

Design Your Space
Attention: Hilit Einav
22 Laurel Street
WILLOUGHBY EAST NSW 2068

D174/19
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 174/19/2 – APPROVAL**

Development Consent Number: 174/19/2

Land to which this applies: Unit 2, 75 Milson Road, Cremorne Point
Lot No.: 5, SP: 94651

Applicant: Design Your Space

Proposal: Section 4.55(2) modifications to DA 174/19 for various changes to windows and doors.

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. **174/19** and registered in Council's records as Application No. **174/19/2** relating to the land described as **Unit 2, 75 Milson Road, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 September 2019, has been determined in the following manner: -

- *Add the following conditions:*

Terms of the Consent

- A4. Approval is granted for the new 1200mm-wide French doors to the western elevation of the balcony, the changed swing of the existing northern door to the balcony and the change of the privacy screens on south eastern corner of balcony approved under Development Consent 174/19 changing the glass insert panels to a mixture of clear and opaque glass.

No approval is given or implied in this consent (DA174/19/2) for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

Development in Accordance with Plans (S4.55 Amendments)

- A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Drawing No.	Title	Drawn By	Date	Received
A-02-01	Unit 2 Proposed floor plan and Garbage facility	Hilit Einav, Design Your Space	16/01/2020	29/01/2020
A-02-06	Proposed West Elevation	Hilit Einav, Design Your Space	16/01/2020	29/01/2020
A-02-07	Proposed South Elevation	Hilit Einav, Design Your Space	05/10/2019	24/10/2019

except as amended by the following conditions and this consent.

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

Heritage Requirements

C10. Details demonstrating compliance with the following are to be submitted with the Construction Certificate:

a) New Doors

The new French doors on the West Elevation are to have solid moulded timber panels to the lower third of the door. Glazing to the lower third is not acceptable.

b) Southern Privacy Screen

The proposed glass privacy screen on the southern elevation must be a mix of clear and traditional Federation-style glazing that uses textured rolled figured glass.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the character of the conservation area is retained)

Reason for approval:

Council's Conservation Planner has raised no objection to the proposed new doorway to the balcony on the west elevation facing the street, as amended, because it is appropriately reduced in bulk and scale and is sympathetic in style and character to the heritage values of the Contributory Item. As a result, no objection is raised to the other proposed modifications on heritage or character reasons.

How community views were taken into account:

The subject application was notified to adjoining properties and the Cremorne Point Precinct Committee seeking comment between 8 November 2019 and 22 November 2019. There were no submissions.

The conditions attached to the original consent for Development Application No. 174/19 by endorsed date of 2 September 2019 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 & 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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS