

Original signed by: Geoff Mossemenear on: 13/9/19

Saul Moran
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D368/18
GM (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 368/18/5 – APPROVAL**

Development Consent Number: 368/18/5

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

Applicant: Saul Moran

Proposal: Construction of a 49 storey hotel and office building.

At its meeting of 11 September 2019, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered PPSSNH-16 – North Sydney – Section 4.55 Application No. **368/18/5**.

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. **368/18/5** 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: -

1. To amend the description of the proposal to:

Construction of a 49 storey hotel and office building

2. To delete condition A6 and C27 and add the following new conditions namely:

Development in Accordance with Plans (S4.55 Amendments)

A6. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown by clouding on:

Plan No.	Issue	Title	Drawn by	Dated
s.4.55 2.01	A	Proposed Ground Floor Plan	Design studio group	17/04/19
s.4.55 2.02	A	Proposed First Floor Plan	Design studio group	17/04/19
s.4.55 2.03	A	Proposed Roof Plan	Design studio group	17/04/19
s.4.55 3.01	A	East Elevation	Design studio group	17/04/19
s.4.55 3.02	A	West Elevation	Design studio group	17/04/19
s.4.55 3.03	D	South Elevation	Design studio group	16/08/19
s.4.55 4.01	A	Section 1	Design studio group	17/04/19
s.4.55 4.02	A	Section 2	Design studio group	17/04/19
SK 1.01	A	Section 1	Design studio group	16/08/19

AND modified by:

Plan No.	Issue	Title	Drawn by	Received
DA-0050	A	Site Plan	Fitzpatrick + Partners	30 July 2019
DA-0101	A	Level 47 commercial	Fitzpatrick + Partners	30 July 2019
DA-0102	A	Level 48 rooftop bar	Fitzpatrick + Partners	30 July 2019
DA-0103	A	Level 49 LMR plan	Fitzpatrick + Partners	30 July 2019
DA-0104	A	Level roof plan	Fitzpatrick + Partners	30 July 2019
DA-0200	A	Elevation Sheet 01	Fitzpatrick + Partners	30 July 2019
DA-0201	A	Elevation Sheet 02	Fitzpatrick + Partners	30 July 2019
DA-0250	A	Section Sheet 01	Fitzpatrick + Partners	30 July 2019
DA-0251	A	Section Sheet 02	Fitzpatrick + Partners	30 July 2019
DA-0260	A	Detail Sheet 01	Fitzpatrick + Partners	30 July 2019
DA-0261	A	Detail Sheet 02	Fitzpatrick + Partners	30 July 2019
DA-0262	A	Detail Sheet 03	Fitzpatrick + Partners	30 July 2019
DA-0263	A	Detail Sheet 04	Fitzpatrick + Partners	30 July 2019
DA-0264	A	Detail Sheet 05	Fitzpatrick + Partners	30 July 2019
DA-0265	A	Detail Sheet 06	Fitzpatrick + Partners	30 July 2019
DA-0266	A	Detail Sheet 07	Fitzpatrick + Partners	30 July 2019

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

Security Deposit/ Guarantee Schedule

C27. 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)	\$20,000.00
Infrastructure Damage Bond	\$250,000.00
TOTAL BONDS	\$270,000.00

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

Note: The following fees applicable

Fees	
Section 7.11 Contribution	2,838,349.77
Section 7.11 Contribution – Sec.4.55	47,500.16
TOTAL FEES	2,885,849.93

(Reason: Compliance with the development consent)

Section 7.11 Contributions - Sec.4.55 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	\$ 779.86
Community Centres	\$ 1,901.42
Childcare Facilities	\$ 3,302.04
Library and Local Studies Acquisitions	\$ 387.74
Library Premises and Equipment	\$ 1,178.69
Multi-Purpose Indoor Sports Facility	\$ 446.21
Olympic Pool	\$ 1,453.37
Open Space Acquisitions	\$ 1,421.28
Open Space Increased Capacity	\$ 2,817.36
North Sydney Public Domain	\$ 31,886.74
Traffic Improvements	\$ 1,925.45
Total	\$ 47,500.16

The contribution MUST BE paid prior issue of **Construction Certificate – CC2.2 – Structure from Ground Level to Roof.**

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

This condition is in addition to condition C23 and does not supersede the requirements of that condition.

(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)

The proposed development has been assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit based outcomes, development standards and prescriptive controls of various State Environmental Planning Policies, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. Other plans and policies were also considered such as the North Sydney Section 7.11 Contributions Plan.

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 modification would 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.

How community views were taken into account:

No submissions were received in response to Council's notification of the application, however one submission was received from Planning Alerts. The concerns raised have been assessed and do not warrant refusal or modification of the proposal.

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 MOSSEMENEAR
EXECUTIVE PLANNER