

Original signed by George Youhanna on 24/7/2021

118 Alexander St Pty Ltd
C/- Architecture Urbaneia Pty Ltd
L1/53 Hume Street
CROWS NEST NSW 2065

D90/16
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 90/16/5 - APPROVAL**

Development Consent Number: 90/16

Land to which this applies: 118 Alexander Street, Crows Nest
Lot No.: 100, DP: 700092

Applicant: 118 Alexander St Pty Ltd

Proposal: Modification of consent to demolish existing buildings and construct a 4-storey mixed use development with basement parking and a rooftop communal room

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. **90/16** and registered in Council's records as Application No. **90/16/5** relating to the land described as 118 Alexander Street, Crows Nest.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 October 2016 has been determined in the following manner:

Condition A1 is 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
A100	B	Basement 2	Architecture Urbaneia	20/7/16
A101	J	Basement	Architecture Urbaneia	20/7/16
A102	J	Ground Floor	Architecture Urbaneia	20/7/16
A103	J	Level 1	Architecture Urbaneia	20/7/16

A104	I	Level 2 + 3	Architecture Urbaneia	20/7/16
A105	J	Common Roof Top	Architecture Urbaneia	7/10/16
A150	H	Long Section	Architecture Urbaneia	20/7/16
A151	H	Cross Section	Architecture Urbaneia	7/10/16
A152	C	Cross Section (Lobby Area)	Architecture Urbaneia	7/10/16
A160	H	North Elevation	Architecture Urbaneia	7/10/16
A161	H	East and West Elevations	Architecture Urbaneia	20/7/16
A180	D	Material Finishes	Architecture Urbaneia	7/10/16
A400	G	Adaptable Unit	Architecture Urbaneia	20/7/16
L/01	-	Landscape Plan - Ground and Level 1	A Total Concept	20/7/16
L/02	-	Landscape Plan - Roof Top Garden	A Total Concept	20/7/16
L/03	-	Irrigation Plan - Level 1 and Roof Top Garden	A Total Concept	20/7/16
L/04	-	Landscape Specification Notes and Details	A Total Concept	20/7/16
16MB6986/C01 1 of 2	C	Civil Plan Sheet 1	United Consulting Engineers	26/9/16
16MB6986/C02 2 of 2	B	Civil Plan Sheet 2	United Consulting Engineers	20/9/16
16MB6986/D01 1 of 3	B	Level 1, 2, 3. Roof Level Drainage Plans	United Consulting Engineers	20/9/16
16MB6986/D02 2 of 3	B	Ground Floor and Basement Drainage Plan	United Consulting Engineers	20/9/16
16MB6986/D03 3 of 3	B	Ground Floor and Basement Drainage Plan	United Consulting Engineers	20/9/16

all as amended by s.4.55 modification DA90/16/2 and the following plans:

Plan No.	Issue	Title	Drawn by	Received
A.100	B	Basement 2	Architecture Urbaneia	21/6/19
A.101	B	Basement 1	Architecture Urbaneia	21/6/19
A.102	B	Ground Level	Architecture Urbaneia	21/6/19
A.103	B	Level 1	Architecture Urbaneia	21/6/19
A.104	B	Level 2+3	Architecture Urbaneia	21/6/19
A.105	C	Common Rooftop	Architecture Urbaneia	21/6/19
A.150	B	Long Section A-A	Architecture Urbaneia	21/6/19
A.151	C	Cross Section BB	Architecture Urbaneia	21/6/19
A.152	C	Cross Section (Lobby Area) CC	Architecture Urbaneia	21/6/19
A.160	B	North Elevation	Architecture Urbaneia	21/6/19
A.161	C	East and West Elevation	Architecture Urbaneia	21/6/19
A.2103	A	Detail Wall Section	Architecture Urbaneia	23/7/19

all as amended by s.4.55 modification DA90/16/3 and the following plans:

Plan No.	Issue	Title	Drawn by	Received
A.100	D	Basement 2	Architecture Urbaneia	15/7/20
A.101	D	Basement 1	Architecture Urbaneia	15/7/20
A.102	D	Ground Level	Architecture Urbaneia	2/9/20

A.103	C	Level 1	Architecture Urbaneia	11/6/20
A.104	C	Level 2+3	Architecture Urbaneia	11/6/20
A.105	C	Common Rooftop	Architecture Urbaneia	11/6/20
A.106	C	Common Rooftop	Architecture Urbaneia	11/6/20
A.150	C	Long Section A-A	Architecture Urbaneia	11/6/20
A.151	C	Cross Section BB	Architecture Urbaneia	11/6/20
A.152	D	Cross Section (Lobby Area) CC	Architecture Urbaneia	11/6/20
A.160	C	North Elevation	Architecture Urbaneia	11/6/20
A.160A	A	North Elevation Detail	Architecture Urbaneia	15/7/20
A.161	D	East and West Elevation	Architecture Urbaneia	11/6/20
A.2101	A	Detail Wall Section AA	Architecture Urbaneia	15/7/20
A.2102	A	Detail Wall Section EE	Architecture Urbaneia	15/7/20

all as amended by s.4.55 modification DA90/16/5 and the following plans:

Plan No.	Issue	Title	Drawn by	Received
A.100	E	Basement 2	Architecture Urbaneia	11/3/21
A.101	E	Basement 1	Architecture Urbaneia	11/3/21
A.102	E	Ground Level	Architecture Urbaneia	11/3/21
A.103	D	Level 1	Architecture Urbaneia	11/3/21
A.104	D	Level 2+3	Architecture Urbaneia	11/3/21
A.105	D	Common Rooftop	Architecture Urbaneia	11/3/21
A.106	D	Common Rooftop	Architecture Urbaneia	11/3/21
A.150	C	Long Section A-A	Architecture Urbaneia	11/3/21
A.151	C	Cross Section BB	Architecture Urbaneia	11/3/21
A.152	D	Cross Section CC	Architecture Urbaneia	11/3/21
A.160	D	North Elevation	Architecture Urbaneia	11/3/21
A.161	E	East and West Elevation	Architecture Urbaneia	11/3/21
L/01	C	Ground Floor and Level 1 Plan	A Total Concept	10/3/21
L/02	C	Roof Terrace Plan	A Total Concept	10/3/21
L/03	C	Tree Protection Details	A Total Concept	10/3/21

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

Condition A3 is to be deleted:

Street Tree

~~A3. An additional street tree is to be planted on Council's verge on Albany Street, at the Willoughby Lane end of the site. Details are to be provided to Council's satisfaction prior to the issue of any Construction Certificate.~~

(Reason: To enhance the streetscape)

Reason for Approval:

The proposed development remains an appropriate infill mixed use development on a small site of 389.7m². The design was previously refined to address concerns raised by Council and the Design Excellence Panel and the proposal as modified is considered to be satisfactory, subject to conditions of consent. Additionally, the proposal remains substantially the same development and is not inconsistent with the reasons for the grant of consent by the NSIPP.

How community views were taken into account:

The owners of adjoining properties and the Holterman Precinct were notified of the proposed modifications between 30/4/21 and 14/5/21. No submissions were received.

The conditions attached to the original consent for Development Application No. 90/16 by endorsed date of 5 October 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **George Youhanna**. 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 and 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 and Assessment Act.

Endorsed for and on behalf of North Sydney Council

29 July 2021

DATE



Signature on behalf of consent authority
**GEORGE YOUHANNA
EXECUTIVE PLANNER**