

Original signed by Mr Kim Rothe on 16/06/2021

John Moshonis
PO Box 1024
KOGARAH NSW 1485

D6/15
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 6/15/6 APPROVAL**

Development Consent Number: 6/15/6

Land to which this applies: 301 Miller Street, Cammeray
Lot No.: 0, DP: 102749

Applicant: John Moshonis

Proposal: Section 4.55(1A) modification to delete/alter condition G12

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. **06/15/6** and registered in Council's records as Application No. **06/15/6** relating to the land described as 301 Miller Street, Cammeray.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 May 2015, has been determined in the following manner:-

1. To amend Condition A1 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

DA06/15 Approved Plan List

Drawing Numbered/Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	B	30 March 2015	MCHP	10 April 2015
12-004-DA100 Basement Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA101 Ground Floor Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA102 First Floor Plan	C	30 March 2015	MCHP	10 April 2015
12-004-DA103 Second Floor Plan	C	30 March 2015	MCHP	10 April 2015

12-004-DA200 Elevations	C	30 March 2015	MCHP	10 April 2015
12-004-DA201 Elevations	B	20 October 2014	MCHP	10 April 2015
12-004-DA202 Elevations	A	20 October 2014	MCHP	13 January 2015
12-004-DA203 Elevations	B	30 March 2015	MCHP	10 April 2015
12-004-DA204 Sections	B	30 March 2015	MCHP	10 April 2015
12-004-DA301 Area Calculations/ Colours and Finishes	B	30 March 2015	MCHP	10 April 2015

DA06/15/4 Approved Plan List

Drawing Numbered/Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	B	30 March 2015	MCHP	6 December 2019
12-004-DA100 Basement Floor Plan	C	30 March 2015	MCHP	6 December 2019
12-004-DA203 Elevations	B	30 March 2015	MCHP	6 December 2019
12-004-DA205 Sections	A	20 October 2014	MCHP	6 December 2019

DA06/15/5 Approved Plan List

Drawing Numbered/Title	Revision	Dated	Drawn by	Date Received by Council
12-004-DA003 Site Plan	D-1	22 July 2020	MGROUPE	30 October 2020
12-004-DA003 Basement Plan	D-1	22 July 2020	MGROUPE	30 October 2020
12-004-DA003 Ground Floor Plan	D-1	22 July 2020	MGROUPE	30 October 2020

DA06/15/6 Approved Plan List

Drawing Numbered/Title	Revision	Dated	Date Received by Council
12-004-A200 West Elevation Plan - Hand Marked Up	E	28 March 2021	8 April 2021
12-004-A201 East Elevation Plan - Hand Marked Up	E	28 March 2021	8 April 2021
12-004-A202 South Elevation Plan - Hand Marked Up	E	28 March 2021	8 April 2021
12-004-A203 North Elevation Plan - Hand Marked Up	E	28 March 2021	8 April 2021

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

(Condition Modified by DA06/15/6 approved on 11 June 2021)

1. To delete Condition G12 Verification Statement (External Finishes and Materials)

Reason for Approval:

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any new 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 and 4.15 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:

The assessment and associated standard conditions of consent are considered to be sufficient to protect the public interest in this matter.

The conditions attached to the original consent for Development Application No. 06/15/6 by endorsed date of 6 May 2015 still apply.

ADVISINGS

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

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER - ASSESSMENTS