



Ms Lisa Appleby
35 Hopetoun Street
FORRESTERS BEACH NSW 2260

D153/21
LA1 (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 153/21/2 - APPROVAL**

Development Consent Number: 153/21

Land to which this applies: 118 Macpherson Street, Cremorne
Lot No.: 3, DP: 9859

Applicant: Lisa Appleby

Proposal: Section 4.55(1A) Modification of approved development including amendments to front and rear fences, with the implementation of a sandstone veneer finish and paint finish to modular walls, paint finish to rear fence and the inclusion of garden beds in the 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. **153/21** and registered in Council's records as Application No. **153/21/2** relating to the land described as **118 Macpherson Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **29 July 2021**, 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: -

Plan No.	Rev	Description	Prepared by	Dated	Received
01	B	Site and Roof Plans	-	16 June 2021	17 June 2021
02	B	Ground Floor Plans	-	16 June 2021	17 June 2021
03	B	Elevations and Section	-	16 June 2021	17 June 2021
04	B	Elevation and Sections	-	16 June 2021	17 June 2021
05	B	Sections	-	26 July 2021	17 June 2021

Except as modified as such on the following drawings for DA 153/2021/2:

Plan No.	Rev	Description	Prepared by	Dated
DA1.02	A	Site Plan	Michael Mileski	28 March 2024
DA3.01	A	Floor Plans	Michael Mileski	28 March 2024
DA3.02	A	Floor Plans	Michael Mileski	28 March 2024
DA3.03	A	Floor Plans	Michael Mileski	28 March 2024
DA3.04	A	Elevations	Michael Mileski	28 March 2024
DA3.05	A	Rear Plan	Michael Mileski	28 March 2024

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

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.

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:

The subject application was notified to adjoining properties and the Willoughby Bay Committee seeking comment and one submission were received. Nevertheless, it is considered that the proposal would provide improved amenity for the residents without causing any unreasonable impacts to the streetscape, the heritage significance of the building or conservation area, and/or upon the amenity of adjoining properties.

The conditions attached to the original consent for Development Application No. **153/21** by endorsed date of **29 July 2021** still apply.

ADVISINGS


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

7 June 2024

DATE



Signature on behalf of consent authority
ANDREW BEVERIDGE
SENIOR ASSESSMENT OFFICER