



Aqualand North Sydney Development Pty Ltd
Level 37, Australia Square, 264 George Street
SYDNEY NSW 2000

D486/15
RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 486/15/9 - APPROVAL**

Development Consent Number: 486/15/9

Land to which this applies: 168 Walker Street, North Sydney
Lot No.: 100, DP: 1172241

Applicant: Aqualand North Sydney Development Pty Ltd

Proposal: To modify consent for demolition of existing office building and the construction of a mixed use development comprising basement levels, retail/commercial floor space, and residential apartments

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. **486/15** and registered in Council's records as Application No. **486/15/9** relating to the land described as **168 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 July 2016, has been determined in the following manner:

1. To modify conditions A1, C41 and G10 as follows:

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.	Rev.	Title	Drawn by	Dated/Received
DA-0000	H	Cover Sheet	Woods Bagot	31/3/21 (dated)
DA-1005	A	Demolition	Woods Bagot	22 December 2015
DA-1011	A	Site Plan	Woods Bagot	22 December 2015

DA-1206	D	B6 plan	Woods Bagot	10/9/21 (dated)
DA-1207	G	B3 – B5 plans	Woods Bagot	10/9/21 (dated)
DA-1208	H	B2 plan	Woods Bagot	22/6/22 (dated)
DA-1209	H	Lower Ground plan	Woods Bagot	22/6/22 (dated)
DA-1210	G	Upper Ground plan	Woods Bagot	22/6/22 (dated)
DA-1211	G	Commercial plan	Woods Bagot	10/9/21 (dated)
DA-1212	B	L02 plan	Woods Bagot	22/6/22 (dated)
DA-1214	A	L04 plan	Woods Bagot	22/6/22 (dated)
DA-1218	K	L03 - 08 plan	Woods Bagot	22/6/22 (dated)
DA-1219	H	L09 plan	Woods Bagot	22/6/22 (dated)
DA-1220	I	L10 – L15 Typical Mid	Woods Bagot	22/6/22 (dated)
DA-1226	B	L16-22 Typical Upper	Woods Bagot	22/6/22 (dated)
DA-1232	J	L23 plan	Woods Bagot	22/6/22 (dated)
DA-1233	G	L24 plan	Woods Bagot	22/6/22 (dated)
DA-1234	J	L25 plan	Woods Bagot	22/6/22 (dated)
DA-1235	K	L26 plan	Woods Bagot	22/6/22 (dated)
DA-1236	E	L27 plan	Woods Bagot	10/9/21 (dated)
DA-1237	F	L28 plan	Woods Bagot	10/9/21 (dated)
DA-1238	D	L29 plan + plant	Woods Bagot	10/9/21 (dated)
DA-1300	H	North elevation	Woods Bagot	10/9/21 (dated)
DA-1301	I	South elevation	Woods Bagot	22/6/22 (dated)
DA-1302	H	East elevation	Woods Bagot	10/9/21 (dated)
DA-1303	H	West elevation	Woods Bagot	10/9/21 (dated)
DA-1310	G	Site Section	Woods Bagot	10/9/21 (dated)
DA-1311	G	Site Long Section	Woods Bagot	10/9/21 (dated)
DA-2903	F	Type 3 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2904	F	Type 4 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2905	C	Type 5 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2906	C	Type 6 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2907	C	Type 7 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-9200	B	External Finishes	Woods Bagot	27/1/21 (dated)
L-DA-15	P	Landscape Design Framework	Turf	11/7/21 (dated)
L-DA-16	P	Landscape Masterplan	Turf	11/7/21 (dated)
L-DA-17	P	Lower ground	Turf	11/7/21 (dated)
L-DA-18	P	Upper ground	Turf	11/7/21 (dated)
L-DA-19	P	Design Sections	Turf	11/7/21 (dated)
L-DA-20	P	Design Sections	Turf	11/7/21 (dated)
L-DA-21	P	Level 2	Turf	11/7/21 (dated)
L-DA-22	P	Level 9	Turf	11/7/21 (dated)
L-DA-23	P	Rooftop	Turf	11/7/21 (dated)

L-DA-24	P	Typical sections	Turf	11/7/21 (dated)
L-DA-25	P	Wall material plan	Turf	11/7/21 (dated)
L-DA-26	P	Soil depth	Turf	11/7/21 (dated)
L-DA-27	P	Soil depth	Turf	11/7/21 (dated)
L-DA-28	P	Softscape	Turf	11/7/21 (dated)
L-DA-29	P	Streetscape works	Turf	11/7/21 (dated)
L-DA-30	P	Indicative materials	Turf	11/7/21 (dated)
L-DA-31	P	Indicative ground level character	Turf	11/7/21 (dated)

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

BASIX Certificate

C41. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 683795M_11 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. 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 proposed development will meet the Government's requirements for sustainability and statutory requirements)

Landscaping

G10. The landscaping shown in the approved landscape plans as amended by the detailed landscape plan required under condition C46:

Plan No.	Rev.	Title	Drawn by	Dated/Received
L-DA-15	P	Landscape Design Framework	Turf	11/7/21 (dated)
L-DA-16	P	Landscape Masterplan	Turf	11/7/21 (dated)
L-DA-17	P	Lower ground	Turf	11/7/21 (dated)
L-DA-18	P	Upper ground	Turf	11/7/21 (dated)
L-DA-19	P	Design Sections	Turf	11/7/21 (dated)
L-DA-20	P	Design Sections	Turf	11/7/21 (dated)
L-DA-21	P	Level 2	Turf	11/7/21 (dated)
L-DA-22	P	Level 9	Turf	11/7/21 (dated)
L-DA-23	P	Rooftop	Turf	11/7/21 (dated)
L-DA-24	P	Typical sections	Turf	11/7/21 (dated)
L-DA-25	P	Wall material plan	Turf	11/7/21 (dated)
L-DA-26	P	Soil depth	Turf	11/7/21 (dated)
L-DA-27	P	Soil depth	Turf	11/7/21 (dated)
L-DA-28	P	Softscape	Turf	11/7/21 (dated)

L-DA-29	P	Streetscape works	Turf	11/7/21 (dated)
L-DA-30	P	Indicative materials	Turf	11/7/21 (dated)
L-DA-31	P	Indicative ground level character	Turf	11/7/21 (dated)

must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

Reasons for Approval:

The proposal was considered under the relevant EPIs and policies including NSLEP 2013, NSDCP 2013 and relevant SEPPs, and found to be satisfactory.

Council received no submissions in response to notification of the development.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EPA Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the grant of development consent to the originally approved development and are considered to be acceptable.

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 therefore can be approved.

How community views were taken into account:

The subject application was notified to surrounding properties and the Stanton precinct for 14 days. No submissions were received.

The conditions attached to the original consent for Development Application No. 486/15 by endorsed date of 12 July 2016 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

13 December 2022

DATE


Signature on behalf of consent authority
DAVID HOY
TEAM LEADER ASSESSMENTS