

Marlborough Nominees
C/- COSO Architecture
Suite 4.04 'The Cooperage'
56 Bowman Street
PYRMONT NSW 2009

D163/17
LD(CIS)

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

Development Number: 163/17/4

Land to which this applies: 211 Military Road, Cremorne
Lot No.: 0, SP: 30908

Applicant: Marlborough Nominees
C/- COSO Architecture

Proposal: A Section 4.55 (2) Application to modify DA163/17 with regards to revised stair and lift layout, on-site detention replaced with rainwater tank, bin holding area to ground floor and angled front balconies to units 7, 13 and 19

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. **163/17** and registered in Council's records as Application No. **163/17/4** relating to the land described as **211 Military Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 December 2017, has been refused.

Reason for refusal:

1. The re-design and relocation of the lift, fire stair and stair located between the two residential pavilions on the site increases the bulk and mass of the development and results in adverse amenity impacts for the adjoining property at Unit 3, 209 Military Road. These proposed works are inconsistent with the following:
 - (a) Principle 2 'Built form and scale', Principle 5 'Landscape', Principle 6 'Amenity' and Principle 8 'Housing Diversity and social interaction' of SEPP 65 – Design Quality of Residential Apartment Development;
 - (b) Objectives specifically dot points 3 and 4, of the Land Use Table in NSLEP 2013 for the R4 High Density Residential zone.

- (c) Aims of Plans, specifically Clause 1.2(2)(c)(i) in NSLEP 2013;
- (d) Objectives (d), (e) and (f) in Clause 4.3(1) in NSLEP 2013;
- (e) Provision P2 and Objectives 02, 03 and 04 in Part B, Section 1.4.6 'Setbacks' in NSDCP 2013;
- (f) Provision P1 and Objectives O1 and O4 in Part B, Section 1.5.5 'Site coverage' in NSDCP 2013;
- (g) Provision P1 and Objective O1 (a), (c), (f), (i) and (j) in Part B, Section 1.5.6 'Landscape area' in NSDCP 2013.
- (h) Provision P5 and Objective O1 and in Part B, Section 1.5.10 'Private and Communal Open Space' in NSDCP 2013

How community views were taken into account:

The issues raised in the submissions were considered in the assessment of this application.

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
DAVID HOY
TEAM LEADER (ASSESSMENTS)