



Mr Donald Proctor
Enviro Tecture
4 Illiliwa Street
CREMORNE NSW 2090

D60/20
JM15 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 60/20/3 - APPROVAL**

Development Consent Number: 60/20

Land to which this applies: 4 Illiliwa Street, Cremorne
Lot No.: 2 DP: 850338

Applicant: Enviro Tecture

Proposal: To modify a consent to approved development including various internal and external changes

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. **60/20** and registered in Council's records as Application No. **60/20/3** relating to the land described as **4 Illiliwa Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **23 June 2020** has been determined in the following manner:

1. To modify Conditions A1 'Development is Accordance with Plans/Documentation as follows:

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 Nos.	Rev. No.	Description of Works	Prepared by	Dated
A3 10.01	Rev-E	Cover Page	Enviro Tecture	29/03/2023
A3 21.01	Rev-E	Proposed Lower Ground Floor	Enviro Tecture	29/03/2023
A3 21.02	Rev-E	Proposed Ground Floor	Enviro Tecture	29/03/2023
A3 21.03	Rev-E	Proposed First Floor	Enviro Tecture	29/03/2023
A3.70.01	Rev-E	Window and Door Schedule - Lower Ground Floor	Enviro Tecture	29/03/2023
A3 70.02	Rev-E	Window and Door Schedule - Ground Floor	Enviro Tecture	29/03/2023
A3 70.03	Rev-E	Window and Door Schedule - First Floor	Enviro Tecture	29/03/2023
A3 41.01	Rev-E	Sections 1 and 2 Proposed - First Floor	Enviro Tecture	29/03/2023

A3 41.02	Rev-E	Sections 3, 4, 5 Proposed	Enviro Tecture	29/03/2023
A3 41.03	Rev-E	Sections 6, 7, 8 Proposed	Enviro Tecture	29/03/2023
A3 30.01	Rev-E	Elevations North and East	Enviro Tecture	29/03/2023
A3 30.02	Rev-E	Elevations South and West	Enviro Tecture	29/03/2023

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

Reasons for Approval:

The proposed modifications are considered to be generally 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 material amenity impact 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 4.55 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. The application is therefore recommended for **approval**.

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. **60/20** by endorsed date of **23 June 2020** still apply.

ADVISINGS

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

30 June 2023

DATE



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