

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 4.56 MODIFICATION 460/16/6 – APPROVAL**

---

**Development Consent Number:** 460/16/6

---

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

---

**Applicant:** Connoisseur Property Holdings Pty Ltd

---

**Proposal:** Modification of consent for demolition of existing residential flat building and erection of replacement residential flat building with basement car parking – Modify Condition C24 in relation to the car lift and Condition G2 relating to certification of access and facilities for persons with a disability.

---

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. **460/16/6** 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 13 May 2019, has been determined in the following manner: -

- 1. Condition C24 is to be deleted and a new condition, G18 is to be applied.*

**Noise from Plant and Equipment**

- G18. Use of the car park lift shall not emit a noise level which exceeds 45 LA<sub>max</sub> when measured at 1m from outside any bedroom window of any residential premises, which includes the proposed dwellings, between the hours 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

Use of the car park lift and all other mechanical plant installed on the premises shall not emit a noise level which exceeds the following:

43 LAeq. 15min 7am to 6pm  
42 LAeq. 15min 6pm to 10pm; and  
35 LAeq. 15min 10pm to 7am

when measured at any point on or within the boundary of any residential premises, which includes the proposed dwellings.

The carpark lift shall be designed, constructed and operated in such a manner that any sound emitted from any tyre of a motor vehicle when on the car park lift platform or when travelling across the junction between the car park lift platform and the building structure is inaudible within the boundary of any residential premises, which includes the proposed dwellings, at any time.

Prior to commissioning of the car lift, acoustic testing of the car lift in operation must be carried out and certification from an appropriately qualified acoustic consultant must be provided to Council that confirms that the car lift will comply with this Condition (Condition G18).

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

2. ***Condition G2 is to be amended by substituting the words “Civil Engineer” with “Access Consultant”.***

### **Access to Premises**

- G2. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Access Consultant certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises – buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

---

### **Reason for approval:**

The applicant seeks modification of the subject development consent under s4.56 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, in the context of a site enjoying existing use rights.

---

---

The proposed modification is minor in nature and is considered satisfactory with regard to an assessment under s4.15 of the *Environmental Planning and Assessment Act, 1979*. The proposed modifications will assist the applicant in terms of timing of production of noise certification for the car lift and the use of an appropriate expert to certify access and facilities for persons with a disability.

---

**How community views were taken into account:**

The application was notified to previous submitters from 21/2/20 to 6/3/2020 in accordance with s4.56 (1) (c) of the *Environmental Planning and Assessment Act, 1979*.

---

The conditions attached to the original consent for Development Application No. 460/16 by endorsed date of 13 May 2019 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 4.56 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 4.56 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

---

DATE

---

Signature on behalf of consent authority  
GEORGE YOUHANNA  
**EXECUTIVE PLANNER**