

18 June 2026

2250476

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Housing and Key Sites Assessment
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Dear Ms Coomar,

Section 4.55(1A) Modification Application – SSD-67175465 177 Walker Street, North Sydney

This Modification Application has been prepared by Colliers Urban Planning on behalf of East Walker 88 Development Pty Ltd (The Applicant), pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks to modify Development Consent SSD-6717465 that relates to the site at 177 Walker Street, North Sydney (the site).

The proposed modifications relates to the extension of construction hours for up to 30 days to allow work to occur after the standard work hours between 5pm-9pm Monday to Friday. This is to support the pouring and finishing of the concrete slabs which is necessary for structural stability.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters prescribed under section 4.55(1A) of the EP&A Act. The application is supported by the following documentation:

- Structural Statement prepared by JSBC (**Attachment A**);
- Construction Noise and Vibration Management Plan – Extended Working Hours prepared by PWNA (**Attachment B**);
- Construction Traffic Management Plan prepared by TTPA (**Attachment C**); and
- Construction Environment Management Plan prepared by Environmental Consulting Services (**Attachment D**).

1.0 Project Background

The site is located at the corner of 'lower' Walker Street and 'lower' Hampden Street and has a primary street frontage of 81m to Hampden Street, which is also known as 'lower' Walker Street, to the west (including the splay), and a 54m frontage to 'lower' Hampden Street to the north. The site is legally described as Lot 1 DP1318635 and is located at 177 Walker Street, North Sydney. Refer to **Figure 1**.

The site is cleared of buildings and vegetation subject to the approval of SSD-67175465.

The topography of the site is characterised by an east-sloping landform that declines by approximately 9m from the western site boundary (RL 57) to the eastern site boundary (RL 48).



 The Site



Figure 1 *Site aerial*

Source: Nearmap, edits by Colliers Urban Planning

2.0 Consent to be Modified

SSD-67175465 was approved by the Minister for Planning and Public Spaces on the 1st April 2025 for the proposed development of demolition of existing dwellings and structures, early works, excavation and construction of a residential development with infill affordable housing, comprising:

- Two residential flat buildings (12 and 30 storeys);
- 239 apartments (including 78 affordable housing apartments)
- One four-storey resident amenity and services building;
- Four levels of basement with 218 car spaces;
- Vehicular access from Walker Street;
- Landscaping works, consolidation of existing lot.

The approved site plan is shown at **Figure 2**.

