



Stockland Development Pty Ltd
C/- Urbis Pty Ltd
Angel Place, Level 8
123 Pitt Street
SYDNEY NSW 2000

D19/21
JD6 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 19/21/2 - APPROVAL**

Development Consent Number: 19/21

Land to which this applies: 110-122 Walker Street North Sydney

Applicant: Stockland Development Pty Ltd

Proposal: To modify the consent to demolish all buildings and works and construct a commercial building with 57 levels above ground (including plant) and a basement of 7 levels

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. **19/21** and registered in Council's records as Application No. **19/21/2** relating to the land described as **110-122 Walker Street North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **3 June 2022** has been determined in the following manner:

A. Amendment of conditions, as follows.

1. Replace the table in condition A1 with the following table, amendments shown in **bold type**:

Title	Plan/Document No.	Issue/ Rev	Date	Designer/Author
Development Application Submission Architectural Drawings	All drawings in the Drawing Schedule on Drawing No. HAS-AR-DRW-3-DA0010	7	25/01/23	Hassell
Through Site Link Coordinated Proposal	CV-SKC05 SK220117 SK220316	- 1 1	- 19/01/22 16/03/22	Hassell, Bates Smart, Enstruct
Combined East Elevations Recommended Awning Heights	SK220330	2	25/01/23	Hassell

Landscape Design Report Addendum and S4.55 Landscape Design Addendum	Nil	8 and 1	06/08/21 and 25/01/23	Hassell
Development Application Civil Engineering Report	Plans included in report: CV-0001, CV-1001, CV-2000, CV-2002	8	05/08/21	Enstruct Group
DA Acoustic Assessment	20200708.2/24411A/R1/WY	1	24/11/20	Acoustic Logic
Acoustic Technical Addendum – Rooftop Garden and Restaurant	20200708.2/0508A/R3/WY	3	05/08/21	Acoustic Logic
Arboricultural Development Impact Assessment Report	Nil	E	04/08/21	Birds Tree Consultancy
Regulatory Compliance Report (BCA) and BCA Capability Statement			06/08/21 and 25/01/23	McKenzie Group
Access Review Revised DA Report and S4.55 Access Statement	Nil	V9	06/08/21 and 25/01/23	Morris Goding Access Consulting
Bicycle Parking Analysis Technical Memo	Nil	Nil	05/08/21	JMT Consulting
Preliminary Construction Management Plan	Nil	0	11/12/20	CPM Consulting
Preliminary Construction Traffic Management Plan	Nil	Nil	06/08/21	Colston Budd Rogers & Kafes
Concept Fire Safety Strategy and S4.55 Fire Safety Strategy Statement	REP/CFS/110WLK/001	C	06/08/21 and 25/01/23	ARUP
Preliminary Geotechnical Assessment	99801.R.001.Rev1	1	14/12/20	Douglas Partners
Framework Green Travel Plan	Nil	Nil	11/12/20	ARUP
Report on Preliminary Site (Contamination) Investigation	99801.01.R.001.Rev2	2	15/12/20	Douglas Partners
Reflectivity Report	ARU-RFA-RPT-1-002-A	1	11/12/20	ARUP
Revised Waste Management Plan	Nil	4	06/08/21	TTM

2. Replacing identified conditions and parts of conditions, as follows, amendments shown in **bold type**:

Condition B1 (a)

- a) Ensuring any shading structures or other attachments to the main facades of the building, other than the approved awnings **and operable façade elements** over the Walker Street footpath and the entries to the premises over the pedestrian link, do not to breach any minimum setbacks as proposed or specified by this consent,

Condition C8

After the paragraph: “The design principles for the geotechnical report are as follows:”, change the lettering from “a) to f)”, to “g) to l)”.

Condition C25 (first paragraph only)

Prior to the issue of the relevant Construction Certificate, a security deposit or bank guarantee must be provided to Council to the sum required by condition C39, to be held by Council for the payment of cost for any/all of the following:

Condition G2 (a)

- a) At least three of the zones identified by the revised public art plan prepared by Urban Art Projects (P2468/December 2020, being activated by installation of public artworks/engagements. Zone 1 - **Through Site Link, and Zone 4 - Walker Street Entry, must be two of the three zones.** Artworks must be **visually** accessible ~~and visible~~ to the public **from the public domain and be sited at street level,**

Condition I12

Amend the first paragraph of the condition to read as follows:

The owner of the premises at 110-122 Walker Street North Sydney is to maintain the landscaping approved by this consent generally in accordance with the Landscape Design Report Addendum dated August 2021, and the **S4.55 Landscape Design Report Addendum dated 25 January 2023**, prepared by Hassell and as modified by this consent, including all vertical gardens, which shall be maintained in perpetuity for the life of the development.

3. Delete paragraphs (c) and (d) of Condition C 30.

B. All conditions of the original consent including those modified by this approval must be complied with.

Reasons for Approval:

The proposed modifications are consistent with the originally approved development application and s.4.55 (2) of the EP & A 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 granting of development consent to the originally approved development and are acceptable.

The application is therefore recommended for **approval**.

How community views were taken into account:

The application was notified in accordance with Council's Community Engagement Protocol. A single submission was received and has been considered in the assessment report for the subject application.

The conditions attached to the original consent for Development Application No. **19/21** determined on **3 June 2022** still apply.

ADVISINGS

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

10 July 2023

DATE



Signature on behalf of consent authority

JIM DAVIES

EXECUTIVE PLANNER (ASSESSMENTS)