

Original signed by: Robyn Pearson

Dated: 9 September 2016

Wayne Jerome  
15 Ryries Parade  
CREMORNE NSW 2090

D416/11  
(JE1) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
(AS AMENDED)**

**Notice to Applicant of Determination of Request  
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **416/11** and registered in Council's records as Application No. **416/11/2** relating to the land described as **15 Ryries Parade, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 14 September 2012, has been determined in the following manner:-

- 1. To modify conditions (A1) and (C5) of the consent and replace with the following revised condition namely:***

**Development in Accordance with Plans**

- 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.

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
SK00	A	Thermal & BASIX Schedule	Victoria Aleporos Architect	25 June 2016
SK01	C	Ground Floor	Victoria Aleporos Architect	25 June 2016
SK02	C	First Floor	Victoria Aleporos Architect	25 June 2016
SK03	B	Basement & Roof Plan	Victoria Aleporos Architect	25 June 2016
SK04	C	Sections	Victoria Aleporos Architect	25 June 2016
SK05	C	Elevations	Victoria Aleporos Architect	25 June 2016
SK06	C	Elevations	Victoria Aleporos Architect	25 June 2016

**As amended by the following plans**

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
SK01	E (S96)	Ground Floor	Victoria Aleporos Architect	6 June 2016
SK02	E (S96)	First Floor	Victoria Aleporos Architect	6 June 2016
SK03	E (S96)	Basement & Roof Plan	Victoria Aleporos Architect	6 June 2016
SK04	E (S96)	Elevations Section	Victoria Aleporos Architect	6 June 2016
SK05	E (S96)	Elevations	Victoria Aleporos Architect	6 June 2016
SK06	E (S96)	Elevations Section	Victoria Aleporos Architect	6 June 2016
SK07	E (S96)	BASIX Commitments	Victoria Aleporos Architect	6 June 2016

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

**External Cladding**

C5. The external timber cladding on all elevations must have a traditional horizontal presentation with boards that are 180mm wide. The windows should also be timber framed with a width of 45mm (min) also with a painted finish. The plans must be amended to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To be compatible with surrounding development)

**2. The following conditions are to be added:**

**C23. Solar Panels**

The solar panel roof tiles are to remain flat and indicated on the plans to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To be compatible with surrounding development.)

**Rooftop Garden**

I1. The rooftop garden upon the front façade must be non-trafficable and is not to be used as a balcony.

(Reason: To ensure the safety of residents of the property.)

**3. The following condition is to be deleted:**

**Privacy**

C13. The following privacy devices are to be provided:

- a) The bathroom window (W1.2) and WC window (W1.1) on the ground floor shall be obscure or frosted glass.

Plans and specifications complying 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to the adjoining property located at No. 6 Benelong Road, Cremorne)

The conditions attached to the original consent for Development Application No. 416/11/2 by endorsed date of 14 September 2012 still apply.

### ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Judith Elijah**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2) (a) of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)