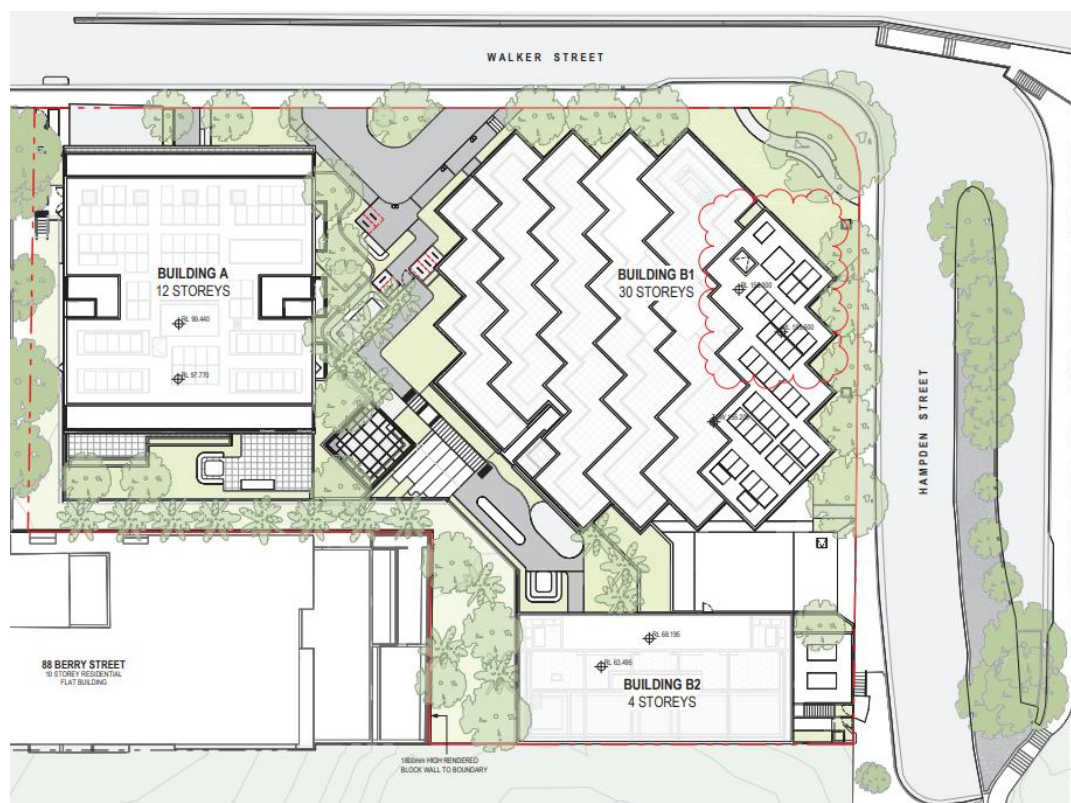


Figure 2 Approved site plan for East Walker Street

Source: Rothelowman

SSD-67175465 has previously been modified three times. Refer to **Table 1** for a summary of the previous modifications.

Table 1 Summary of previous modification applications to SSD-67175465

Application Number	Description of Modification	Date Approved
SSD-67175465-Mod-1	This Section 4.55(1A) Modification Application related to minor drafting errors to Condition A8 of SSD-67175465 to amend the wording of the current condition. It also seeks to amend Condition D20 of SSD-67175465 as it requires a separate approval from the Environment Protection Authority (EPA) which the EPA has confirmed it does not have a statutory role to approve.	Approved 21/10/2025
SSD-67175465-Mod-2	This Section 4.55(1A) Modification Application related to minor design development driven amendments including revised floor to floor heights on Level 1 to Level 26 and minor layout changes to Level 2 to Level 25.	Approved 9/12/2025
SSD-67175465-Mod-3	This Section 4.55(1A) Modification Application relates to the stormwater diversion alignment along Hampden Street, amendments to stormwater pit in Walker Street, reorientation of substation kiosk, minor reduction to Building B2 footprint, and amendments to conditions B3, B7(a), and E44.	Under Assessment as of 11/05/2026
SSD-67175465-Mod-4	This Section 4.55(1) Modification Application relates to amendments to conditions regarding ecologically sustainable development.	Approved 14/05/2026

3.0 Proposed Modifications to the Consent

The proposed modification seeks to amend Condition D3 of SSD-67175465 by adding condition D3A to extend construction hours for major slab pours.

It is proposed to allow limited construction activities associated with major slab pours to continue until 9pm Monday to Friday inclusive for up to a total of 30 days. During this extended period, activities will relate to the slab pours and would generally comprise of concrete pours, transfer pours, concrete pumping and use of trowelling machines. Importantly, concrete pouring that require extended hours will not occur on 30 consecutive days, rather it is likely that concrete pouring that require extended hours will occur on 2-3 days per week once the concrete pouring phase commences, up to a total of 30 days.

The extended construction hours are required as concrete pouring and finishing of the structural slabs must be undertaken in a continuous manner to ensure their structural integrity and safety. Due to the area of these slabs, continuous concrete pouring and finishing cannot be accommodated within the standard construction hours of 7am to 5pm Mondays to Fridays inclusive.

