

Council have a list of Lodgement Requirements for Development Applications and Modifications. Included in the list of requirements is a Statement of Modification

"• Statement of Modification

Describe in detail all the proposed modifications and discusses any impacts these changes have on the relevant planning controls and on adjoining or nearby properties. The statement of modification is to make clear if the proposed works have been undertaken in part or full, as council cannot determine a modification application retrospectively as established by ku-ring-gai council v buyozo Pty Ltd [2021] NSWCA 177."

In response to his requirement, below is a statement describing the requested modification:

The development consent (DA 2023/0173) was issued as a Deferred Commencement Approval.

The conditions of consent included:

"1. Final Occupation Certificate for DA2017/0591

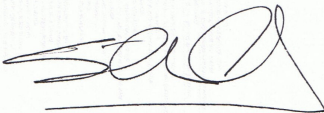
Under DA2017/0591, coastal protection works have commenced construction seaward of the proposed alterations and additions. These works are not yet completed. A final Occupation Certificate is to be obtained for DA2017/0591 prior to consent DA2023/0713 becoming operational.

Reason: To ensure appropriate protection from coastal hazards."

The works referred to in DA 2017/0591 have been completed and an occupation certificate has been provided to Council. The owner has supplied this information to Council however the owner has been unable to obtain operational consent.

Council have advised that Operational Consent will be issued following the submission of a Section 4.55(1) amendment to the Development Consent with the amendment being the omission of Condition 1.

The sole modification being sought is the omission of Condition 1 as the works referred to have been completed and the Occupation Certificate for DA 2017/0591 has been provided.



Stephen Grech
Nominated Architect
ARB NSW 6259

grech architects Pty. Ltd.
ABN 50 174 315 441

t/a stephen grech and associates, architects
Nominated architect – stephen grech reg no 6259
suite 7, 121 – 123 military road, neutral bay 2089
t 02 9953 8886 e admin@grecharchitects.com