

Original signed by: **Luke Donovan** Dated:.....7/8/2020

Renascent Australia Pty Ltd
Level 4, 174 Pacific Highway
ST LEONARDS NSW 2065

D456/18
LD(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 456/18/3 – APPROVAL**

Development Consent Number: 456/18/3

Land to which this applies: 54 Miller Street, North Sydney
Lot No.: 2, DP: 362642

Applicant: Renascent Australia Pty Ltd

Proposal: Section 4.55(1a) application to modify consent to DA 456/18 specifically in relation to ductwork reticulation, new switch room, riser depth, stair pressurisation fan, structural column, external grills to western elevation and bin storage area.

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. **456/18** and registered in Council's records as Application No. **456/18/3** relating to the land described as **54 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 17 May 2019, has been determined in the following manner: -

1. Add Condition A4 to read as follows:

Development in Accordance with Plans (S 4.55 Amendments)

A4 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Drawing Number	Issue	Title	Drawn by	Dated
A-DA-10.001	7	GA Plan – Basement Levels	Greenbox	1/06/2020
A-DA-10.002	7	GA Plan – Ground Level	Greenbox	1/06/2020

A-DA-10.003	7	GA Plan – Levels 1 & 2	Greenbox	1/06/2020
A-DA-10.004	7	GA Plan – Typical Level & Plant	Greenbox	1/06/2020
A-DA-11.001	7	Roof Plan	Greenbox	1/06/2020
A-DA-20.001	7	North Elevation	Greenbox	1/06/2020
A-DA-20.002	8	East Elevation	Greenbox	1/06/2020
A-DA-20.003	7	South Elevation	Greenbox	1/06/2020
A-DA-20.004	8	West Elevation	Greenbox	1/06/2020
A-DA-30.001	6	Sections	Greenbox	1/06/2020
A-DA-40.001	5	Material Schedule	Greenbox	1/06/2020

except as amended by the following conditions and this consent.

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

The proposed modifications will not generate any unreasonable environmental impacts in the locality. The modifications result in improvements to the operation of the building without compromising its design and appearance within the streetscape.

Reason for approval:

The loss of three (3) car parking spaces is considered acceptable in the circumstances given the close proximity to public transport and the fact that 63 car parking spaces will be retained.

The application is recommended for **approval** subject to modified conditions of consent.

How community views were taken into account:

The application does not require notification under the North Sydney Community Participation Plan.

The conditions attached to the original consent for Development Application No. 456/18 by endorsed date of 17 May 2019 still apply.

ADVISINGS

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

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)