Due to the large area of the site, continuous concrete pouring and finishing of the slabs is expected to take the following time:

- For basement slabs, concrete pouring from 7am to 4pm, and additional 4 hours (that is until 8pm) for finishing of the slab (typically 4 construction personnel on trowel machines) and pack up.
- For transfer slabs, concrete pouring from 7am to 7pm, and additional 2 hours (that is until 9pm) for finishing of the slab (typically 4 construction personnel on trowel machines) and pack-up.

As noted in the Construction Environmental Management Plan (**Attachment D**), the Applicant will notify affected neighbours 5 working days prior to the period of construction with extended construction hours.

3.1 Modifications to Conditions

The proposed modification to Development Consent SSD-67175465 seeks only to amend Condition D3, no changes to the approved plans or development are proposed.

It is relevant to note that Section 4.55(5) of the EP&A Act clarifies that a consent authority may modify a development consent under subsections (1A) or (2), even where the modification relates solely to a condition of consent and does not alter the approved development.

HOURS OF CONSTRUCTION

D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:

- (a) between 7am and 5pm, Monday to Friday inclusive;
- (b) between 8am and 1pm, Saturdays; and
- (c) No work may be carried out on Sundays or public holidays.

D3A. Notwithstanding Condition D3, on no more than 30 days, construction is permitted between the hours of 5pm to 9pm Mondays to Fridays inclusive for the purposes of structural slab finishing works.

Reason: This amendment is necessary because the concrete pours for the structural slabs must be poured and finished in a continuous manner.

4.0 Substantially the Same Development

Section 4.55(1A)(b) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- The development continues to relate to and operate under the description of development outlined in **Section 2.0**.
- The proposed modification relates is limited to construction hours for a small amount of time (30 days) and relates directly to structural engineering advice provided on the constructability requirements of the approved design.
- The proposed modification does not alter the key components of the approved development, including the delivery of affordable and market dwellings.
- There are no increases to the overall construction vehicle movements and the traffic impact is considered acceptable.
- No changes to the approved total gross floor area (GFA), building height or built form are proposed in this modification application.
- Overall, the proposed amendments will not compromise the original design intent of the building.

5.0 Engagement

East Walker 88 Development Pty Ltd have undertaken engagement with North Sydney Council regarding the extension of construction hours, but to date have been unable to secure approval for extended construction hours.

It is understood that the surrounding community will have an opportunity to provide submissions to the Department of Planning, Housing and Infrastructure following lodgement of this modification application.

6.0 Environmental Assessment

Section 4.55(1A)(a) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the proposed modification is of minimal environmental impact"*. Under section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

6.1 Statutory Requirements

6.1.1 State Environmental Planning Policies

The proposed modifications have been assessed against the relevant provisions of the applicable State Environmental Planning Policies (SEPP) and it has been determined that the original proposal's compliance with the applicable SEPPs remain unchanged.

6.1.2 North Sydney Local Environmental Plan 2013

The proposed modifications have been assessed against the relevant provisions of the North Sydney Local Environmental Plan 2013 (North Sydney LEP) and it has been determined that the original proposal's compliance with the applicable provisions of the North Sydney LEP remains unchanged.

6.1.3 North Sydney Development Control Plan 2013

There is no change to the development's consistency with the applicable controls of the North Sydney DCP remains unchanged. It is noted that development control plans are not a matter for consideration in the assessment of SSDAs by virtue of Clause 2.10 of the State Environmental Planning Policy (Planning Systems) 2021.

6.2 Structural

A Structural Letter (**Attachment A**) has been prepared by JBSC who is the structural engineering consultant carrying out the design and detailing of the post-tensioned and reinforced concrete structural elements of the approved development. The Structural Letter justifies the necessary requirement for extended construction hours for concrete pours.

