

Peter O'Meara  
Unit 2, 155-157 Darley Street West  
MONA VALE NSW 2103

D378/19  
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 378/19/2 – APPROVAL**

**Development Consent Number:** 378/19/2

**Land to which this applies:**

31 Euroka Street, Waverton  
Lot No.: 1, DP: 900046

**Applicant:**

Peter O'Meara

**Proposal:**

Modification application of DA378/19/2 for alterations and additions.

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. **378/19** and registered in Council's records as Application No. **378/19/2** relating to the land described as **31 Euroka Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 February 2020, has been determined in the following manner: -

*1. To modify the development consent (D378/19) and modify condition A1 as follows:*

**Development in Accordance with Plans**

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.	Issue	Title	Drawn by	Received
DA01	A	Cover Sheet	Neville Thomas' Services Pty Ltd	Nov 2019
DA02	A	Notification Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA20	A	Site Survey	Neville Thomas' Services Pty Ltd	Nov 2019
DA21	A	Site Survey (North Elevation)	Neville Thomas' Services Pty Ltd	Nov 2019
DA22	A	Site Survey (Sections)	Neville Thomas' Services Pty Ltd	Nov 2019
DA23	A	Demolition Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA24	A	Site Plan	Neville Thomas' Services Pty Ltd	Nov 2019

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
DA25	A	Roof Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA26	A	Elevations	Neville Thomas' Services Pty Ltd	Nov 2019
DA27	A	North Elevation	Neville Thomas' Services Pty Ltd	Nov 2019
DA28	A	External Materials and Colours	Neville Thomas' Services Pty Ltd	Nov 2019
DA29	A	Landscaping Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA30	A	Proposed Ground Floor Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA31	A	Section 1-1 and Ground Floor Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA32	A	Proposed First and Second Floor Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA33	A	Section 2-2 and Section 3-3	Neville Thomas' Services Pty Ltd	Nov 2019
DA34	A	Section 4-4 and Section 5-5	Neville Thomas' Services Pty Ltd	Nov 2019
DA35	A	Section 6-6 and Section 7-7	Neville Thomas' Services Pty Ltd	Nov 2019
DA36	A	Section 8-8, 9-9, 10-10, 11-11	Neville Thomas' Services Pty Ltd	Nov 2019
DA50	A	Erosion and Sediment Risk Management Plan	Neville Thomas' Services Pty Ltd	Nov 2019
DA51	A	Stormwater Management Plan	Neville Thomas' Services Pty Ltd	Nov 2019

As amended by the following plans and additional condition below:

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Drawn by</b>	<b>Received</b>
CC10	B	Existing Ground Floor Plan	Neville Thomas' Services Pty Ltd	3.3.2021
CC63	D	Proposed Ground Floor Layout	Sunil P & A	3.3.2021
CC11	B	First Floor Plan	Neville Thomas' Services Pty Ltd	3.3.2021
CC64	D	Proposed First Floor Layout	Sunil P & A	3.3.2021
CC14	B	Section 1 Exist House	Neville Thomas' Services Pty Ltd	3.3.2021
CC65	D	Proposed Section	Sunil P & A	3.3.2021

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

- To modify the development consent (D378/19) with the addition of new condition C22 as follows:*

**Further Heritage Design Amendments**

- C22. That the nib walls and bulk heads that define the configuration of the early cottage are retained in the wall between the new layout that will swap the location of the living and dining rooms.

(Reason: To protect the character of the contributory item and the Union, Bank, Thomas Street Conservation Area and to utilise traditional materials characteristic to the conservation area)

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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 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.

**Reason for approval:**

The proposed modifications are considered to be of minimal environmental impact and are consistent with the reasons given for the grant of consent to originally approved development application and s.4.55 of the EP & A Act 1979.

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.

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

The development application was advertised in accordance with the North Sydney Community Participation Plan 2019. Nil (0) submissions were received during the notification period. The development will not have a material impact on surrounding buildings. The public interest will be served through the assessment of the application against the applicable controls.

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The conditions attached to the original consent for Development Application No. 378/19 by endorsed date of 28 February 2020 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Hugh Shouldice**. 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 & 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 & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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