant: Victoria Aleporos Architect

Proposal: To modify a consent for the Alterations and additions to an existing detached dwelling including a rear addition, new first floor, double garage under dwelling, and new front fence

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. **416/3** and registered in Council's records as Application No. **416/11/3** relating to the land described as **15 Ryries Parade, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **14 September 2021**, has been determined in the following manner:

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

Development in Accordance with Plans

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	Title	Drawn by	Received
SK00	A	Thermal and BASIX Schedule	Victoria Aleporos Architect	25 June 2016
SK01	C	Ground Floor	Victoria Aleporos Architect	25 June 2016
SK02	C	First Floor	Victoria Aleporos Architect	25 June 2016
SK03	B	Basement and Roof Plan	Victoria Aleporos Architect	25 June 2016
SK04	C	Sections	Victoria Aleporos Architect	25 June 2016
SK05	C	Elevations	Victoria Aleporos Architect	25 June 2016
SK06	C	Elevations	Victoria Aleporos Architect	25 June 2016

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Except where amended by the following plans

Plan No.	Issue	Title	Drawn by	Received
SK01	E (S96)	Ground Floor	Victoria Aleporos Architect	6 June 2016
SK02	E (S96)	First Floor	Victoria Aleporos Architect	6 June 2016
SK03	E (S96)	Basement and Roof Plan	Victoria Aleporos Architect	6 June 2016
SK04	E (S96)	Elevations Section	Victoria Aleporos Architect	6 June 2016
SK05	E (S96)	Elevations	Victoria Aleporos Architect	6 June 2016
SK06	E (S96)	Elevations Section	Victoria Aleporos Architect	6 June 2016
SK07	E (S96)	BASIX Commitments	Victoria Aleporos Architect	6 June 2016

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Except where amended by changes shown highlighted on the drawings numbered SK01, SK02, SK03, SK04 and SK05, drawn by Victoria Aleporos Architects, and received by Council on 25 March 2022.

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

2. Condition C22(b) is to be amended to read as follows:

C22 (b) A 2.2 m high privacy screen is to be installed on the northern boundary in parallel to W7.

(Reason: To ensure the privacy of occupants in both 15 and 17 Ryries Parade, Cremorne)

Reasons for Approval:

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

From the reasons listed above, the proposal is unlikely to cause adverse material impacts to adjoining properties. The proposed works to the western elevation will maintain the amenity of the adjoining dwelling via site specific conditions.

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 unreasonable amenity impacts 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 4.15 (1) of *the Environmental Planning and Assessment Act 1979*, the proposed development will not result in any unreasonable amenity or environmental impacts. The application is considered satisfactory and is recommended for approval.

How community views were taken into account:	One (1) submission was received in response to the application. No objections to the proposal were identified in the submission.
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The conditions attached to the original consent for Development Application No. **416/11** by endorsed date of **14 September 2021** still apply.

ADVISINGS

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

20 June 2022

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER - ASSESSMENTS