



Mr Matthew Kennedy  
Aura Project Nominee Pty Ltd  
L37 Australia Square  
264 George Street  
SYDNEY NSW 2000

D111/23  
DK4 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 111/23/2 - APPROVAL**

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**Development Consent Number:** 111/23

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

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**Applicant:** Mr Matthew Kennedy

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**Proposal:** Modify the consent Condition K7

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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. **111/23** and registered in Council's records as Application No. **111/23/2** 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 **6 September 2023**, has been determined in the following manner:

**To amend Condition K7 with the following:**

**Allocation of Parking and Visitor Parking**

K7. Car-parking provided must only be used in conjunction with the units and tenancies contained within the development. Any carparking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

A maximum of 362 car parking spaces provided shall be allocated to the apartments contained within the development with no more than one car space per apartment. The remaining spaces are to be allocated as follows:

- 352 spaces to residential apartments including 61 spaces to the 60 adaptable apartments
- 7 spaces to the commercial/retail
- 1 space for car wash bay
- 2 spaces for car share

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any carparking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

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**Reasons for Approval:**

The proposed modification is generally consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications does not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modification is consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 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**.

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**How community views were taken into account:**

The proposed development is considered to be in the public interest for the reasons stated throughout this report.

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The conditions attached to the original consent for Development Application No. **111/23** by endorsed date of **6 September 2023** still apply.

**ADVISINGS**

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

**26 October 2023**

DATE



Signature on behalf of consent authority  
DAMON KENNY  
**EXECUTIVE PLANNER (ASSESSMENTS)**