



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

D19/21
JD6 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 19/21/3 - APPROVAL**

Development Consent Number: 19/21

Land to which this applies: 110-122 Walker Street, North Sydney
Lot No.: 1, DP: 777779

Applicant: Stockland Development Pty Ltd C/- Urbis 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 retail premises) and a basement of 7 levels, to modify the approved hours of construction specified by Condition E16.

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. **19/21/3** 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:

- Delete Condition E16 and replace it with the following condition:**

Construction Hours

E16. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
E2 Commercial Centre Zone MU1 Mixed-Use Zone	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

2. After Condition E16, insert the following condition:

Extended Construction Hours - Trial Period

E16A. Notwithstanding **Condition E16** above, construction hours may be extended on Monday to Thursday, 7.00pm-10.00pm for internal fitout works only on a trial basis.

The trial period shall commence upon issue of the first relevant construction certificate (i.e., that authorises any internal fitout work) and expire six months after the date of issue of that construction certificate. Council must be informed in writing of the date of commencing the trial period.

Before the trial period expires, the applicant must make further application to modify the consent, to extend the trial period for a specified period, or to enable the extended hours until completion of the development (i.e., issue of the final occupation certificate), or as may be deemed appropriate by Council.

For the extension of construction hours to be continued beyond the six-month trial, a further application to modify the consent must be lodged with Council prior to the expiration of the trial period. The assessment of the application to continue construction hours in accordance with the trial, will consider amongst other things, the impact of the internal fit out works in relation to compliance with other development consent conditions and maintaining the amenity of the locality.

In the event that no modification application is lodged, or an application is not approved, then the construction hours will revert to the construction hours specified by Condition E16 of this consent, at the expiration of the six month trial period, or when the modification application is refused.

Note: Any person acting on this consent is advised that any modification application to the trial construction hours period should be submitted to Council a minimum of thirty (30) days prior to the expiration of the trial period otherwise the trial period must lapse.

(Reason: To protect the amenity of surrounding areas)

A. All conditions of the original consent as previously modified, and as 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 (1A) of the EP&A Act 1979. Furthermore, the modifications do not result in any material amenity-impact to adjoining properties or the surrounding area, as recommended. The proposed modifications are consistent with the reasons for the grant of development consent to the originally approved development and are acceptable.

How community views were taken into account:

Approval of the proposal is in the public interest because, as recommended the increasing of construction hours being limited to between 7.00pm and 10.00pm, Monday to Thursday, for internal fitout activities only, will have a reasonable impact on resident amenity. A six-month trial is recommended, because if the works prove to harm local amenity, the hours of operation shall revert to those originally approved.

The conditions attached to the original consent for Development Application No. **D19/21** by endorsed date of **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

28 November 2023

DATE



Signature on behalf of consent authority
JIM DAVIES
EXECUTIVE PLANNER (ASSESSMENTS)