

Original signed by George Youhanna on 3/11/2020

Ultra Building Co. Pty Ltd
Level 1, Suite 1, 282-290 Oxford Street
BONDI JUNCTION NSW 2022

D378/17
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 378/17/4 – APPROVAL**

Development Consent Number: 378/17/4

Land to which this applies: 160 Pacific Highway, North Sydney
Lot No.: 6, DP: 8869

Applicant: Ultra Building Co. Pty Ltd

Proposal: Modification of consent to demolish existing building and construction of 10 level mixed use building comprising ground floor non-residential; 24 apartments and basement parking for 16 cars – Modification of basement, ground floor, level 1 and level 2.

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. **378/17/4** 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: -

1. Condition A1 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
S4.55-102	A	Basement Level 4	Beta Solutions Architects	4/8/2020
S4.55-103	A	Basement Level 3	Beta Solutions Architects	4/8/2020

S4.55-104	A	Basement Level 2	Beta Solutions Architects	4/8/2020
S4.55-105	A	Basement Level 1	Beta Solutions Architects	4/8/2020
S4.55-106	A	Ground Level	Beta Solutions Architects	4/8/2020
S4.55-107	A	Level 1	Beta Solutions Architects	4/8/2020
S4.55-108	A	Level 2	Beta Solutions Architects	4/8/2020
S4.55-201	A	North Elevation	Beta Solutions Architects	4/8/2020
S4.55-204	A	West Elevation	Beta Solutions Architects	4/8/2020
S4.55-301	A	Section 1	Beta Solutions Architects	4/8/2020
S4.55-302	A	Section 2	Beta Solutions Architects	4/8/2020
TP00.02	-	Site & demolition plan	Rothelowman	26/10/2017
TP01.06	A	Level 2-3 plan	Rothelowman	6/6/2018
TP01.07	C	Level 4 plan	Rothelowman	6/6/2018
TP01.08	A	Level 5 plan	Rothelowman	6/6/2018
TP01.09	A	Level 6-7 plan	Rothelowman	6/6/2018
TP01.10	B	Level 8 plan	Rothelowman	6/6/2018
TP01.11	A	Level 9 plan	Rothelowman	6/6/2018
TP01.12	A	Roof plan	Rothelowman	6/6/2018
TP02.01	-	Elevations	Rothelowman	26/10/2017
TP02.04	-	Elevations	Rothelowman	26/10/2017
TP07.03	D	Adaptable Unit Plans	Rothelowman	6/6/2018
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)

2. Conditions A4 and A5 to be added:

Approved Plans

A4. As a result of the approval of modification application 378/17/4, the approved plan numbered TP01.06, Revision A, *Level 2-3 Plan*, dated 6/6/2018, is to only apply to Level 3 and does not approve any form of development on Level 2.

(Reason: A revised plan for Level 3 was not submitted with modification application 378/17/4, which includes a modified plan for Level 2)

Amended Plans - Awning

A5. An awning/canopy is to be erected above the residential entry to Doohat Avenue. Details of the proposed awning/canopy are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

(Reason: The approved development included a canopy over the residential entry and the addition of a canopy to the modified northern elevation would result in an improved urban design outcome)

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

How community views were taken into account: The application was notified between 28 August 2020 and 11 September 2020 in accordance with Council's Community Engagement Protocol. No submissions were received.

The conditions attached to the original consent for Development Application No. 378/17 by endorsed date of 7 March 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.
- (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
GEORGE YOUHANNA
EXECUTIVE PLANNER