The Structural Letter details that should interruptions occur during the slab pour if extended construction hours are not obtained, there would be significant issues caused by additional cold joints resulting in weak points which would compromise the structural integrity of the building, compromise the strength of steel reinforcement, compromise the strength of shear walls, cause weak points with regards to waterproofing, amongst other risks. These issues may result in failure in the shear and punching shear for transfer slabs, significantly reduced load-bearing capacity and risk of failure under vertical loading, culminating in catastrophic failure under lateral loading such as earthquake or wind, or cracking beneath landscaping or joints located in wet areas.

In addition, JBSC have emphasised that post-tension slabs cannot be stopped mid-pour as pre-stressing tendons are required to be stressed at specific durations after concrete has set and for an entire pour at once. Correct stressing of tendons is impossible if different zones of the same pour have set at different times (for example if a pour has been stopped and resumed on the following day).

As such, the approval of the extension to construction hours for the slab pour is essential and critical to delivering a safe building with adequate structural integrity. Refer to the Structural Letter at **Attachment A** for a full list of potential issues and risks if continuous slab pouring under extended construction hours cannot be undertaken. All works will be undertaken in accordance with the Construction Environment Management Plan (**Attachment D**) discussed in the following section.

6.3 Construction Management

A Construction Environment Management Plan (CEMP) has been prepared and is provided at **Attachment D** to address the appropriate environmental management practices are followed during construction of the approved development.

The CEMP details that the extended working hours will be sought for up to 30 days to enable basement concrete pours up to the transfer at ground/level 1 with works extending through to 9pm on Monday to Fridays. The extended work hours are based on the following timeframes and requirements:

- For basement slabs, concrete pouring from 7am to 4pm, and additional 4 hours for finishing of the slab (typically 4 construction personnel on trowel machines) and pack up.
- For transfer slabs, concrete pouring from 7am to 7pm, and additional 2 hours for finishing of the slab (typically 4 construction personnel on trowel machines) and pack-up.

Environmental impact during the proposed extended construction hours are minimal as the CEMP notes that a maximum of 10 people working and 30 concrete truck deliveries will be undertaken outside of routine working hours (concluding at 5pm), and this is limited to the transfer pouring phase. During the basement pouring phase, there would be no concrete truck deliveries after 5pm and the number of construction personnel would be limited to approximately 4.

Additionally, the extended construction hours are limited to up to 30 days and will enable the concrete pours and slab finishing works to occur, without allowing extended construction hours to continue indefinitely. Moreover, this extended construction hours will not be for 30 consecutive days, rather extended construction hours for concrete pours are likely to be limited to 2-3 days per week up to a total of 30 days, ensuring that respite is provided to the surrounding neighbours. This is considered to balance the necessary constructability, structural integrity and safety requirements, while protecting the amenity of surrounding residents.

Any potential noise impacts will be mitigated and managed in accordance with the recommendations contained within the Acoustic Memorandum (**Attachment B**) which are included within the CEMP which must be adhered to during construction (**Attachment D**).

6.4 Noise

A Construction Noise and Vibration Management Plan (CNVMP) has been prepared and is provided at **Attachment B** to address the extended construction noise and vibration impacts. It has been prepared to consider the noise impacts associated with extended construction hours in context of the details set out in the CEMP (**Attachment D**) which details that the works will be limited to include completing concrete pours only, and to recommend additional construction noise mitigation measures. Specifically, it includes:

- Quantitative assessment focussing on the extent and nature of works in relation to concrete pours between 5pm and 9pm (after hours) to identify the anticipated impacts on identified receivers.
- A Construction Noise Vibration Management Plan with specific mitigation measures targeted towards the extended construction hours.
- A Noise Management Plan in accordance with the requirements of the Environment Protection Authority's Interim Construction Noise Guideline (ICNG) regarding extended construction hours.

The acoustic assessment in the CNVMP is based on the following noise monitoring:

- Background noise levels at the site have been based on the previously undertaken acoustic survey of the site and included within the approved ARUP Acoustic Report.

