



Miss Karen Chow  
Level 3, 9 Barrack Street  
SYDNEY NSW 2000

D34/22  
DK4 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 34/22/2 - APPROVAL**

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**Development Consent Number:** 34/22

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**Land to which this applies:** 68 Alfred Street, Milsons Point  
Lot No.: 0, DP: 56293

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**Applicant:** Miss Karen Chow

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**Proposal:** Modify DA 34/22 proposing change of external cladding from coloured glass to 3mm aluminium solid panel with rectilinear profile and powder coat finish

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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. **34/22** and registered in Council's records as Application No. **34/22/2** relating to the land described as **68 Alfred Street, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **24 March 2022**, has been determined in the following manner:

***To modify condition A1 with the following:***

- 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.

Plan No.	Issue Date/Rev	Description	Prepared by	Dated
A0.06	25/11/2022 Issue A	S4.55 Proposed Design - Façade Details	Aplus Design Group	25/11/2022
A0.07	25/11/2022 Issue A	S4.55 Proposed Design - Façade Details	Aplus Design Group	25/11/2022
A0.08	25/11/2022 Issue A	Materials and Finishes	Aplus Design Group	25/11/2022
A1.04	25/11/2022 Issue A	Site/ Roof Plan	Aplus Design Group	25/11/2022
A2.01	25/11/2022 Issue A	Proposed Level 2	Aplus Design Group	25/11/2022
A2.02	25/11/2022 Issue A	Proposed Level 3	Aplus Design Group	25/11/2022
A2.03	25/11/2022 Issue A	Proposed Level 4	Aplus Design Group	25/11/2022

A2.04	25/11/2022 Issue A	Proposed Level 5-11	Aplus Design Group	25/11/2022
A2.05	25/11/2022 Issue A	Proposed Level 12	Aplus Design Group	25/11/2022
A3.01	25/11/2022 Issue A	Proposed North Elevation	Aplus Design Group	25/11/2022
A3.02	25/11/2022 Issue A	Proposed South Elevation	Aplus Design Group	25/11/2022
A3.03	25/11/2022 Issue A	Proposed East Elevation	Aplus Design Group	25/11/2022

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

**Reasons for Approval:**

The proposed modification is generally 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 material amenity impact to adjoining properties or the surrounding area. The proposed modification is consistent with the reasons for the grant 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(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:**

The proposal is in the public interest for the reasons stated throughout this report.

The conditions attached to the original consent for Development Application No. **D34/22** by endorsed date of **24 March 2022** still apply.

**ADVISINGS**

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

**27 March 2023**

\_\_\_\_\_  
DATE



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Signature on behalf of consent authority  
DAMON KENNY  
**EXECUTIVE PLANNER (ASSESSMENTS)**