

Aqualand North Sydney Developments Pty Ltd  
C/- SJB Planning (NSW)  
Level 2/490 Crown Street  
SURRY HILLS NSW 2010

D486/15  
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.55 MODIFICATION 486/15/8 - APPROVAL**

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**Development Consent Number:** 486/15

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**Land to which this applies:** 168 Walker Street North Sydney  
Lot No.: 100, DP: 1172241

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**Applicant:** Aqualand North Sydney Developments Pty Ltd  
C/- SJB Planning (NSW)  
Level 2/490 Crown Street  
SURRY HILLS NSW 2010

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**Proposal:** To modify consent for demolition of existing office building and the construction of a mixed-use development comprising basement levels, retail/commercial floor space, and residential apartments

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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. **486/15** and registered in Council's records as Application No. **486/15/8** relating to the land described as **168 Walker Street North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 July 2016, has been determined in the following manner:

**A1. To delete condition A1, G10 and I2 of the consent and insert in lieu thereof the following new conditions namely:**

**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 and this consent.

<b>Plan No.</b>	<b>Rev.</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated/Received</b>
DA-0000	H	Cover Sheet	Woods Bagot	31/3/21 (dated)
DA-1005	A	Demolition	Woods Bagot	22 December 2015
DA-1011	A	Site Plan	Woods Bagot	22 December 2015
DA-1206	D	B6 plan	Woods Bagot	10/9/21 (dated)
DA-1207	G	B3 - B5 plans	Woods Bagot	10/9/21 (dated)
DA-1208	G	B2 plan	Woods Bagot	10/9/21 (dated)
DA-1209	G	Lower Ground plan	Woods Bagot	10/9/21 (dated)
DA-1210	F	Upper Ground plan	Woods Bagot	10/9/21 (dated)
DA-1211	G	Commercial plan	Woods Bagot	10/9/21 (dated)
DA-1212	A	L02 plan	Woods Bagot	10/9/21 (dated)
DA-1218	J	L03 - 08 plan	Woods Bagot	10/9/21 (dated)
DA-1219	G	L09 plan	Woods Bagot	10/9/21 (dated)
DA-1220	H	L10 - L22 plan	Woods Bagot	10/9/21 (dated)
DA-1226	A	L16-22 plan	Woods Bagot	10/9/21 (dated)
DA-1232	I	L23 plan	Woods Bagot	10/9/21 (dated)
DA-1233	F	L24 plan	Woods Bagot	10/9/21 (dated)
DA-1234	I	L25 plan	Woods Bagot	10/9/21 (dated)
DA-1235	J	L26 plan	Woods Bagot	10/9/21 (dated)
DA-1236	E	L27 plan	Woods Bagot	10/9/21 (dated)
DA-1237	F	L28 plan	Woods Bagot	10/9/21 (dated)
DA-1238	D	L29 plan + plant	Woods Bagot	10/9/21 (dated)
DA-1300	H	North elevation	Woods Bagot	10/9/21 (dated)
DA-1301	H	South elevation	Woods Bagot	10/9/21 (dated)
DA-1302	H	East elevation	Woods Bagot	10/9/21 (dated)
DA-1303	H	West elevation	Woods Bagot	10/9/21 (dated)
DA-1310	G	Site Section	Woods Bagot	10/9/21 (dated)
DA-1311	G	Site Long Section	Woods Bagot	10/9/21 (dated)
DA-2903	F	Type 3 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2904	F	Type 4 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2905	C	Type 5 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2906	C	Type 6 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-2907	C	Type 7 Adaptable Unit	Woods Bagot	10/9/21 (dated)
DA-9200	B	External Finishes	Woods Bagot	27/1/21 (dated)
L-DA-15	M	Landscape Design Framework	Turf	15/9/21 (dated)
L-DA-16	M	Landscape Masterplan	Turf	15/9/21 (dated)
L-DA-17	M	Lower ground	Turf	15/9/21 (dated)
L-DA-18	M	Upper ground	Turf	15/9/21 (dated)
L-DA-19	M	Design Sections	Turf	15/9/21 (dated)
L-DA-20	M	Design Sections	Turf	15/9/21 (dated)
L-DA-21	M	Level 2	Turf	15/9/21 (dated)
L-DA-22	M	Level 9	Turf	15/9/21 (dated)
L-DA-23	M	Rooftop	Turf	15/9/21 (dated)
L-DA-24	M	Typical sections	Turf	15/9/21 (dated)
L-DA-25	M	Wall material plan	Turf	15/9/21 (dated)
L-DA-26	M	Soil depth	Turf	15/9/21 (dated)
L-DA-27	M	Soil depth	Turf	15/9/21 (dated)
L-DA-28	M	Softscape	Turf	15/9/21 (dated)

