



Ms Margaret Beazley  
Level 6, 120 Sussex Street  
SYDNEY NSW 2000

D216/21  
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 216/21/2 - APPROVAL**

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**Development Consent Number:** 216/21

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**Land to which this applies:** 21 King George Street, Lavender Bay  
Lot No.: 7, DP: 520996

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**Applicant:** Margaret Beazley

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**Proposal:** Modification to Conditions A1 and C8 to provide for the dismantling and reinstatement of an existing heritage listed sandstone wall

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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. **216/21** and registered in Council's records as Application No. **216/21/2** relating to the land described as **21 King George Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **20 July 2022**, has been determined in the following manner:

**1. To amend Condition A1 of the consent to incorporate the following amended plans 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 and this consent.

Plan No.	Rev	Title	Drawn By	Dated
DA091	B	Demolition Plan	Saville Isaacs	29-10-2021
DA098	A	Site Analysis Plan	Saville Isaacs	09-06-2021
DA102	D	Plan Basement	Saville Isaacs	13-12-2021
DA103	E	Plan Ground Floor	Saville Isaacs	18-03-2022
DA104	E	Plan First Floor	Saville Isaacs	18-03-2022
DA105	F	Roof Plan	Saville Isaacs	18-03-2022

DA201	D	Elevation North	Saville Isaacs	18-03-2022
DA202	D	Elevation East	Saville Isaacs	18-03-2022
DA203	D	Elevation South	Saville Isaacs	18-03-2022
DA204	B	Elevation West	Saville Isaacs	14-09-2021
DA205	B	Elevation south boundary	Saville Isaacs	18-03-2022
DA251	F	Section A-A	Saville Isaacs	18-03-2022
DA252	B	Section B-B	Saville Isaacs	14-09-2021
DA253	A	Section C-C	Saville Isaacs	14-09-2021
DA111	B	Area Plan	Saville Isaacs	18-03-2022
DA355	B	External Finishes - View A	Saville Isaacs	21-09-2021
DA356	B	External Finishes - View B	Saville Isaacs	21-09-2021
L100	F	Landscape concept plan	Spirit Level	23-03-2022
L102	E	Landscape planting plan	Spirit Level	12-05-2021

Except where modified by changes shown clouded red on the following plans

Plan No.	Rev	Title	Drawn By	Dated
DA091	C	Demolition Plan	Saville Isaacs	27-06-2023
DA102	E	Plan Basement	Saville Isaacs	27-06-2023
DA201	E	Elevation North	Saville Isaacs	27-06-2023
DA202	E	Elevation East	Saville Isaacs	27-06-2023
DA203	E	Elevation South	Saville Isaacs	27-06-2023
DA251	G	Section A-A	Saville Isaacs	27-06-2023

And except where amended by the following conditions.

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

**2. Condition C8 of the consent be deleted and the following replacement condition be imposed.**

**Removal and Reinstatement of Sandstone wall**

C#. The recommendations of the Cantilever Consulting Engineers report, with regard to Option 2 of the report to Council, to permit the removal and reinstatement of the sandstone perimeter wall on the Bay View Street and King George Street boundaries of the site are to be implemented subject to the following measures:

**Prior to/during Removal of Sandstone Block Wall**

The following is to be undertaken, under the close supervision of an engaged heritage architect or heritage engineer registered with the NSW Heritage Office's Consultant list:

1. All stone blocks within the existing sandstone wall shall be retained and reused within the rebuilding of the front wall.
2. Number the stone blocks to ensure that they can be reassembled in the same position. Use a marker that will not wash off with friction or the weather. Do not mark the primary face of the stone.

3. *A key plan/photograph is to be prepared showing the location of each block to enable the blocks to be reconstructed in the same order. A copy of the Key plan & photograph is to be provided to the Certifying Authority prior to commencement of work;*
4. *Carefully dismantle the wall using hand tools.*
5. *The photographic archival recording of the existing dwelling is to be updated to include the reconstruction works including methodology relating to the Wall.*

**Storage of Sandstone Blocks Off-site**

5. *Removal of the blocks from the site to a safe storage facility is permitted. The address/location of the storage location is to be provided to the Certifying Authority with written certification of the storage conditions and location to be provided by the appointed heritage consultant.*

**Reconstruction**

6. *Construct new footings for a new 190mm reinforced supporting concrete block wall to stand behind the location of the replacement sandstone wall.*
7. *The Certifying Authority is to be satisfied that the placement of the wall footing within the site will be sufficient to ensure the reconstructed sandstone wall will be contained wholly within the site. Nothing in this consent permits the encroachment of the wall on adjoining public land.*
8. *Construct the new reinforced concrete block wall after the footing is cured.*
9. *Reassemble the stone block wall against the reinforced concrete blockwork wall in accordance with the following:*
  - i. *The sandstone blocks are to be placed in the order in which they were removed under the guidance of the heritage consultant and with reference to the key photograph record required by 3 above. Variation from the position of the blocks may be by agreement with the heritage consultant;*
  - ii. *The wall ties to the new wall are to be embedded in the mortar of the stone wall.*
  - iii. *The mortar is to be a lime mortar appropriate to the period of construction of the sandstone wall.*
  - iv. *The replacement of any cracked/split blocks is to be done with blocks to be sourced for colour, size and finish to match the original sandstone blocks;*

*On completion of the reconstructed wall, and prior to the issue of the relevant Occupation Certificate, the appointed heritage consultant must provide written certification to the Certifying Authority that the reinstated sandstone block wall has been carried out in accordance with the requirements of this condition, using all available and salvageable material from the original wall.*

*(Reason: to enable construction of the dwelling and provide for reconstruction of the sandstone wall under supervision of a heritage consultant)*

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**Reasons for Approval:**

The proposed modifications are considered to be 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

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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 considered to be acceptable.

Having regard to the provisions of section 4.55 and 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**.

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

The proposal is considered to be consistent with in the public interest for the reasons stated throughout this report. Conditions are recommended to protect and preserve public amenity and elements of heritage significance.

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The conditions attached to the original consent for Development Application No. **216/21** by endorsed date of **20 July 2022** still apply.

**ADVISINGS**

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

**26 July 2023**

\_\_\_\_\_  
DATE

  
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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER (ASSESSMENTS)**