

Saul Moran
Locked Bag 1400
MEADOWBANK NSW 2114

D368/18
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 368/18/4 – APPROVAL**

Development Consent Number: 368/18/4

Land to which this applies: 86-88 Walker Street, North Sydney
Lot No.: 1, DP: 1247547

Applicant: Saul Moran

Proposal: To modify consent for construction of a 48 storey hotel and office 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. **368/18** and registered in Council's records as Application No. **368/18/4** relating to the land described as **86-88 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 13 February 2019, has been determined in the following manner: -

To replace conditions C1 with the following new condition namely:

Staged Construction

C1. The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate **or sub-construction certificate** for each stage as follows:

Stage	Conditions to be satisfied
CC1 – bulk excavation of site	B1, B2, B3, B5, B7, B10, B11, B12, B13, C3, C4, C5, C6, C7, C11, C12, C13, C21, C23, C24, C25
CC2 – Relevant building works and below ground structure	
CC2.1 – Structural below ground	C8, C14
CC2.2 – Structure from Ground Level to Roof	C2, C34
CC2.3 – Balance of works	B8, C9, C10, C15, C16, C17, C18, C19, C20, C22, C26, C28, C29, C30, C31, C32, C33

Reason for approval:

The proposed modification is considered to be consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. 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 & 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**.

How community views were taken into account:

Notification was not required under Council's policy.

The conditions attached to the original consent for Development Application No. 368/18 by endorsed date of 13 February 2019 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.
- (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 & 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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
GEOFF MOSSENENEAR
TEAM LEADER ASSESSMENTS