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EAST PERTH WA 6000

D563/03
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **563/03** and registered in Council's records as Application No. **563/03/7** relating to the land described as **30 Alfred Street South, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 June 2006, has been determined in the following manner: -

To delete conditions A1, C21, C40, C41, C42, C44, C45 and H1 of the consent and insert in lieu thereof the following new conditions, namely:

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.	Issue	Title	Drawn by	Received
A095	H	Basement 04	Koichi Takada Architects	8 November 2017
A096	H	Basement 03	Koichi Takada Architects	8 November 2017
A097	H	Basement 02	Koichi Takada Architects	8 November 2017
A098	H	Basement 01	Koichi Takada Architects	8 November 2017
A099	H	Lower ground floor	Koichi Takada Architects	8 November 2017
A100	H	Upper ground floor	Koichi Takada Architects	8 November 2017
A101	J	Level 01	Koichi Takada Architects	8 November 2017
A102	H	Level 02	Koichi Takada Architects	8 November 2017
A103	H	Level 03-06	Koichi Takada Architects	8 November 2017
A108	H	Level 07	Koichi Takada Architects	8 November 2017
A109	H	Level 08	Koichi Takada Architects	8 November 2017
A110	H	Level 09 Roof Plan	Koichi Takada Architects	8 November 2017
A111	H	Top of roof plan	Koichi Takada Architects	8 November 2017
A200	H	Alfred St elevation	Koichi Takada Architects	8 November 2017
A201	H	Dind St elevation	Koichi Takada Architects	8 November 2017
A202	H	Lane elevation	Koichi Takada Architects	8 November 2017
A203	G	South elevation	Koichi Takada Architects	8 November 2017

A210	J	Elevation/section	Koichi Takada Architects	8 November 2017
A211	J	External finishes	Koichi Takada Architects	8 November 2017
A212	G	Section details	Koichi Takada Architects	8 November 2017
A250	A	Frit & Louvre pattern	Koichi Takada Architects	8 November 2017
A300	G	Section 01	Koichi Takada Architects	8 November 2017
A301	G	Section 02	Koichi Takada Architects	8 November 2017
A481	B	Section 1 – Alfred St	Koichi Takada Architects	8 November 2017
A482	B	Section 2 – Dind St	Koichi Takada Architects	8 November 2017
A483	B	Section 3 – Mary St	Koichi Takada Architects	8 November 2017
A484	B	Section 4 – South	Koichi Takada Architects	8 November 2017
A485	B	Tower façade – Sec.1	Koichi Takada Architects	8 November 2017
A486	B	Tower façade – Sec.2	Koichi Takada Architects	8 November 2017

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

Bicycle Storage and Parking

C21. The bicycle storage area shall accommodate a minimum of **33 bicycle lockers with 26 bicycle rails** within the basement levels. Such bicycle storage lockers and bicycle rails to be designed in accordance with AS 2890. Details demonstrating compliance are to be submitted with the *Stage 2* Construction Certificate.

(Reason: To promote and provide facilities for alternative forms of transports)

Privacy

C40. The following privacy devices are to be provided:

External Louvres across the southern half of the western façade to reduce overlooking as shown on the Western Elevation of the approved plans.

Details demonstrating compliance are to be provided with the *Stage 2* Construction Certificate.

(Reason: To ensure an adequate level of privacy is provided to adjoining property at 5-13 Northcliffe Street)

Adaptable Housing

C41. A minimum of **ten (10)** apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the *Stage 2* Construction Certificate.

(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population)

S94 Contributions

- C44. A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the North Sydney Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

A	B
Administration	Nil
Community Centres	\$4,028.68
Childcare Facilities	Nil
Library and Local Studies Acquisitions	\$174.82
Library Premises and Equipment	\$901.71
Multi-Purpose Indoor Sports Facility	Nil
Olympic Pool	Nil
Open Space Acquisitions	\$209,409.75
Open Space Increased Capacity	\$415,088.80
Public Domain Improvements	Nil
Traffic Improvements	\$22,529.05
Total	\$652,132.81

The contribution MUST BE paid prior issue of the **Stage 2** Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 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 retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Bond Schedule

- C45. All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate (CC) for **Stage 1** or **Stage 2** as indicated:

SECURITY BOND & FEE SCHEDULE	
30 ALFRED STREET, MILSONS POINT	
DEVELOPMENT APPLICATION NO. D563/03	
SECURITY BONDS	AMOUNT (\$)
Footpath Damage Bond (prior to issue of Stage 1 CC)	67,300.00
Road Pavement/Shoulder (prior to issue of Stage 2 CC)	41,000.00
Stormwater Drainage (prior to issue of Stage 1 CC)	18,200.00
TOTAL BONDS	\$126,500.00
FEES	
Section 94 contribution (prior to issue of Stage 2 CC)	\$652,132.81
TOTAL FEES	\$652,132.81

(Reason: Compliance with the development consent)

Allocation of Spaces

H1. Fifty-five (55) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

- 53 - Residential spaces (including 13 disabled spaces)
- 2 - Non Residential - (commercial) spaces

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

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

The conditions attached to the original consent for Development Application No. 563/03 by endorsed date of 16 June 2006 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE ASSESSMENT PLANNER