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ABN 32 353 260 317

Panel Secretariat
Joint Regional Planning Panel
GPO Box 39
SYDNEY NSW 2001



PCU036174

Dear Sir/Madam

DA No: 47/11/3 (JRPP Reference No. 2012SYE069)

Property: 136-142 Walker Street, North Sydney

Proposal: To modify consent for demolition of existing structures, amalgamation of the three allotments and construction of a 22 storey mixed use building above basement car parking comprising commercial tenancies including a restaurant, 195 units, landscaping, a through-site-link and roof level communal facilities including a gym and swimming pool

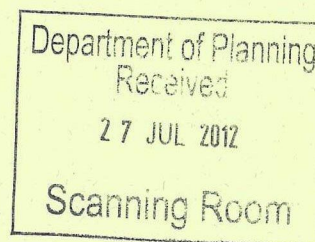
Please find attached a copy of the Notice of Determination for the abovementioned development application.

Should you wish to discuss this information or seek clarification of the issues, please do not hesitate to contact the undersigned on telephone number 9936 8100 between the hours of 9:30am and 11:00am, Monday to Friday, or at any time on facsimile 9936 8177.

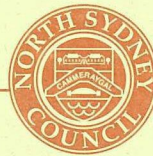
Yours faithfully

Geoff Mossemear
EXECUTIVE PLANNER

Date: 26/7/12



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ARABIC	إذا لم يكن بمقدورك فهم هذه المعلومات، فالرجاء الاتصال بخدمات الترجمة الخطية والفورية (Translating and Interpreting Service (TIS)) على الرقم 13 14 50 والطلب من مترجم فوري يتحدث العربية أن يتصل لك بمجلس مدينة شمال سيدني على الرقم (02) 9936 8100 – هذه الخدمة مجانية.
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ABN 32 353 260 317

Winten No. 44 Pty Ltd
PO Box 55
CAMMERAY NSW 2062

D47/11/3
GM (PDS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)

Notice to Applicant of Determination of Request to Modify a Development Consent

At its meeting of 23 July 2012, the Joint Regional Planning Panel, as the consent authority, modified 2012SYE069 – North Sydney – Development Application No. **47/11** and registered in Council's records as Application No. **47/11/3** relating to land described as **136-142 Walker Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 July 2011, has been determined in the following manner:-

- *To delete conditions A1, A3, C14 and C35 of the consent and insert in lieu thereof the following new conditions, namely:*

Development in Accordance with Plans

- A1. The development being carried out in accordance with landscape drawings numbered SK10C to SK14C, all dated 1 February 2011, drawn by Clouston Associates Landscape Architects, received by Council on 9 February 2011, drawings numbered 5A, dated 23 February 2011, 6B to 8B, 8.1B, 9B to 17B, all dated 17 March 2011, drawn by Spence Pearson Architects, received by Council on 22 March 2011, drawings numbered 1C to 4C, 18C to 22C, all dated 5 May 2011, drawn by Spence Pearson Architects, received by Council on 25 May 2011, as amended shown by clouding on drawings numbered 1D to 8D, 8.1D to 23D, all dated 1 September 2011, drawn by Spence Pearson Architects, received by Council on 4 November 2011, **as amended shown by clouding on drawings numbered 5E to 8E, 8.1E to 22E, all dated May 2012, drawn by Spence Pearson Architects, received by Council on 12 June 2012** and endorsed with Council's approval stamp, except where amended by the following conditions.

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

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Approved Landscaping Plan

- A3. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan **numbered 1 - 3, all dated 22 May 2012, drawn by Paul Bangay Garden Design, and received by Council on 12 June 2012.**

(Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development)

Garbage and Recycling Facilities

- C14. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- (d) **deleted;**
- (e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- (f) Garbage enclosures serving non-residential uses are not be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Line Marking

- C35. **One hundred and thirty-nine (139)** off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

The conditions attached to the original consent for Development Application No. 47/11 by endorsed date of 8 July 2011 still apply.

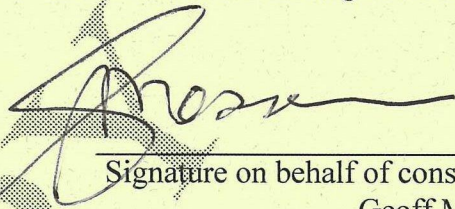
ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Geoff Mossemeneer**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) 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 81A(2) (a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) 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 81A(2)(c) of the Act.

- (c) 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 96 of the Environmental Planning & Assessment Act, 1979 (as amended). Any such changes warranting a State Environmental Planning Policy No. 1 objection (where no objection was previously required) may not be able to be determined under Section 96 of the Act but may need to be subject of a separate Development Application.

Please bear this in mind before preparing any Development Application for submission to Council, 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 96 of the Environmental Planning & Assessment Act.

26/7/12
DATE



Signature on behalf of consent authority

Geoff Mossemear
EXECUTIVE PLANNER

COPY