

Original signed by George Youhanna on 23/12/2021

Connoisseur Property Holdings Pty Ltd
Suite 79, Level 4, 89-97 Jones Street
ULTIMO NSW 2007

D460/16
GJY (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 460/16/7 - APPROVAL

Development Consent Number: 460/16

Land to which this applies: 18 Illiliwa Street, Cremorne
Lot No.: 5, DP: 900582

Applicant: ABC Planning Pty Ltd

Proposal: S.4.56 Modification of consent for demolition of existing residential flat building and erection of replacement residential flat building with basement car parking

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **460/16/7** and registered in Council's records as Application No. **460/16** relating to the land described as **18 Illiliwa Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **4 January 2018**, has been determined in the following manner:

Condition A1 to be modified as follows:

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./Doc No.	Issue	Drawn By	Dated
A-100	E	Fox Johnston	25/01/2018
A-109	H	Fox Johnston	7/05/2018
A-110	K	Fox Johnston	7/05/2018
A-111	L	Fox Johnston	7/05/2018
A-112	L	Fox Johnston	7/05/2018
A-113	L	Fox Johnston	7/05/2018

A-114	L	Fox Johnston	7/05/2018
A-200	I	Fox Johnston	1/04/2018
A-201	J	Fox Johnston	1/04/2018
A-202	J	Fox Johnston	1/04/2018
A-203	H	Fox Johnston	1/04/2018
A-204	K	Fox Johnston	1/04/2018
A-205	K	Fox Johnston	1/04/2018
A-206	F	Fox Johnston	1/04/2018
A-207	G	Fox Johnston	1/04/2018
A-208	G	Fox Johnston	1/04/2018
A-209	F	Fox Johnston	1/04/2018
A-210	F	Fox Johnston	1/04/2018
A-211	G	Fox Johnston	1/04/2018
A-212	G	Fox Johnston	1/04/2018
A-213	F	Fox Johnston	1/04/2018
A-214	F	Fox Johnston	1/04/2018
A-215	F	Fox Johnston	1/04/2018
A-400	-	Fox Johnston	Dec 2016
A-800	-	Fox Johnston	11/12/2017
A-801	-	Fox Johnston	11/12/2017
A-802	-	Fox Johnston	11/12/2017
A-803	-	Fox Johnston	11/12/2017
A-804	-	Fox Johnston	11/12/2017
A-805	-	Fox Johnston	11/12/2017
LDA - 000	B	Ground Ink	5/04/2018
LDA - 101	B	Ground Ink	5/04/2018
LDA - 102	B	Ground Ink	5/04/2018
LDA - 103	B	Ground Ink	5/04/2018
LDA - 104	B	Ground Ink	5/04/2018
LDA - 201	B	Ground Ink	5/04/2018
LDA - 301	B	Ground Ink	5/04/2018
Geotechnical Report Document Number: 85731.00.R.001 Rev 3	Revision 3	Douglas Partners	24/11/2017

As amended by the plans approved under modification application DA 2016/460/7, as follows:

Plan No.	Rev	Drawn By	Dated
A004	N	Fabric Architecture Studio	5/08/2021
A110	N	Fabric Architecture Studio	5/08/2021
A111	N	Fabric Architecture Studio	5/08/2021
A112	P1	Fabric Architecture Studio	3/11/2021
A113	P1	Fabric Architecture Studio	3/11/2021
A114	N	Fabric Architecture Studio	5/08/2021
A115	N	Fabric Architecture Studio	5/08/2021

A301	N	Fabric Architecture Studio	5/08/2021
A302	N	Fabric Architecture Studio	5/08/2021
A401	P1	Fabric Architecture Studio	3/11/2021
A402	N	Fabric Architecture Studio	5/08/2021
A403	N	Fabric Architecture Studio	5/08/2021
A506	N	Fabric Architecture Studio	5/08/2021
A507	N	Fabric Architecture Studio	5/08/2021

In approving the architectural plans which detail the car park lift design, it is not a requirement that the specific brand and model designated in those plans be installed. The design of the lift must, however, be in accordance with those architectural plans and must also meet any noise control requirements set out in this consent.

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

Condition A4 to be added to the Condition Set:

Side and Rear Boundary Fencing

A4. The side and rear boundary fencing is to be timber paling fencing. Colorbond fencing, aluminium palisade fencing or any other form of fencing apart from timber paling fencing is not approved.

(Reason: To be consistent with the predominant character and type of boundary fencing in the locality)

Reason for Approval:

The applicant seeks modification of the subject development consent under s.4.56 of the Environmental Planning and Assessment Act 1979. The application has been assessed against the relevant statutory controls and with regard to the merits of the application and submissions, in the context of a site enjoying existing use rights.

The proposed modification is very minor in nature and is considered satisfactory with regard to an assessment under s.4.15 of the Environmental Planning and Assessment Act 1979.

How community views were taken into account:

Relevant submitter concerns have largely been addressed previously in this report. Additional comments are provided as follows:

Colorbond Fence:

Comment - the proposed fence will be required to be a timber paling fence in order to remain consistent with the predominant character of boundary fencing in the locality.

The conditions attached to the original consent for Development Application No. 460/16/7 by endorsed date of **4 January 2018** 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.
- (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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

23 December 2021

DATE

Signature on behalf of consent authority
GEORGE YOUHANNA
EXECUTIVE PLANNER