



Romy Busbridge & Alexander Krueger  
C/- Corben Architects  
14/40 Yeo Street  
NEUTRAL BAY NSW 2089

D9/20  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 9/20/2 - APPROVAL**

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**Development Consent Number:** 9/20/2

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**Land to which this applies:** 12-14 Iredale Avenue, Cremorne Point  
Lot No.: 1, DP: 777324

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**Applicant:** Romy Busbridge & Alexander Krueger

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**Proposal:** Amend approved development to enable internal alterations  
and removal of a front gate.

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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. **9/20** and registered in Council's records as Application No. **9/20/2** relating to the land described as **12-14 Iredale Avenue, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 27 April 2020, has been determined in the following manner:

**1. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 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:

No.	Revision	Title	Drawn by	Dated	Received
DA05	B	Site Plan	Corben Architects	02/03/2020	01/06/2020
DA06	A	Proposed Plan - Level 1	Corben Architects	11/12/2019	16/01/2020
DA07	E	Proposed Plan - Level 2	Corben Architects	19/06/2020	19/06/2020

DA08	B	North Elevation	Corben Architects	02/03/2020	01/06/2020
DA09	C	East Elevation	Corben Architects	13/05/2020	01/06/2020
DA10	B	South Elevation	Corben Architects	02/03/2020	01/06/2020
DA11	B	West Elevation	Corben Architects	02/03/2020	01/06/2020
DA12	A	Section AA	Corben Architects	11/12/2019	16/01/2020
DA13	B	Section BB	Corben Architects	02/03/2020	01/06/2020
DA15	E	Windows W2.01, W2.02	Corben Architects	19/06/2020	19/06/2020

except as modified as such on the following drawings for DA 9/20/2:

No.	Revision	Title	Drawn by	Dated	Received
DA05	C	Site Plan	Corben Architects	21/06/2022	19/07/2022
DA06	B	Proposed Plan - Level 1	Corben Architects	21/06/2022	19/07/2022
DA07	F	Proposed Plan - Level 2	Corben Architects	21/06/2022	19/07/2022
DA08	C	North Elevation	Corben Architects	21/06/2022	19/07/2022
DA09	D	East Elevation	Corben Architects	21/06/2022	19/07/2022
DA10	C	South Elevation	Corben Architects	21/06/2022	19/07/2022
DA11	C	West Elevation	Corben Architects	21/06/2022	19/07/2022
DA12	B	Section AA	Corben Architects	21/06/2022	19/07/2022
DA13	C	Section BB	Corben Architects	21/06/2022	19/07/2022

except as amended by the following conditions and this consent.

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

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 9/20. The proposed modifications will not alter the use of the development as originally approved, are sympathetic to the design of the dwelling as originally approved, and the amenity impacts remain acceptable and unchanged, particularly in regard to privacy, views, and solar access.

**Reason for approval:**

The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in NSLEP 2013 and NSDCP 2013.

The proposed works will provide resident amenity without negatively impacting the neighbourhood character, and the Cremorne Conservation Area. The proposal also remains consistent with the objectives of the R2 Low Density Residential Zone and the original reasons for granting consent.

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The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved.

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**How community views were taken into account:**

The subject application was notified to adjoining properties and the Harrison Precinct Committee seeking comment, and no submissions were received. Nevertheless, it is considered that the proposed modifications would not substantially alter the impacts of what has already been approved under the original consent and would not cause any unreasonable impacts to the streetscape and/or adjoining properties.

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The conditions attached to the original consent for Development Application No. 9/20 by endorsed date of 27 April 2020 still apply.

**ADVISINGS**

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

**21/09/2022**

\_\_\_\_\_  
DATE



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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER ASSESSMENTS**