

Mijollo International  
C/- Mecone  
Attention: Lauren McMahon  
12/179 Elizabeth Street  
SYDNEY NSW 2000

D408/17  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 APPLICATION 408/17/2 - APPROVAL**

---

**Development Consent Number:** 408/17/2

---

**Land to which this applies:**

398-400 Military Road aka 93 Parraween Street, Cremorne  
Lot No.: C, DP: 417890

---

**Applicant:**

Mijollo International

---

**Proposal:**

Section 4.55 (2) application seeking modifications to the approved mixed use building for an extension of the approved communal roof terrace.

---

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 7 October 2020.

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. **408/17** and registered in Council's records as Application No. **408/17/2** relating to the land described as **389-400 Military Road aka 93 Parraween Street, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 May 2018, has been determined in the following manner: -

- 1. To modify the development consent (D408/17) and modify conditions A1, G13 and G16 to read as follows:***

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development being carried out in accordance with the following drawings

Drawing No.	Issue	Date	Drawn By	Received
A201	D	15 Mar 18	Mijollo International	4 Apr 18

A202	D	15 Mar 18	Mijollo International	4 Apr 18
A203	D	15 Mar 18	Mijollo International	4 Apr 18
A301	D	15 Mar 18	Mijollo International	4 Apr 18
A302	D	15 Mar 18	Mijollo International	4 Apr 18
A401	D	15 Mar 18	Mijollo International	4 Apr 18
LPDA 18-120 P.1	C	4 Apr 18	Conzept Landscape Architects	4 Apr 18
LPDA 18-120 P.2	C	4 Apr 18	Conzept Landscape Architects	4 Apr 18

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D408/17/2:

Dwg No.	Issue	Date	Drawn By	Received
A203	G	18 Aug 20	Mijollo International	18 Aug 20
A204	F	28 Apr 20	Mijollo International	18 Aug 20
A301	F	28 Apr 20	Mijollo International	18 Aug 20
A302	F	28 Apr 20	Mijollo International	18 Aug 20
A401	F	28 Apr 20	Mijollo International	18 Aug 20

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

### Landscaping

G13. The landscaping shown in the approved landscape plan numbered LPDA 18-120 P.1 Issue C and LPDA 18-120 P.2 Issue C, dated 4 April 2018, prepared by Conzept Landscape Architects and the revised landscape plan as required by Condition C45 of this consent must be implemented prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### Compliance with Certain conditions

G16. Prior to the issue of any Occupation Certificate, Conditions C1, C2, C3, C45 and C46 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

2. *To insert new conditions A3, C45 and C46 to read as follows:*

### Terms of Consent (D408/17/2)

A3. Approval is granted for the following modifications only:

- a) Modifications to the layout for the southern side of the roof top level for an extension to the communal roof top terrace;
- b) Reconfiguration of the roof plant area and the solar panels, including the low hob walls already constructed within the roof terrace extension;

- c) Construction of new planter boxes along the south-western edge of the proposed roof terrace extension;
- d) Construction of new planter boxes on the north-eastern side of the proposed roof terrace extension in accordance with Condition C46 of this consent; and
- e) Installation of glass balustrade along the southern edge of the proposed roof terrace extension.

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

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

### **Revised Landscape Plan**

C45. The applicant shall submit revised landscape plan, based on the approved landscape plan numbered LPDA 18-120 P.1 Issue C and LPDA 18-120 P.2 Issue C, dated 4 April 2018, prepared by Conzept Landscape Architects, incorporating details of planting for the new planters on the roof terrace extension including plant species, plant numbers and pot size. The mature height of plant species for the new planters shall not exceed 1 metre.

The Certifying Authority must ensure that the landscape plans, building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure a desirable landscaping outcomes)

### **Modifications to Planters**

C46. The north-eastern edge of the proposed planter on the eastern side of the roof terrace extension must provide a 1.5m setback from the north-eastern property boundary to minimise visual bulk of the common north-eastern boundary wall and to provide amenity protection for the adjoining property.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To minimise visual bulk and amenity protection for the adjoining property)

---

#### **Reason for approval:**

The Panel is satisfied the modification application will not create unreasonable impacts and is worthy of approval.

---

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

The owners of adjoining properties and the Harrison and Brightmore Precincts were notified between the 7 and 21 August 2020. The notification has attracted no submissions.

---

The conditions attached to the original consent for Development Application No. 408/17 by endorsed date of 2 May 2018 still apply.

**ADVISINGS**

- a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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  
**ROBYN PEARSON**  
**TEAM LEADER ASSESSMENTS**