

Commonwealth Bank Australia
C/- KDC Pty Ltd
Suite 2, 125 Bull Street
NEWCASTLE WEST NSW 2302

D330/19
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 330/19/2 – APPROVAL**

Development Consent Number: 330/19/2

Land to which this applies: 116 Miller Street, North Sydney
Lot No.: 22, DP: 809571

Applicant: Commonwealth Bank Australia

Proposal: Section 4.55 (1A) application to modify DA 330/19 in regard to the relocation of the approved electronic sign to the Commonwealth Bank

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. **330/19** and registered in Council's records as Application No. **330/19/2** relating to the land described as **116 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 November 2019, has been determined in the following manner: -

1. Add Condition A4 to read as follows:

Development in Accordance with Plans (Modification applications)

A4. The development being carried out in accordance with plans identified in **Condition A1** of the consent, except as modified by the modifications shown clouded on the following plans:

Drawing Number	Revision/Issue	Title	Drawn by	Dated
DA1.02	TP4	Front Elevation	graypuksand	24/10/19
DA1.01	TP4	Floor Plan	graypuksand	24/10/19
DA1.03	TP2	LCD Details	graypuksand	08/10/19

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

Reason for approval:

The proposed relocation of the signage will not interfere with the existing decals and/or affect the character of the area, views, access to the bank or the streetscape. The signage will remain located behind the glass shop front and there will be no change to its size, content or levels of illumination.

How community views were taken into account:

The application was not required to be notified in accordance with Part A, Section 4.4.9 in NSDCP 2013.

The conditions attached to the original consent for Development Application No. 330/19 by endorsed date of 7 November 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