

Original signed by: Geoff Mossemenear Dated: 12/3/2019

Modog Pty Ltd
PO Box 222
CAMMERAY NSW 2062

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 19/16/7 – APPROVAL**

GM(CIS)

Development Consent Number: 19/16/7

Land to which this applies: 562a-564 Miller Street, Cammeray
Lot No. 10, DP 11908

Applicant: Modog Pty Ltd

Proposal: To modify consent for the demolition of existing buildings and erection of a six storey residential flat building with basement 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. **19/16** and registered in Council's records as Application No. **19/16/7** relating to the land described as **562a-564 Miller Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 11 July 2016, has been determined in the following manner: -

To delete condition A4 of the consent and insert in lieu thereof the following new condition namely:

Development in Accordance with Plans (S4.55 Amendments)

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown by clouding on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|-----------|----------------------------------|------------|
| S96.100 | C | Site plan | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.101 | C | Level 1 | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.102 | C | Level 2 | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.103 | C | Level 3 | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.104 | C | Level 4 | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.105 | C | Level 5 | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.106 | C | Level 6 | Julie Cracknell & Peter Lonergan | 15.09.2016 |

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|---------------|---|--------------------------|----------------------------------|------------|
| S96.107 | C | Roof | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.201 | C | Cross sections | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.301 | C | East elevation | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.302 | C | West elevation | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.303 | C | North & south elevations | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| S96.401 | C | Materials & Finishes | Julie Cracknell & Peter Lonergan | 15.09.2016 |
| LPDA 16-320/1 | G | Landscape Plan | Conzept Landscape Architects | 15.09.2016 |
| LPDA 16-320/1 | C | Landscape Plan Detail | Conzept Landscape Architects | 15.09.2016 |

as modified by the modifications shown by clouding on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|--------------------------|----------------------------------|------------|
| S96.01 | C | Site plan | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.02 | C | Level 1 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.03 | C | Level 2 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.04 | C | Level 3 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.05 | C | Level 4 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.06 | C | Level 5 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.07 | C | Level 6 | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.08 | C | Roof | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.09 | C | Cross sections | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.10 | C | East & West elevations | Julie Cracknell & Peter Lonergan | 15.03.2017 |
| S96.11 | C | North & south elevations | Julie Cracknell & Peter Lonergan | 15.03.2017 |

as modified by the modifications shown by clouding on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|--------------------------|----------------------------------|-----------|
| S96.1.1 | D | Lower Ground Floor | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.1.2 | D | Ground Floor | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.03 | D | Level 1 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.03 | D | Level 2 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.04 | D | Level 3 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.05 | D | Level 4 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.06 | D | Level 5 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.07 | D | Level 6 | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.08 | D | Roof | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.09 | D | Cross sections | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.10 | D | East & West elevations | Julie Cracknell & Peter Lonergan | 6.07.2017 |
| S96.11 | D | North & south elevations | Julie Cracknell & Peter Lonergan | 6.07.2017 |

as modified by the modifications shown by clouding and marked in red on:

| Plan No. | Issue | Title | Drawn by | Received |
|----------|-------|------------------------|----------------------------------|-----------|
| S4.55.06 | - | Level 5 Floor Plan | Julie Cracknell & Peter Lonergan | 1.03.2019 |
| S4.55.10 | - | East & West elevations | Julie Cracknell & Peter Lonergan | 1.03.2019 |

except as amended by the following conditions and this consent.

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

Reason for approval:

The proposed modifications are considered to be consistent with the originally approved development application and S4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of Section 4.55 & 4.15 (1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore, recommended for approval.

How community views were taken into account:

Notification of the application was not required.

The conditions attached to the original consent for Development Application No. 19/16 by endorsed date of 11 July 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
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER