



Mr G Zhang
TWT Property Group Pty Ltd
C/- Ethos Urban
Level 5, 55 Chandos Street
ST LEONARDS NSW 2065

D161/20
MR3 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 161/20/4 - APPROVAL**

Development Consent Number: 161/20

Land to which this applies:

23-35 Atchison Street, St Leonards
23 Atchison Street: Lot 27, SEC 10 in DP 2872
25 Atchison Street: Lot 28, SEC 10 in DP 2872
27 Atchison Street: Lot 29, SEC 10 in DP 2872
31 Atchison Street: Lot 30, SEC 10 in DP 2872
35 Atchison Street: Lot 321 in DP 566480

Applicant: G Zhang - TWT Property Group Pty Ltd

Proposal:

Modifications to DA 161/20 including internal layout changes, alterations to the façade, installation of public art to Oxley Street and other consequential amendments

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. **161/20** and registered in Council's records as Application No. **161/20/4** relating to the land described as **23-35 Atchison Street, St Leonards**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **18 May 2021**, has been determined in the following manner:

1. To amend Condition A1 of the Consent so as to read 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.

Plan No.	Rev	Description	Prepared by	Dated
A2.04	3	Site Plan and Setback Diagram	Team2 Architects	13/06/2023
A3.01	8	Basement 3	Team2 Architects	13/06/2023
A3.02	8	Basement 2	Team2 Architects	13/06/2023
A3.03	8	Basement 1	Team2 Architects	13/06/2023
A3.04	8	Lower Ground Level	Team2 Architects	13/06/2023
A3.05	8	Upper Ground Level	Team2 Architects	13/06/2023
A3.06	8	Level 1	Team2 Architects	13/06/2023
A3.07	9	Level 2	Team2 Architects	13/06/2023
A3.08	9	Level 3	Team2 Architects	13/06/2023
A3.09	9	Level 4	Team2 Architects	13/06/2023
A3.10	9	Level 5	Team2 Architects	13/06/2023
A3.11	9	Level 6-8	Team2 Architects	13/06/2023
A3.12	9	Level 9	Team2 Architects	13/06/2023
A3.13	9	Level 10	Team2 Architects	13/06/2023
A3.14	9	Level 11-13	Team2 Architects	13/06/2023
A3.15	9	Level 14	Team2 Architects	13/06/2023
A3.16	9	Level 15	Team2 Architects	13/06/2023
A3.17	9	Level 16	Team2 Architects	13/06/2023
A3.18	8	Roof Plan	Team2 Architects	13/06/2023
A4.01	8	North Elevation - Atchison Street	Team2 Architects	13/06/2023
A4.02	8	South Elevation - Atchison Lane	Team2 Architects	13/06/2023
A4.03	8	East Elevation - Oxley Street	Team2 Architects	13/06/2023
A4.04	8	West Elevation - Through Site Link	Team2 Architects	13/06/2023
A5.01	7	Section A-A	Team2 Architects	13/06/2023
A5.02	8	Section B-B	Team2 Architects	13/06/2023
A5.03	6	Section C-C	Team2 Architects	13/06/2023
A5.04	6	Section D-D and E-E	Team2 Architects	13/06/2023
A5.05	5	Section F-F and G-G	Team2 Architects	13/06/2023
A6.01	4	Pre/Post Adaption Plan - Type 1	Team2 Architects	13/06/2023
A6.02	4	Pre/Post Adaption Plan - Type 2	Team2 Architects	13/06/2023
A6.03	4	Pre/Post Adaption Plan - Type 3	Team2 Architects	13/06/2023
A6.04	4	Pre/Post Adaption Plan - Type 4	Team2 Architects	13/06/2023
A6.05	2	Pre/Post Adaption Plan - Type 5	Team2 Architects	13/06/2023
A7.01	5	Finishes Schedule	Team2 Architects	13/06/2023

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

2. To add Condition C66 of the consent so as to read as follows:

Artwork

C66. A public art consultant is to be engaged to design and integrate a commissioned artwork:

- That is a quality bespoke artwork on the new building form on the East Elevation (Oxley Street),
- That is a significant addition to the existing collection of public artworks in North Sydney;
- Provides a unique sense of place distinct to the St Leonard Town Centre;

- d) That is contemporary in nature, innovative and create a unique aesthetic signature to the surrounding area.
- e) That is in accordance with the North Sydney Public Art Policy and Arts Plan as well as the North Sydney Arts Trail, and is
- f) The installation of any signage associated with retail tenancies shall be contained wholly within the tenancy and shall not be placed on the glazing. Provision may be made for under awning signs in consultation with the commissioned artist;

The commissioned artwork is to be endorsed by Council's Manager Development Services in consultation with the Team Leader, Arts and Culture and Manager Community Development and written concurrence demonstrating compliance with this condition is to be provided to the certifying authority **prior to the issue of the relevant construction certificate.**

(Reason: To facilitate an appropriately designed public art installation that presents high quality design and visual interest to public domain and provides a positive contribution to the streetscape and locality)

3. To add Condition G35 of the consent so as to read as follows:

Public Artwork To Be Installed

G35. The public artwork agreed under specific requirements of any conditions within this consent is to be installed prior to the issue of the Final Occupation Certificate. Any variation to the artwork, shall be to the satisfaction of Council. The artwork is to be maintained in an acceptable condition at all times.

(Reason: To ensure that the art work required by this consent is delivered and maintained in an appropriate condition)

The proposal involves the modification of a consent that comprises a combination of internal and external changes. The purpose of these changes is to provide additional functionality and amenity for the mixed-use building, to facilitate public art work, and to establish any additional engineering components and to rationalise certain components.

Reasons for Approval:

The merits of the proposed modification and an assessment of this modification against relevant provisions and controls under environmental planning instruments (including SEPP 65 and the NSLEP 2013) have described and detailed throughout this report. In summary, the proposed modification is considered acceptable and supportable, satisfying the above requirements and the provisions under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is recommended that the following conditions are amended and added in the consent:

- Amend Condition A1 to include revised drawings reflecting the proposed changes.
- Add Conditions C66 and G35 to incorporate the proposed public artwork into the approved development.

How community views were taken into account:

The proposal as modified is considered to be in the public interest for the reasons stated throughout this report.

The matters and concerns raised in any submissions received have been considered and addressed in the assessment of the proposal, as reflected in this report.

The conditions attached to the original consent for Development Application No. **161/20** by endorsed date of **18 May 2021** still apply.

ADVISINGS

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

7 July 2023

DATE



Signature on behalf of consent authority
MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER