



Lendlease Development Pty Ltd
Level 8, 123 Pitt Street
SYDNEY NSW 2000

D313/23
RW (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 313/23/2 - APPROVAL**

Development Consent Number:	313/23
Land to which this applies:	171 Miller Street, North Sydney Lot No.: 1, DP: 1288164
Applicant:	Lendlease Development Pty Ltd
Proposal:	To modify a consent relating to business, building identification and wayfinding signage strategy for the Victoria Cross OSD

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. **313/23** and registered in Council's records as Application No. **313/23/2** relating to the land described as **171 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **15 February 2024**, has been determined in the following manner:

A. Modify Condition I1 as follows:

Hours of Illumination

11. All illuminated signs approved by this consent must cease illumination between the hours of 1.00 am and 7.00 am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

The proposal involves the modification of a consent to permit the amendment of Condition No. 11 Hours of Illumination from the consent.

Reasons for Approval:

In respect of the requirements of Condition No. 11, Council is satisfied that the requirements of the condition are erroneous and therefore may be amended to correct the hours of illumination.

Accordingly, it is recommended that the condition be amended in the consent.

How community views were taken into account:

In accordance with the provisions of Section 3.4.1 of Council's Community Participation Plan, the subject application was not required to be notified. No submissions have been received.

The conditions attached to the original consent for Development Application No. **313/23** by endorsed date of **15 February 2024** still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

17 April 2024

DATE

Thomas Holman

Signature on behalf of consent authority
THOMAS HOLMAN
A/TEAM LEADER (ASSESSMENTS)