



Platino Properties Pty Ltd
Suite 11, 20 Young Street
NEUTRAL BAY NSW 2089

D269/21
JV1 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 269/21/5 - APPROVAL**

Development Consent Number:	269/21
Land to which this applies:	372 Military Road (aka 75-75A Parraween Street), Cremorne Lot No.: 100, DP: 615583
Applicant:	Platino Properties Pty Ltd
Proposal:	Section 4.55(2) application seeking modifications to Development Consent (D269/21) including various design changes to an approved five (5) storey mixed-use development

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. **269/21** and registered in Council's records as Application No. **269/21/5** relating to the land described as **372 Military Road (aka 75-75A Parraween Street), Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **6 April 2022**, has been determined in the following manner:

1. To modify the development consent (D269/21) and modify conditions A1 to read as follows:

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings:

Plan No.	Description	Prepared by	Dated
DA 100 Issue B	Basement & Ground Floor	PA Studio	18/11/21
DA 101 Issue E	Floor Plans: L1 - L3	PA Studio	04/10/22
DA 102 Issue F	Floor Plans: L4 & Roof Plan	PA Studio	21/11/22
DA 200 Issue E	Section A-A	PA Studio	21/11/22
DA 201 Issue E	Section B-B	PA Studio	21/11/22
DA 202 Issue E	Section C-C & D-D	PA Studio	21/11/22
DA 300 Issue E	North and West Elevations	PA Studio	21/11/22
DA 301 Issue E	South & East Elevations	PA Studio	21/11/22
DA 503 Issue E	Schedule of Colours and Finishes	PA Studio	21/11/22
DA 504 Issue C	Landscape Design	PA Studio	21/11/22

and endorsed with Council's approval stamp, except as modified by highlighting on the following

drawings for D269/21/5:

Plan No.	Description	Prepared by	Dated
DA 101 Issue G	Floor Plans: L1 - L3	PA Studio	27/11/2023
DA 102 Issue G	Floor Plans: L4 & Roof Plan	PA Studio	27/11/2023
DA 200 Issue F	Section A-A	PA Studio	22/11/2023
DA 301 Issue F	South & East Elevations	PA Studio	22/11/2023

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

2. To modify the development consent (D269/21) and modify condition C42 to read as follows:

BASIX Commitments

C42. Under Section 75 of the *Environmental Planning and Assessment Regulation 2021* it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1224852M_10 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

3. To insert a new condition A7 to read as follows:

Terms of Consent (D269/21/5)

A7. Approval is granted for the following modifications:

- (a) Internal layout reconfigurations at Levels 3 and 4
- (b) The deletion of windows at the eastern side boundary within the lightwell at Floor Levels 2, 3, and 4; and
- (c) Deletion of the boundary wall at the eastern side boundary within the lightwell at Floor Levels 3 and 4.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property unless specified in the consent.

(Reason: To ensure the terms of the consent are clear)

Reasons for Approval:

The proposal for modifications to the internal design and layout is consistent with the reasons for granting the original approval and can be supported.

How community views were taken into account:

The application was notified to adjoining properties and the Brightmore and Harrison Precincts under section 3.6 of the North Sydney Community Engagement Protocol inviting

comment on the proposal. The notification of the application has attracted no submissions.

The conditions attached to the original consent for Development Application No. **269/21** by endorsed date of **6 April 2022** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Jack Varka**. 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

21 May 2024

DATE



Signature on behalf of consent authority
ROBIN TSE
SENIOR ASSESSMENT OFFICER