

Colliers International Project Management  
Level 21, 225 George Street  
SYDNEY NSW 2000

D463/16  
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 463/16/2 – APPROVAL**

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**Development Consent Number:** 463/16/2

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**Land to which this applies:** 50 Miller Street, North Sydney  
Lot No.: Y, DP: 441127

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**Applicant:** Colliers International Project Management

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**Proposal:** Modification of consent including new substation, louvre screen, stair and landing and associated work.

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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. **463/16** and registered in Council's records as Application No. **463/16/2** relating to the land described as **50 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 18 April 2017, has been determined in the following manner: -

**1. To amend Condition A1 as follows: -**

**Development in Accordance with Plans/documentation**

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.

DA463/16 Approved Plan list

Plan No.	Issue	Title	Date	Drawn by	Received
DA1000	C	Site Plan	19.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1200	B	Ground Floor Level Plan	20.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017

DA1301	B	Level 1.5 – Floor Plan	20.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1400	C	Level 11 – Roof Plan (Lower)	19.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1401	C	Levels 12 &13 – Roof Plan (Upper)	19.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1500	E	North Elevation	01.03.17	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1501	E	East Elevation	01.03.17	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1502	D	South Elevation	20.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1503	E	West Elevation (William Street)	01.03.17	GARDNER WETHERILL & ASSOCIATES	17.03.2017
DA1600	A	Section	19.12.16	GARDNER WETHERILL & ASSOCIATES	17.03.2017

DA463/16/2 Approved Plan list

Drawing Name.	Revision	Drawn by	Dated	Received
DA-100 Site Plan	B	Gardner Wetherill Associates	9 October 2019	11 October 2019
DA-1100 Level 2 Floor Plan	B	Gardner Wetherill Associates	9 October 2019	11 October 2019
DA-1150 Demolition	B	Gardner Wetherill Associates	9 October 2019	11 October 2019
DA-1502 South Elevation	E	Gardner Wetherill Associates	9 October 2019	11 October 2019
DA-1503 West Elevation (William Street)	F	Gardner Wetherill Associates	9 October 2019	11 October 2019
DA-1600 Section	B	Gardner Wetherill Associates	9 October 2019	11 October 2019

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

**Reason for approval:**

The proposal complies with all relevant development standards and controls and would provide for the orderly & economic use of the land.

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

The proposal was notified and one submission was received objecting to the proposed modifications. Concerns as raised in the submission received have been addressed or are otherwise acceptable in the circumstances.

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. 463/16 by endorsed date of 18 April 2017 still apply.

**ADVISINGS**

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

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