



Crows Nest Project Pty Ltd
C/- Equicentia Alexander Street Pty Ltd
Level 17, 135 King Street
SYDNEY NSW 2000

D96/22
MH9 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.56 MODIFICATION 96/22/2 - APPROVAL**

Development Consent Number: 96/22

Land to which this applies: 82, 84, 88 & 90 Alexander Street, Crows Nest
Lot A DP 174702, Lot A DP 331455, SP 71916, SP 72859, SP 73614, Lot 113 DP 136374 and Lot 1 DP 922790

Applicant: Equicentia Alexander Street Pty Ltd

Proposal: Modify Development Application 96/22 for the demolition of existing structures on the site and construction of a new five-storey shop top housing development comprising two levels of basement car parking, ground floor commercial premises, four levels of residential apartments comprising 25 apartments, communal open space and public domain improvements

Pursuant to Section 4.56 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No.96/22 and registered in Council's records as Application No.96/22/2 relating to the land described as **82, 84, 88 & 90 Alexander Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **22 June 2023**, has been determined in the following manner:

1. To modify the development consent DA96/22 and modify condition A1 as follows:

Development in accordance with Plans (S4.56 Amendments)

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 of this consent.

Plan No	Issue	Description	Prepared by	Dated
DA001	D	Site Plan/Demolition Plan	nettletontribe	23/03/2023
DA102	D	Basement 2	nettletontribe	23/03/2023

DA103	D	Basement 1	nettletontribe	23/03/2023
DA110	F	Ground Floor	nettletontribe	16/10/2023
DA111	F	Level 1	nettletontribe	16/10/2023
DA112	E	Level 2	nettletontribe	23/03/2023
DA113	E	Level 3	nettletontribe	23/03/2023
DA114	E	Level 4	nettletontribe	23/03/2023
DA115	E	Roof Terrace	nettletontribe	23/03/2023
DA120	C	External Awning	nettletontribe	23/03/2023
DA121	E	Elevations - North	nettletontribe	16/10/2023
DA122	E	Elevations - South	nettletontribe	16/10/2023
DA123	E	Elevations - West	nettletontribe	16/10/2023
DA124	E	Elevations - East	nettletontribe	16/10/2023
DA125	C	Materials and Finishes - Sheet 1	nettletontribe	23/03/2023
DA126	C	Materials and Finishes - Sheet 2	nettletontribe	23/03/2023
DA131	F	Section A	nettletontribe	16/10/2023
DA132	E	Section B	nettletontribe	16/10/2023
DA151	C	Typical Adaptable Unit Layout 01	nettletontribe	23/03/2023
DA152	C	Typical Adaptable Unit Layout 02	nettletontribe	23/03/2023
DA222	C	Unit Schedule	nettletontribe	23/03/2023
LP 01/01	01	Landscape Plan - ground level	Black Beetle	17/03/20022
LP 02/02	02	Landscape Plan - Level 01	Black Beetle	17/03/20022
LP 03/04	04	Landscape Plan - roof terrace	Black Beetle	17/03/20022
LP 04/01	01	Landscape Plan - note /legend/plant schedule	Black Beetle	17/03/20022

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

2. To modify Condition C50 by amending the contribution amounts as follows:

Local Infrastructure Contributions

C50. A monetary contribution pursuant to the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*, in accordance with the North Sydney Council's Contribution Plan for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$293,209.73**.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

3. To modify Condition C51 by amending the contribution amounts as follows:

Security Deposits/Guarantee Schedule

C51. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Bond for Damage and Completion of Infrastructure Works	\$218,000.00
Tree Bond	30,000.00
TOTAL BONDS	\$248,000.00

Note: The following fees applicable

Local Infrastructure Contributions	Amount (\$)
Open Space and recreation facilities:	\$223,715.99
Public Domain:	19,176.90
Active transport	1,095.98
Community facilities:	44,933.97
Plan administration and management	4,286.89
TOTAL CONTRIBUTIONS	\$293,209.73

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Reasons for Approval:

The proposed modifications are generally consistent with the originally approved development application and s.4.56 of the EP&A 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 is acceptable.

Having regard to the provisions of section 4.56 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**.

Statement of Reasons

- The proposed modifications are generally consistent with the objectives of the North Sydney Local Environmental Plan 2013.
- The proposal is generally consistent with the controls and objectives of the relevant provisions of the North Sydney Development Control Plan 2013.
- The proposed modifications will not have any unreasonable impact upon the amenity of neighbouring properties.

How community views were taken into account:

The application did not receive any submissions.

The conditions attached to the original consent for Development Application No.96/22 by endorsed date of **22 June 2023** still apply.

ADVISINGS

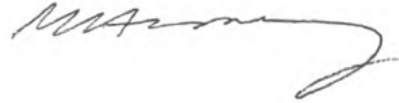
- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr Michael Hornery**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (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 4.56 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 4.56 of *the Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

14 May 2024

DATE



Signature on behalf of consent authority
MICHAEL HORNERY
EXECUTIVE PLANNER (ASSESSMENTS)