L-DA-29	M	Streetscape works	Turf	15/9/21 (dated)
L-DA-30	M	Indicative materials	Turf	15/9/21 (dated)
L-DA-31	M	Indicative ground level character	Turf	15/9/21 (dated)
L-S00-00843	G	Planting Schedules	Turf	28/9/21 (dated)
L-S00-08450	F	Tree Plan	Turf	28/9/21 (dated)
L-S00-08460	E	Planting Plan	Turf	28/9/21 (dated)
L-S00-08461	F	Planting Plan	Turf	28/9/21 (dated)
L-S01-08412	A	Planting Plan - L1	Turf	28/9/21 (dated)
L-S02-08419	A	Planting Plan - L9	Turf	28/9/21 (dated)

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

### **Landscaping**

G10. The landscaping shown in the approved landscape plans as amended by the detailed landscape plan required under condition C46:

<b>Plan No.</b>	<b>Rev.</b>	<b>Title</b>	<b>Drawn by</b>	<b>Dated/Received</b>
L-DA-15	M	Landscape Design Framework	Turf	15/9/21 (dated)
L-DA-16	M	Landscape Masterplan	Turf	15/9/21 (dated)
L-DA-17	M	Lower ground	Turf	15/9/21 (dated)
L-DA-18	M	Upper ground	Turf	15/9/21 (dated)
L-DA-19	M	Design Sections	Turf	15/9/21 (dated)
L-DA-20	M	Design Sections	Turf	15/9/21 (dated)
L-DA-21	M	Level 2	Turf	15/9/21 (dated)
L-DA-22	M	Level 9	Turf	15/9/21 (dated)
L-DA-23	M	Rooftop	Turf	15/9/21 (dated)
L-DA-24	M	Typical sections	Turf	15/9/21 (dated)
L-DA-25	M	Wall material plan	Turf	15/9/21 (dated)
L-DA-26	M	Soil depth	Turf	15/9/21 (dated)
L-DA-27	M	Soil depth	Turf	15/9/21 (dated)
L-DA-28	M	Softscape	Turf	15/9/21 (dated)
L-DA-29	M	Streetscape works	Turf	15/9/21 (dated)
L-DA-30	M	Indicative materials	Turf	15/9/21 (dated)
L-DA-31	M	Indicative ground level character	Turf	15/9/21 (dated)
L-S00-00843	G	Planting Schedules	Turf	28/9/21 (dated)
L-S00-08450	F	Tree Plan	Turf	28/9/21 (dated)
L-S00-08460	E	Planting Plan	Turf	28/9/21 (dated)
L-S00-08461	F	Planting Plan	Turf	28/9/21 (dated)
L-S01-08412	A	Planting Plan - L1	Turf	28/9/21 (dated)
L-S02-08419	A	Planting Plan - L9	Turf	28/9/21 (dated)

must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

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**Use of Car Parking Spaces**

12. A maximum of 362 car parking spaces shall be provided on site.

The spaces are to be allocated as follows:

- 352 spaces to residential apartments including 61 spaces to the 60 adaptable apartments
- 7 spaces to the commercial/retail
- 1 space for car wash bay
- 2 spaces for car share

(Reason: To ensure that parking is allocated as approved)

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**Reasons for Approval:**

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

Council received no submissions in response to notification of the development.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EPA Act 1979. Furthermore, the modifications do 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 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. The application is therefore recommended for **approval**.

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

The subject application was notified to surrounding properties and the Stanton precinct for 14 days. One submission raising no concerns was received.

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The conditions attached to the original consent for Development Application No. 486/15 by endorsed date of 12 July 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**

**23/12/21**

DATE

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