

Aqualand North Sydney Lavender  
Development Pty Ltd  
Level 47, 100 Barangaroo Avenue  
BARANGAROO NSW 2000

D112/01  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 112/01/20 - APPROVAL**

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**Development Consent Number:** 112/01/20

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**Land to which this applies:** 61 Lavender Street, Milsons Point  
Lot No.: 100, DP: 1250925

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**Applicant:** Aqualand North Sydney Lavender Development Pty Ltd

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**Proposal:** Modification of consent for conversion of a commercial building to a mixed-use development - minor ground and first floor modifications and correction of error in applicant's non-residential GFA calculations.

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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. **112/01** and registered in Council's records as Application No. **112/01/20** relating to the land described as 61 Lavender Street, Milsons Point.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 19 March 2001, has been determined in the following manner:

**1. The following conditions to be modified as follows:**

**Development in Accordance with Plans**

A1. The development being carried out in accordance with the following drawings:

Plan No.	Issue	Title	Drawn by	Dated
A-000	AD	Cover Sheet	PTW Architects	13/4/21
A-049	X	Basement B4	PTW Architects	31/8/20
A-050	W	Basement B3	PTW Architects	7/8/20
A-051	V	Basement B2	PTW Architects	24/7/20

A-052	V	Basement B1	PTW Architects	24/7/20
A-053	Z	Ground Floor	PTW Architects	31/3/21
A-054	T	Level 1	PTW Architects	13/4/21
A-055	Q	Level 2-3 typical	PTW Architects	23/11/17
A-056	Q	Level 4-7 typical	PTW Architects	23/11/17
A-057A	R	Level 8	PTW Architects	1/5/20
A-058	A	Level 9-17 typical	PTW Architects	1/5/20
A-071	Q	Level 18	PTW Architects	23/11/17
A-072	Q	Level 19	PTW Architects	23/11/17
A-073	R	Level 20	PTW Architects	1/4/18
A-074	R	Upper roof plant	PTW Architects	23/11/17
A-100	R	North Elevation	PTW Architects	16/10/20
A-102	R	South Elevation	PTW Architects	31/3/21
A-104	R	East Elevation	PTW Architects	13/4/21
A-106	P	West Elevation	PTW Architects	16/10/20
A-110	Q	Section AA	PTW Architects	1/4/18
A-111	R	Section BB	PTW Architects	1/4/18
A-130	K	Sample Board	PTW Architects	6/1/17
A-131	A	Sample Board - Retail	PTW Architects	7/10/20
A-132	B	Sample Board - Colonnade	PTW Architects	21/10/20
A-140	B	Upper Roof	PTW Architects	4/9/17
A-141	K	Aneeta Operable Facade	PTW Architects	20/7/17

except where amended by the following conditions.

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

### **Cycle Racks**

~~C22. An area equivalent to one car space shall be provided with cycle racks, such racks to be made available without charge to cyclists who work in the building. Such a facility is to be provided and detailed on plans prior to the issue of a Construction Certificate.~~

~~(Reason: Environmental, Amenity)~~

### **Bicycle Storage and Parking**

C22. The bicycle storage area must accommodate a minimum of 8 bicycles. The bicycle storage lockers shall be designed in accordance with the applicable Australian Standards. Plans and specification which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, reference on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To align the bicycle storage and parking conditions in the consents for DA 112/01 and DA 317/20.

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**Reason for Approval:**

The proposal involves the modification under s.4.55(1A) of a development consent, as detailed throughout this report. The proposal is satisfactory with regard to the provisions of s.4.55(1A) and is recommended for approval.

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**How community views were taken into account:**

In accordance with the provisions of Council's Community Engagement Protocol, the subject application was not required to be notified.

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The conditions attached to the original consent for Development Application No. 112/01 by endorsed date of 19 March 2001 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**

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DATE

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