- Additional noise logging on the site including unattended noise logging completed on the site. Unattended noise logging was undertaken at the site at 3 locations from 22 May 2026 to 1 June 2026.
- Additional attended measurements around the site to supplement the unattended noise monitoring.

The location of sensitive receivers identified and additional noise logging locations is shown in **Figure 3**. The sensitive receivers for the extended construction hours are Receivers 1-9.



Figure 3 Location of sensitive receivers identified and additional noise logging locations

Source: PWNA

6.4.1 Construction noise assessment

The Noise Management Levels (NMLs) construction noise criteria under the ICNG for extended construction hours is the Rating Background Noise Level (RBL) + 5 dB. The NMLs adopted for the CNVMP are set out in **Table 2**.

Table 2 Extended hours noise management levels

Receiver Location	Receivers	RBL (dB(A))	NML for evening hours, Monday to Friday 5-9pm (dB(A))
Residences to the north	Receivers 1, 7 and 8	59	64
Residences to the west	Receivers 3, 4 and 9	51	56
Residences to the south	Receivers 2 and 5	50	55

The key findings of the construction noise assessment are outlined below, refer to the CNVMP for further detail on the modelled construction noise impacts for each sensitive receiver:

- The noise level at each sensitive receiver resulting from individual use of a concrete pump, concrete vibrator, concrete helicopter or hand tools, is predicted to be similar to or below the NML at each sensitive receiver.

- The noise level at each sensitive receiver resulting from the combined use of a concrete pump, concrete vibrator, concrete helicopter and hand tools at the same time has the potential to exceed the NML at each sensitive receiver by up to 18 dB(A). As such, works are to include all possible and practical noise mitigations including those detailed within the CNVMP.

The proposed mitigation measures are detailed in the CNVMP and summarised in **Section 6.4.3**.

In addition, the nature of the works proposed within the extended construction hours and the site's location inherently mitigate construction noise and support the acceptability of the extended construction hours and proposed mitigation measures:

- The concrete pouring works requiring extended construction hours are proposed to be completed on a limited number of days which is less than 10% of a year, and less than 5% of the entire construction program (assumed to be approximately 2-3 years). It is noted that extended hours will not be for 30 consecutive days, rather likely limited to 2-3 days per week up to a total of 30 days, ensuring that respite is provided to the surrounding neighbours. On balance, such a short term impact is considered acceptable as they are necessary for the construction and safe completion of the development.
- The works proposed during the extended construction hours will not include high noise generating activities associated with 'normal construction', and only works required to complete concrete pours will be undertaken during the proposed additional working period.
- The proposed extended hours for the completion of concrete pours includes an evening period when noise resulting from traffic movements on the Warringah Freeway to the east of the site will include elevated noise levels.

6.4.2 Construction vibration

Concrete pouring and slab finishing proposed to be undertaken as part of the additional working hours will not involve the use of high vibration generating equipment (including that similar to vibration rollers, hydraulic hammers or the like).

Therefore, vibration from the proposed plant and equipment that would be used during the extended construction hours is expected to comply with the relevant vibration criteria the relevant vibration criteria (including tactile vibration as well as ground born noise resulting from vibration) will be complied with without additional acoustic mitigations or controls being implemented.

6.4.3 Noise management plan and proposed mitigation measures

The CNVMP includes a robust noise management plan in accordance with the requirements of the ICNG, including both general and specific mitigation measures.

General best practice noise mitigation measures will be applied where reasonable and feasible, including:

- Maximising the offset distance between plant items and nearby noise sensitive receivers which are to be undertaken during the proposed additional working hours.
- Preventing noisy plant working simultaneously and adjacent to sensitive receivers including equipment required to complete concrete pours.
- Minimising consecutive works in the same site area.
- Orienting equipment away from noise sensitive areas.
- Tool box meetings informing workers of their requirement to minimise noise on the site during the additional working hours including no playing of radios or other noise generating equipment.

