

Development Consent No. 460/16

Section 4.56 Application

Applicant's Name

Fox Johnston Architects
Level 1, 268A Devonshire Street
SURRY HILLS NSW 2010

Land to which this applies

18 Illiliwa Street, Cremorne
Lot No.: 5, DP: 900582

Proposal

Modification of consent for demolition of existing residential flat building and erection of replacement residential flat building with basement car parking.

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **460/16** and registered in Council's records as Application No. **460/16/4** relating to the land described as **18 Illiliwa Street, Cremorne**.

Your request for the modification of the Development Consent, as set out in in the Land and Environment Court judgement dated 4 January 2018, has been refused.

Reasons for refusal

The modification application has been determined by the North Sydney Local Planning Panel (NSLPP) at its meeting of 5 September 2018 by refusing consent for the following reasons:

1. The proposed eastern side setback and building separation to the dwelling house at No.20 Illiliwa Street is inadequate in terms of acoustic and visual privacy.
2. The increased building bulk and scale is unsatisfactory with regard to visual impact on No.20 Illiliwa Street and streetscape impact to Illiliwa Street.
3. The proposed modifications would be inconsistent with the reasons given by the Land and Environment Court contrary to Section 4.56(1A) of the Environmental Planning and Assessment Act 1979 as amended.

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. Within 6 months after the date of determination, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

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 8.9 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.

DATE

Signature on behalf of consent authority
GEORGE YOUHANNA
EXECUTIVE PLANNER