

Original signed by: David Hoy Dated: 21/8/2020

Colliers International Project Management
Attention: Andrew Pilat
Level 21, 225 George Street
SYDNEY NSW 2000

D463/16
HS1(CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 463/16/3 – APPROVAL

Development Consent Number: 463/16/3

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

Applicant: Colliers International Project Management

Proposal: Section 4.55(1A) modifications to DA463/16 to modify alterations and additions to the commercial building.

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. **63/16** and registered in Council's records as Application No. **463/16/3** 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 modify the development consent **DA463/16** as follows:*

A1. The development being carried out in accordance with the Plans

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

As amended by the following plans and additional conditions:

Drawing Name.	Rev.	Drawn by	Received
DA - 1150 - Demolition	D	Gardner Wetherill Associates	16.7.2020
DA - 1100 – Level 2 Floor Plan	E	Gardner Wetherill Associates	16.7.2020
DA – 1600 - Section	E	Gardner Wetherill Associates	16.7.2020
DA – 1000 – Site Plan	E	Gardner Wetherill Associates	16.7.2020
DA – 1502 – Southern Elevation	H	Gardner Wetherill Associates	16.7.2020
DA – 1503 – Western Elevation	I	Gardner Wetherill Associates	16.7.2020

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

2. *Add a new Condition C14 as follows:*

Fire Safety Works

- C14. Prior to the issue of the construction certificate, an appropriately qualified person in relation to fire safety and the Building Code of Australia, is to certify that the fire upgrading works have been completed and indicate all required essential fire safety measures have been installed and comply with the relevant NCC requirements.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposal is compliant with the NCC)

Reason for approval:

The proposed amended modifications satisfy Section 4.55(1A) in that the proposal is considered to have a minimal environmental impact and is also considered to be substantially the same development as that which was originally approved by Council.

The proposed modifications would not result in significant changes to the form, bulk and scale of the approved development. The proposed modifications to the commercial building would not cause adverse material amenity impacts on the adjoining properties in terms of visual privacy/amenity loss, overshadowing or view loss. The proposal will remain substantially the same as originally approved.

The development application, due to the minor nature of the proposal, was not required to be notified nor advertised pursuant to Section 3.4.2 of the North Sydney Participation Plan 2019. The development will not have a material impact on surrounding buildings. The public interest is served through the assessment of the application against the applicable controls.

In summary, the proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1A) application be approved with modifications to the relevant conditions

How community views were taken into account:

The development application, due to the minor nature of the proposal, was not required to be notified nor advertised pursuant to Section 3.4.2 of the North Sydney Participation Plan 2019. The development will not have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls

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 **Hugh Shouldice**. 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)