- No materials deliveries or waste removal from the site will be undertaken during the proposed extended working hours period. All deliveries and waste removal will be undertaken within the currently approved working hours.
- No other construction activities, other than those required to complete the concrete pours will be undertaken during the proposed additional construction hours.
- The proposed works including the completion of the concrete pours will be undertaken in accordance with the Environmental Consulting Services Construction Environment Management Plan dated 1/5/2026.
- Implementing typical noise reduction measures listed in AS 2436-2010 "Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites".

Project-specific noise mitigation measures include but are not limited to:

- Where possible, installation of acoustic screening and barriers along the perimeter of the building site where works are to be undertaken during the extended working periods.
- Screening will be included to the permanently located equipment including power generating equipment and the like.
- Construction noise monitoring including the following:
 - During the proposed extended hours working periods attended noise surveys will be undertaken periodically during the proposed concrete pours.
 - Noise surveys will include attended noise level surveys at a number of locations around the site, including up to 5 visits over the proposed concrete pours.
 - Noise surveys will include the results of activities being undertaken including details of the equipment generating noise levels.
 - As part of the surveys and site visits, identification of possible acoustic mitigations will be provided.
- Construction vehicles will be limited to those required to complete the concrete pours only. All general deliveries and waste removal will be undertaken within the currently approved working hours and not during the proposed extended-hours period.
- No public address system will be used on site during the additional construction hours (except for emergency purposes).
- Undertaking community consultation with neighbouring parties such as through a project website, email notification and letterbox drops.
- Implementation of a complaints management system as detailed in the CEMP. Should complaints arise, they will be dealt with in a responsible and uniform manner.

The proposed mitigation measures will be adopted for construction during the extended construction hours and will ensure construction noise impacts are mitigated and managed appropriately such that environmental impact is minimal. The noise impacts will be short term (up to 30 days), mitigated through all feasible and reasonable work practices, and are a result of critical and necessary structural safety requirements for the development's construction. All works will be undertaken in accordance with the CEMP (**Attachment D**).

Subject to implementation of these mitigation measures, the CNVMP concludes that the extended construction hours required for continuous slab pours and finishing will be acoustically acceptable, including those required in accordance with the EPA's Interim Construction Noise Guideline.

6.5 Traffic

A Construction Traffic Management Plan (CTMP) has been prepared and is provided at **Attachment C** to address the construction traffic impacts during the extended hours.

The CTMP details that the average basement pour will not result in any additional trucks outside of the standard construction hours (i.e. after 5pm). With regard to the transfer pour, there are 30 concrete trucks to be delivered outside of working hours, with the last truck leaving the site by approximately 7pm.

The proposed extended construction hours are not anticipated to result in minimal additional environmental impact on local road operations or amenity from construction traffic compared to the previous assessed and approved construction vehicle traffic. This includes pedestrian management, emergency vehicle access, road serviceability and off-street parking.

All works will be undertaken in accordance with the CEMP (**Attachment D**).

7.0 Conclusion

The proposed modification seeks amendments to Condition D3 for extended construction hours. The proposed modification for the extended construction hours are required to allow for continuous concrete pouring and finishing of the structural slabs to ensure their structural integrity and safety as continuous pouring and finishing of each slab cannot be accommodated within the standard construction hours of 7am to 5pm Mondays to Fridays inclusive. The extended construction hours will be limited to up to 30 days between 5pm and 9pm on Mondays to Fridays inclusive.

In accordance with section 4.55(1A) of the EP&A Act, the consent authority may modify the consent as:

- The proposed modification will result in minimal environmental impact in relation to construction, noise and traffic impacts, subject to the proposed mitigation measures and management plans;
- The proposal remains generally consistent with the relevant plans, and consistent with the relevant policies and controls;
- The proposed modification will not result in any adverse unreasonable impacts to the amenity of surrounding land uses; and
- Substantially the same development as development for which the consent was granted

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Sincerely,



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