



Mr Jason Vieusseux  
3/90 Milson Road  
CREMORNE POINT NSW 2090

D246/22  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 246/22/2 - APPROVAL**

**Development Consent Number:** 246/22

**Land to which this applies:** Unit 3, 90 Milson Road, Cremorne Point  
Lot No.: 3, SP: 3768

**Applicant:** Jason Vieusseux

**Proposal:** Retention of the existing unit entry door

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. **246/22** and registered in Council's records as Application No. **246/22/2** relating to the land described as **Unit 3, 90 Milson Road, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **28 September 2022**, 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 documents endorsed with Council's approval stamp: -

Drawing No.	Title	Drawn By	Date	Received
A235	Floor Plan (U3 Proposed)	Jason Vieusseux	16/08/2022	18/08/2022
A335	RCP (U3 Proposed)	Jason Vieusseux	16/08/2022	18/08/2022
A410	Structural Demolition Plan	Jason Vieusseux	16/08/2022	18/08/2022

Except as modified as such on the following drawings for DA 246/22/2:

Drawing No.	Revision	Title	Drawn By	Date	Received
A235	3	Floor Plan (U3 Proposed)	Jason Vieusseux	19/03/2023	29/03/2023
A410	3	Structural Demolition Plan	Jason Vieusseux	19/03/2023	29/03/2023

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

2. Condition C5 is amended as follows:

**Heritage Requirements**

C5. Details demonstrating compliance with the following are to be submitted with the Construction Certificate:

- a) **New Kitchen**  
The proposed kitchen cabinetry shall finish a minimum of 150mm below the beamed ceiling such that the full ceiling may be interpreted.
- b) **Existing Doors**  
The two timber interior doors that are to be removed are to be salvaged and re-used on site.
- c) **Services/Utilities**  
No new services are to be placed on the exterior of the building or to penetrate into neighbouring apartments. Any mechanical ventilation for the proposed kitchen is to be directed through the laundry/bathroom/ensuite and not through bedroom 1.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, in order to fully satisfy the requirements of this condition.

(Reason: To ensure the use of materials is consistent and sympathetic to the character of the conservation area and the original dwelling)

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The proposed modification satisfies the provisions of Section 4.55(1A) in that the proposed development remains substantially the same as what was approved by DA 246/22. The proposed modification to retain the existing front door and will not involve any further demolition/removal of significant fabric. The proposal will not alter the use of the development and will have minimal environmental impacts given that the works will be internal works within the existing footprint of the building and not be visible from any adjoining property or the public domain.

**Reasons for Approval:**

The proposed modification would not significantly change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013. There would be no impact on the residential amenity of any adjoining properties, or on the character of the locality, and the proposal remains consistent with the original reasons for granting consent.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be **approved**.

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

The proposed modification was not required to be notified. Nevertheless, it is considered that the modification would not result in any additional impacts to adjoining properties.

The conditions attached to the original consent for Development Application No. **246/22** by endorsed date of **28 September 2022**, 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**

**11 April 2023**

DATE



Signature on behalf of consent authority  
ROBIN TSE  
**A/TEAM LEADER (ASSESSMENTS)**