

Development Consent No. 205/15

Section 4.55 Application

Applicant's Name

Mosman Finance No.5 Pty Ltd

Land to which this applies

26 Cremorne Road, Cremorne Point
Lot No.: 1, DP: 926849

Proposal

Modification of consent for alterations and additions to residential flat buildings – amalgamation of two units and other modifications.

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. **205/15** and registered in Council's records as Application No. **205/15/4** relating to the land described as **26 Cremorne Road, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 June 2016, has been determined in the following manner:

1. Condition A1 to be amended as follows:

Development in Accordance with Plans/documentation

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	Date
DA100	D	Site Analysis Plan	PBD Architects	10/9/2018
DA101	E	Block A Ground Floor Plan	PBD Architects	10/9/2018
DA102	E	Block A Level 1 Floor Plan	PBD Architects	10/9/2018
DA103	E	Block B Ground Floor Plan	PBD Architects	10/9/2018
DA104	E	Block B Level 1 Floor Plan	PBD Architects	10/9/2018
DA105	E	Block B Level 2 Floor Plan	PBD Architects	10/9/2018
DA106	E	Block B Attic Floor Plan	PBD Architects	10/9/2018
DA110	E	Ground Floor Site Plan	PBD Architects	10/9/2018
DA200	E	North Elevation Block A	PBD Architects	10/9/2018

DA201	E	South Elevation Block A	PBD Architects	10/9/2018
DA202	E	East Elevation Block A	PBD Architects	10/9/2018
DA203	E	West Elevation Block A	PBD Architects	10/9/2018
DA204	E	North Elevation Block B	PBD Architects	10/9/2018
DA205	E	South Elevation Block B	PBD Architects	10/9/2018
DA206	E	East Elevation Block B	PBD Architects	10/9/2018
DA207	E	West Elevation Block B	PBD Architects	10/9/2018
DA208	E	Cremerne Lane Elevation	PBD Architects	10/9/2018
DA300	E	Section A-A	PBD Architects	10/9/2018
DA301	E	Section B-B	PBD Architects	10/9/2018
DA302	E	Section C-C	PBD Architects	10/9/2018
DA303	E	Section D-D	PBD Architects	10/9/2018
DA304	E	Section E-E	PBD Architects	10/9/2018
DA400	B	Materials and Finishes Schedule	PBD Architects	4/4/2018
DA401	B	AC Screen & Fence Details	PBD Architects	4/4/2018
DA402	B	Balustrade Details	PBD Architects	4/4/2018
DA403	D	Terrace Balustrade Detail St Ives	PBD Architects	23/4/2018
DA404	A	Miscellaneous Details	PBD Architects	15/5/2018
LA01	D	Landscape Colour Plan	Taylor Brammer Landscape Architects	17/4/2018
LA02	D	Landscape Plan Ground Level	Taylor Brammer Landscape Architects	17/4/2018
LA03	D	Landscape Plan Roof Garden	Taylor Brammer Landscape Architects	17/4/2018
LA04	D	Landscape Details	Taylor Brammer Landscape Architects	17/4/2018
LA05	D	Landscape Details	Taylor Brammer Landscape Architects	17/4/2018
LA06	D	Landscape Irrigation Plan	Taylor Brammer Landscape Architects	17/4/2018
C101	2	Stormwater Drainage Plan	Nicolson Consulting Engineers	17/7/17
C501	1	Detail Sheet	Nicolson Consulting Engineers	17/7/17
ESM1	2	Erosion Sediment Control Plan	Nicolson Consulting Engineers	17/7/17

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

Reason for approval

The s.4.55 application has been assessed against all applicable environmental planning instruments and Council policies and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013, subject to conditions of consent.

How were community views taken into account in making the decision

The proposal was notified and advertised in accordance with Part A, Section 4 *Notification of Applications* of North Sydney DCP 2013 and no submissions were received. Further, the modifications do not result in adverse impacts in relation to submissions received in relation to the original DA.

The conditions attached to the original consent for Development Application No. 205/15 by endorsed date of 1 June 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **George Youhanna**. 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (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 Certifying Authority 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 & 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 & Assessment Act.

DATE

Signature on behalf of consent authority
GEORGE YOUHANNA
EXECUTIVE PLANNER