

Development Consent No. 70/18

Section 4.55 Application

Applicant's Name

Zurich Australian Property Holdings Pty Ltd, C/- City Plan Strategy & Development

Land to which this applies

118 Mount Street, North Sydney
Lot No.: 1, DP: 635642

Proposal

To modify consent for 29 Storey commercial building.

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. **70/18** and registered in Council's records as Application No. **70/18/2** relating to the land described as **118 Mount Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 13 September 2018, has been determined in the following manner:

To delete condition A1 and C31 and add 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 of this consent.

Plan No.	Issue	Title	Drawn by	Received
S96-2000	01	Level 00	fjmt Studio	10 December 2018
S96-2001	01	Level 01	fjmt Studio	10 December 2018
S96-2002	01	Level 02	fjmt Studio	10 December 2018
S96-2003	01	Level 03	fjmt Studio	10 December 2018
S96-2004	01	Level 04 - 15	fjmt Studio	10 December 2018
S96-2005	01	Level 16 lift transfer	fjmt Studio	10 December 2018
S96-2006	01	Level 17 lift overrun	fjmt Studio	10 December 2018
S96-2007	01	Level 18 - 25	fjmt Studio	10 December 2018
S96-2008	01	Level 26	fjmt Studio	10 December 2018
DA2-2009	0	Level 27 roof terrace	fjmt Studio	16 March 2018

DA2-2010	0	Level 28 plant room	fjmt Studio	16 March 2018
DA2-2011	0	Level 30 roof	fjmt Studio	16 March 2018
DA2-2012	0	Basement 1	fjmt Studio	16 March 2018
DA2-2013	0	Basement 2	fjmt Studio	16 March 2018
DA2-2014	0	Basement 3	fjmt Studio	16 March 2018
DA2-3000	0	East Elevation	fjmt Studio	16 March 2018
DA2-3001	0	West Elevation	fjmt Studio	16 March 2018
DA2-3002	0	North Elevation	fjmt Studio	16 March 2018
DA2-3003	0	South Elevation	fjmt Studio	16 March 2018
DA2-3100	0	East & South streetscapes	fjmt Studio	16 March 2018
DA2-3101	0	North & West streetscapes	fjmt Studio	16 March 2018
DA2-4000	0	Sections Grid F & D	fjmt Studio	16 March 2018
DA2-4001	0	Sections Grid A & 1	fjmt Studio	16 March 2018
DA2-4002	0	Sections Grid 2 & 3	fjmt Studio	16 March 2018

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

Security Deposit/ Guarantee Schedule

C31. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of the Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$5,000.00
Potential Infrastructure Damage Bond	\$100,000.00
Engineering Construction Bond	\$252,000.00
TOTAL BONDS	\$357,000.00

*This amount may be reduced by any damage deposit held by Council with regard to demolition

Note: The following fees applicable

Fees	Amount (\$)
Section 7.11 Contribution	\$509,150.44
Section 7.11 Contribution – S4.55 modification	\$13,953.15
Railway Contribution – North Sydney CBD (Railway Deed of Agreement)	\$465,283.99
TOTAL FEES	\$988,387.58

(Reason: Compliance with the development consent)

Section 7.11 Contributions – S4.55 modification

C34. 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 Section 7.11 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 (\$)
Administration	\$229.10
Community Centres	\$558.55
Childcare Facilities	\$970.00
Library and Local Studies Acquisitions	\$113.90
Library Premises and Equipment	\$346.25
Multi-Purpose Indoor Sports Facility	\$131.10
Olympic Pool	\$426.95
Open Space Acquisitions	\$417.50
Open Space Increased Capacity	\$827.60
North Sydney Public Domain	\$9,366.60
Traffic Improvements	\$565.60
Total	\$13,953.15

The contribution MUST BE paid prior issue of the 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 7.11 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)

Reason for approval

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 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 granted of development consent to the originally approved development and is 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 is therefore recommended for **approval**.

There is an additional 100m² of GFA and therefore additional S7.11 contributions are warranted. The contributions have been paid for the original plans.

How were community views taken into account in making the decision

Notification was not required as the works are internal with no external impacts.

The conditions attached to the original consent for Development Application No. 70/18 by endorsed date of 13 September 2018 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.

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER