

**Original signed by: Lara Huckstepp Dated: 12/4/2019**

Colliers International Project Management  
Level 30, Grosvenor Place  
225 George Street  
SYDNEY NSW 2000

D173/18  
LH(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 173/18/2 – APPROVAL**

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**Development Consent Number:** 173/18

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**Land to which this applies:** 73 Miller Street, North Sydney  
Lot No. 38, DP 868462

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**Applicant:** Colliers International Project Management

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**Proposal:** To modify a Development Consent D173/18, Condition C13 (Basement car park to comply with relevant standards)

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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. **173/18** and registered in Council's records as Application No. **173/18/2** relating to the land described as **73 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 26 March 2019, has been determined in the following manner: -

1. To amend C13 of the Consent so as to read as follows:

**Basement Car park to comply with relevant standards**

C13. Any changes to the basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practising Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of any Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

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**Reason for approval:**

The proposal involves the modification of a development consent to permit the amendment of Condition No. C13. The amendment to this condition will clarify that the requirements relate to the new parts of the basement layout wherein works have been approved under the original Development Consent.

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

In accordance with the provisions of Section 4.4.9 of NSDCP 2013, the subject application was not required to be notified. Therefore, no submissions have been received.

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The conditions attached to the original consent for Development Application No. 173/18 by endorsed date of 26 March 2019 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**

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DATE

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Signature on behalf of consent authority  
Lara Huckstepp  
**EXECUTIVE PLANNER**