

Union Street Developer Pty Ltd  
343 Pacific Highway  
NORTH SYDNEY NSW 2060

D47/20  
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 47/20/5 - APPROVAL**

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**Development Consent Number:** 47/20

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**Land to which this applies:** 2-4 Blue Street and 1-5 William Street, North Sydney  
Lot No.: 5, DP: 18103; Lot No.: 6, DP: 18103;  
Lot No.: 4, DP: 18103; SP: 12328; DP: 16506

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**Applicant:** Union Street Developer Pty Ltd

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**Proposal:** Section 4.55(2) application to modify consent to D47/20 for various internal and external modifications including additional roof plant, façade changes, façade lighting, removal of awning, changes to parking, loading and public domain works

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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. **47/20** and registered in Council's records as Application No. **47/20/5** relating to the land described as 2-4 Blue Street and 1-5 William Street, North Sydney.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 22 July 2020, has been determined in the following manner:

- 1. To modify Conditions A1 'Development in Accordance with Plans/documentation', C37 'Outdoor Lighting' and G26 'Fees payable' 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.

Drawing number:	Revision:	Title:	Drawn by	Dated:
DA2200	P	Basement	Woods Bagot	3/08/21
DA2201	P	Lower Ground	Woods Bagot	3/08/21
DA2202	P	Ground	Woods Bagot	3/08/21
DA2203	P	Level 01	Woods Bagot	3/08/21
DA2204	P	Level 02	Woods Bagot	3/08/21
DA2205	P	Level 03	Woods Bagot	3/08/21
DA2206	P	Level 04	Woods Bagot	3/08/21
DA2207	P	Level 05	Woods Bagot	3/08/21
DA2208	P	Level 06	Woods Bagot	3/08/21
DA2209	P	Level 07	Woods Bagot	3/08/21
DA2210	P	Level 08	Woods Bagot	3/08/21
DA3001	P	Section 1	Woods Bagot	3/08/21
DA3002	P	Section 2	Woods Bagot	3/08/21
DA3003	P	Section 3	Woods Bagot	3/08/21
DA3004	P	Section 4	Woods Bagot	3/08/21
DA3005	P	Section 5	Woods Bagot	3/08/21
DA3006	P	Section 6	Woods Bagot	3/08/21
DA3200	P	North/South Elevation	Woods Bagot	3/08/21
DA3201	P	East Elevation	Woods Bagot	3/08/21
DA3202	P	West Elevation	Woods Bagot	3/08/21
DA9000	B	Material Schedule	Woods Bagot	3/08/21
LA-DA-07	M	Wellness Garden - Lower Ground Plan	360 degree	5/08/21
LA-DA-08	M	Ground Floor Plan	360 degree	5/08/21
LA-DA-09	M	Terrace Level 01 Plan	360 degree	5/08/21
LA-DA-10	M	Terrace - Level 02 Plan	360 degree	5/08/21
LA-DA-11	M	Terrace - Level 05 Plan	360 degree	5/08/21
LA-DA-12	M	Terrace - Level 06 Plan	360 degree	5/08/21
LA-DA-13	M	Terrace - Level 07 Plan	360 degree	5/08/21
LA-DA-14	M	Terrace - Level 08 Plan	360 degree	5/08/21
LA-DA-15	M	Wellness Garden Section	360 degree	5/08/21
LA-DA-16	M	Western Elevation	360 degree	5/08/21
LA-DA-17	M	Planting Palette	360 degree	5/08/21
DA-DA-18	M	Maintenance Statement	360 degree	5/08/21
		Efficient Use of Resources	Eleanor Tan	21/02/2020

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

### Outdoor Lighting

C37. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 2019 Control of the Obtrusive Effects of Outdoor lighting and the recommendations of the Electrical Services Obtrusive Lighting Report, Revision C, prepared by Intrax Projects dated 17/05/2021. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

### Fees Payable

- G26. All fees in accordance with the schedule below must be provided to Council prior to the issue of any Occupation Certificate:

Fees	
Section 7.11 Contributions (Condition G25)	\$1,785,312.33
Section 7.11 Contribution (Condition G25A)	\$33,854.24
<b>TOTAL FEES</b>	<b>\$1,819,166.57</b>

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.

(Reason: Compliance with the development consent)

### 2. To add Condition G25A 'Section 7.11 Contributions (additional GFA)'

#### Section 7.11 Contribution (additional GFA)

- G25A. In addition to the Section 7.11 contribution required under Condition G25 of this consent, the following Section 7.11 contribution must also be paid as a result of the additional 180 m<sup>2</sup> of Gross Floor Area (GFA) contained within the modified development.

<b>S7.11 Contribution</b>	<b>(\$)</b>
Open Space and Recreation Facilities	\$8,052.67
Public Domain	\$22,401.37
Active Transport	\$1,278.34
Community Facilities	\$1,617.49
Plan Administration and Management	\$504.38
<b>TOTAL</b>	<b>\$33,854.24</b>

The contribution MUST BE paid prior to the issue of an Occupation Certificate.

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 Local Contributions 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](http://www.northsydney.nsw.gov.au).

(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)

### 3. To delete Condition C36 'Under awning lighting'

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**Reasons 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.

The roof plant extension will be screened and not highly visible from the public domain. The roof plant extension will not result in any additional view or solar access impacts for adjoining properties. The additional building height is considered to be consistent with the relevant objectives of Clause 4.3(1) in NSLEP 2013.

The proposed modifications provide a significantly improved public domain outcome to Blue Street with lower-level planters, stepped platforms and additional seating resulting in a greater public benefit. The removal of the awning to Blue Street is supported given that the undercroft area will provide sufficient weather protection.

The stepped planters along William Street and the changes in materiality will result in a better streetscape presentation to the development.

The façade lighting will comply with the relevant Australian Standards and will not result in any unreasonable amenity impacts for surrounding properties.

The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 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.

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

The application was notified to surrounding properties and the relevant Precinct Committees for a period of 14 days between 11 to 25 June 2021. Council received four (4) unique submissions against the application. The issues raised in the submissions have been addressed in the report.

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The conditions attached to the original consent for Development Application No. 47/20 by endorsed date of 22 July 2020 still apply.

**ADVISINGS**

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

**18 August 2021**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
LUKE DONOVAN  
**SENIOR ASSESSMENT OFFICER**