

## Development Consent No. 378/17

### Section 4.55 Application

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#### Applicant's Name

9 Springs Pty Ltd

#### Land to which this applies

160 Pacific Highway, North Sydney  
Lot No.: 6, DP: 8869

#### Proposal

Modification of consent to demolish existing building and construction of 10 level mixed use building comprising ground floor non-residential; 25 apartments and basement parking for 16 cars.

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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. **378/17** and registered in Council's records as Application No. **378/17/2** relating to the land described as **160 Pacific Highway, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 March 2018, has been determined in the following manner:

#### **Conditions A1 and C32 are to be amended 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 of this consent.

Plan No.	Issue	Title	Drawn by	Received
TP01.01	-	Basement 2 plan	Rothelowman	26/10/2017
TP00.02	-	Site & demolition plan	Rothelowman	26/10/2017
TP01.01	-	Basement 2 plan	Rothelowman	26/10/2017
TP01.02	-	Basement Mezzanine	Rothelowman	26/10/2017
TP01.03	-	Basement 1 plan	Rothelowman	26/10/2017
TP01.04	-	Ground floor	Rothelowman	26/10/2017
<b>TP01.05</b>	<b>B</b>	<b>Level 1 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.06</b>	<b>A</b>	<b>Level 2-3 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>

<b>TP01.07</b>	<b>C</b>	<b>Level 4 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.08</b>	<b>A</b>	<b>Level 5 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.09</b>	<b>A</b>	<b>Level 6-7 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.10</b>	<b>B</b>	<b>Level 8 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.11</b>	<b>A</b>	<b>Level 9 plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
<b>TP01.12</b>	<b>A</b>	<b>Roof plan</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
TP02.01	-	Elevations	Rothelowman	26/10/2017
TP02.02	A	Elevations	Rothelowman	12/01/2018
TP02.03	-	Elevations	Rothelowman	26/10/2017
TP02.04	-	Elevations	Rothelowman	26/10/2017
TP03.01	A	Sections	Rothelowman	6/6/2018
TP03.02	A	Sections	Rothelowman	6/6/2018
<b>TP07.03</b>	<b>D</b>	<b>Adaptable Unit Plans</b>	<b>Rothelowman</b>	<b>6/6/2018</b>
L/00	B	Cover Sheet	ATC	12/10/16
L/01	B	Landscape Plan Level 4	ATC	12/10/16
L/02	B	Landscape Plan Level 8	ATC	12/10/16

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

### Section 94 Contributions

C32. A monetary contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Section 94 Contribution Plan for the public amenities/services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

A	B
<b>Administration</b>	\$782.42
<b>Community Centres</b>	\$8,085.46
<b>Childcare Facilities</b>	Nil
<b>Library and Local Studies Acquisitions</b>	\$1,417.39
<b>Library Premises and Equipment</b>	\$4,440.32
<b>Multi Purpose Indoor Sports Facility</b>	\$868.43
<b>Olympic Pool</b>	\$2,828.83
<b>Open Space Acquisitions</b>	\$79,998.91
<b>Open Space Increased Capacity</b>	\$158,572.24
<b>North Sydney Public Domain</b>	Nil
<b>Traffic Improvements</b>	\$2,746.69
<b>Total</b>	<b>\$259,740.69</b>

The contribution MUST BE paid prior to issue of any 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](http://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)

### **Reason for approval**

The s.4.55(1A) application is satisfactory with regard to all relevant considerations and is recommended for approval.

### **How were community views taken into account in making the decision**

The application was not required to be notified, in accordance with NSDCP 2013.

The conditions attached to the original consent for Development Application No. 378/17 by endorsed date of 378/17/2 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 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. 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 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 Certifying Authority 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.

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DATE

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Signature on behalf of consent authority  
GEORGE YOUHANNA  
TEAM LEADER (ASSESSMENTS)