



Mr Alberto Giovanni Halim  
Projectvision Consulting Pty Ltd  
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SILVERWATER NSW 2128

D88/21  
MH9 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 88/21/4 - APPROVAL**

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**Development Consent Number:** 88/21/4

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**Land to which this applies:** 20 Larkin Street, Waverton  
Lot No.: 2, DP: 106058

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**Applicant:** Alberto Giovanni Halim, Projectvision Consulting Pty Ltd

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**Proposal:** To modify development consent R12/21 (DA88/21) for demolition of the existing dwelling and construction of a new two-storey dwelling with basement garage and associated landscaping

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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. **88/21** and registered in Council's records as Application No. **88/21/4** relating to the land described as **20 Larkin Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **22 June 2022**, has been determined in the following manner:

- To modify the development consent DA88/21 and modify condition A1 as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

- 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

Title	Number	Rev.	Date	Prepared by
Basement plan	DA-A101	G	07/11/2022	Projectvision
Ground floor plan	DA-A102	G	07/11/2022	Projectvision
First Floor Plan	DA-A103	G	07/11/2022	Projectvision
Roof Terrace plan	DA-A104	H	01/06/2023	Projectvision

Elevations 1	DA-A111	G	01/06/2023	Projectvision
Elevations 2	DA-A112	H	02/06/2023	Projectvision
Section	DA-A113	G	02/06/2023	Projectvision
Window Schedule	DA-A114	B	07/11/2022	Projectvision
BASIX Commitments	DA-A013	B	10/06/2022	Projectvision
Landscape concept plan	20-019-CP01	B	16/02/2022	James Pfeiffer Landscape Architect
Landscape sections	20-019-CP02	B	16/02/2022	James Pfeiffer Landscape Architect
Storm water drainage and disposal from proposed new dwelling	S1 of S1	A	19/03/2021	Consulting Design and Inspection Engineers

**2. To modify condition B2 by amending condition B2 (a)(iii) and deleting condition B2(a) (iv) as follows:**

**Amendments to the Approved Development**

- B2. a) The following amendments shall be made, or information submitted, that is consistent with the approved plans cited in condition A1 and submitted to Council’s Executive Planner for approval before an application for a Construction Certificate is made:
- i The balustrade shown on the roof plan around the roof’s perimeter is to be removed and replaced with a safety system suitable for use for repairs, maintenance and minor building works, the height of which must not exceed the “Max. 8.5 m Building Height” line shown on the approved plans.
  - ii. The roof is to be made inaccessible and untrafficable, except for purposes of repairs, maintenance and minor building works, and the viewing platform.
  - iii. No structure shall be permitted above the approved finished levels of the roof and the viewing platform, except a ‘frameless’ glass balustrade no higher than 1100 mm around the edge of viewing platform, the two proposed skylights (not to exceed 100 mm above the roof surface) and the safety system required by paragraph (i).
  - ~~iv. The stairway from the first floor to the viewing platform shall be enclosed and weatherproofed, by a hatch or similar, that must not exceed the finished level of the viewing platform by more than 100 mm.~~
  - v. The proposed front boundary fence and gates are to be no higher than 1.5 metres. Reasonable allowance may be made (to exceed 1.5 m, only when necessary), to allow for the fall of the existing ground level across the front boundary. The fence and gates are to be of 20% solid construction, with posts and plinths being finished in sandstone or other materials complementary to the streetscape and the environmental qualities of the locality.
  - vi. Samples of materials and colours to be used in the construction of the building’s facades, which are to be recessive and/or compatible with the streetscape and the locality’s environment.
- b) The approved landscaping plans cited in condition A1 shall be amended to include 3 canopy trees in the front yard of the site and submitted to Council’s Landscape Officer for approval before an application for a Construction Certificate is made.

(Reason: To ensure protection of local amenity and character)

3. To modify condition 30 by deleting the final paragraph as follows:

Amendments to the Landscape Plan

C30. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- At least three canopy trees are to be planted in the front yard of the new dwelling.
- SCREEN planting is to be installed immediately behind the front boundary fence. Plants shall be specimens that grow to a height of 1.5 m. The specimens planted are to be pruned to remain within this height.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

~~Enclosing and weatherproofing of stairway to roof viewing platform.~~

(Reason: To ensure residential amenity and safety.

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The proposed modifications are generally consistent with the originally approved development application and s.4.55 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 granted of development consent to the originally approved development and is acceptable.

The issues raised in the only submission received has been addressed in the assessment report.

**Reasons for Approval:**

Having regard to the provisions of section 4.55 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

Statement of Reasons

- The proposal is generally consistent with the controls and objectives of the relevant provisions of the North Sydney Development Control Plan 2013.
- The proposal will not have any unreasonable impact upon the amenity of neighbouring properties.

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**How community views were taken into account:**

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

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The conditions attached to the original consent for Development Application No. **88/21** by endorsed date of **22 June 2022** still apply.

**ADVISINGS**

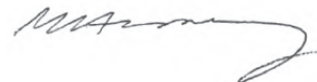
- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Michael Hornery**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (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**

**20 June 2023**

DATE



Signature on behalf of consent authority  
MICHAEL HORNERY  
**EXECUTIVE PLANNER (ASSESSMENTS)**