

Peter Lonergan
156A Church Street
NEWTOWN NSW 2042

GM (CIS)
D400/17

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION - REFUSAL**

Development Number: 400/17/3

Land to which this applies: 63 Ernest Street, Crows Nest
Lot No.: 1, DP: 926654

Applicant: Peter Lonergan

Proposal: To modify consent for alterations and additions to subdivide the existing Federation dwelling house into a semi-detached dwelling (2 residences with 4 bedrooms each), construction of garaging with rear lane access and associated landscaping. Subdivision into two lots.

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. **400/17** and registered in Council's records as Application No. **400/17/3** relating to the land described as **63 Ernest Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 August 2018, has been refused.

Reason for refusal:

1. The proposal exceeds the site cover requirements under North Sydney Development Control Plan 2013.
2. The proposal has additional amenity impacts on the adjoining neighbours at 65 Ernest Street.
3. The proposal is not consistent with the reasons given by the consent authority for the grant of the consent that is sought to be modified (Section 4.55(3) of the E P & A Act) in that the amended plans do not address the concerns of the objectors and do not comply fully with site density controls.

How community views were taken into account:

The owners of adjoining properties and the Holtermann Precinct were notified of the application on 27 September 2019. The notification resulted in two submissions which were addressed in the delegated report.

Any variation to the Development Consent can only be made with the written approval of the Council. Major variations will require a new or amended Development Consent.

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.

Section 4.55 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act, 1979.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER