

Ionic Management Pty Ltd
Attention: Chris Ryan
PO Box 165
CRONULLA NSW 2230

D327/15
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 327/15/11 – APPROVAL**

Development Consent Number: 327/15/11

Land to which this applies: 105 Willoughby Road, Crows Nest
Lot No.: 1, DP: 1246335

Applicant: Ionic Management Pty Ltd

Proposal: Section 4.55 (1A) application to modify development consent DA327/15 with regards to the installation of a pergola structure with operable louvres to the private balconies of the penthouse apartments on the north western corner of Level 4 of the building and sliding glazed doors to replace windows between the master bedroom and the terrace of Units 504 and 505.

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. **327/15** and registered in Council's records as Application No. **327/15/11** relating to the land described as **105 Willoughby Road, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 June 2016, has been determined in the following manner: -

To modify the following condition to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A4. The development being carried out in accordance with plans identified in Conditions A1 and previous modified consents and endorsed with Council's approval stamp, except as modified by the modifications shown clouded in red on the following plans:

Drawing numbered	Revision/Issue	Title	Drawn by	Dated
3844_DA003	F	Site Plan	nettletontribe	1/03/19

3844_DA019	G	Level 4 Plan	nettletontribe	1/03/19
3844_DA020	F	Roof Plan	nettletontribe	1/03/19
3844_DA021	H	North & South Elevations	nettletontribe	1/03/19
3844_DA022	H	East & West Elevations	nettletontribe	1/03/19
3844_DA031	G	Section A & B	nettletontribe	1/03/19
3844_DA032	F	Section C & D	nettletontribe	1/03/19
3844_DA033	F	Section E	nettletontribe	1/03/19
3844_DA037	A	Operable Louvred Roof Section	nettletontribe	1/03/19
3844_DA041	H	External Finishes Schedule 01	nettletontribe	1/03/19
3844_DA042	H	External Finishes Schedule 02	nettletontribe	1/03/19
3844_DA063	E	Unit Type Plans 03	nettletontribe	1/03/19

Reason for approval:

The proposed modifications to the approved development is recommended for approval as it will improve the amenity of the apartments without resulting in adverse visual impacts on the public domain. Whilst the proposed pergola structure will result in a non-compliance with the building height control in NSLEP 2013, the non-compliance is considered acceptable in the site circumstances as the objectives of the control are satisfied.

How community views were taken into account:

The application was notified to surrounding properties between 23 April and 7 May 2019. No submissions were received.

The conditions attached to the original consent for Development Application No. 327/15 by endorsed date of 8 June 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **the undersigned**. 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
LUKE DONOVAN
A/EXECUTIVE PLANNER