

Original signed by: Geoff Mossemeneer Dated: 8/9/2020

PDS Group
Level 1, 63 York Street
SYDNEY NSW 2000

D563/03
GM(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 563/03/9 – APPROVAL**

Development Consent Number: 563/03/9

Land to which this applies: 30 Alfred Street, Milsons Point
Lot No.: 100, DP: 1170079

Applicant: PDS Group

Proposal: Modification to consent, to amend plans for the approved development comprising demolition of the existing buildings and erection of a multi-level mixed use development.

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. **563/03** and registered in Council's records as Application No. **563/03/9** relating to the land described as **30 Alfred Street, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 June 2006, has been determined in the following manner: -

To delete conditions A1 of the consent and insert in lieu thereof the following new condition, namely:

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 and this consent.

Plan No.	Issue	Title	Drawn by	Received
A095	H	Basement 04	Koichi Takada Architects	8 November 2017
A096	H	Basement 03	Koichi Takada Architects	8 November 2017
A097	H	Basement 02	Koichi Takada Architects	8 November 2017
A098	H	Basement 01	Koichi Takada Architects	8 November 2017
A099	H	Lower ground floor	Koichi Takada Architects	8 November 2017

A100	H	Upper ground floor	Koichi Takada Architects	8 November 2017
A101	J	Level 01	Koichi Takada Architects	8 November 2017
A102	H	Level 02	Koichi Takada Architects	8 November 2017
A103	H	Level 03-06	Koichi Takada Architects	8 November 2017
A108	H	Level 07	Koichi Takada Architects	8 November 2017
A109	I	Level 08	Koichi Takada Architects	2 June 2020
A110	I	Level 09 Roof Plan	Koichi Takada Architects	9 July 2020
A111	I	Top of roof plan	Koichi Takada Architects	9 July 2020
A200	I	Alfred St elevation	Koichi Takada Architects	9 July 2020
A201	I	Dind St elevation	Koichi Takada Architects	9 July 2020
A202	I	Lane elevation	Koichi Takada Architects	9 July 2020
A203	I	South elevation	Koichi Takada Architects	9 July 2020
A210	J	Elevation/section	Koichi Takada Architects	8 November 2017
A211	J	External finishes	Koichi Takada Architects	8 November 2017
A212	G	Section details	Koichi Takada Architects	8 November 2017
A250	A	Frit & Louvre pattern	Koichi Takada Architects	8 November 2017
A300	G	Section 01	Koichi Takada Architects	8 November 2017
A301	G	Section 02	Koichi Takada Architects	8 November 2017
A481	B	Section 1 – Alfred St	Koichi Takada Architects	8 November 2017
A482	B	Section 2 – Dind St	Koichi Takada Architects	8 November 2017
A483	B	Section 3 – Mary St	Koichi Takada Architects	8 November 2017
A484	B	Section 4 – South	Koichi Takada Architects	8 November 2017
A485	B	Tower façade – Sec.1	Koichi Takada Architects	8 November 2017
A486	B	Tower façade – Sec.2	Koichi Takada Architects	8 November 2017

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

The proposed modification is considered to be consistent with the originally approved development application and s.4.55 of the EP & A Act 1979.

Reason for approval:

Having regard to the provisions of section 4.55 & 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 owners of adjoining and nearby properties and the Lavender Bay Precinct Committee were notified of the proposed development, with the notification period being from 7 August 2020 to 21 August 2020. In response to this notification, four submissions were received. No objections were raised to the proposed satellite dish and antennae. All submissions raised concern with the deletion of the Dind Street awning. The deletion of the awning is no longer sought under the current application.

The conditions attached to the original consent for Development Application No. 563/03 by endorsed date of 16 June 2006 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Geoff Mossemenear**. 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
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER