

Original signed by David Hoy on 26 April 2021

Saw Eng Tan  
C/- Atelier M  
32/82 Myrtle Street  
CHIPPENDALE NSW 2008

ATTENTION: Miriam Green

D219/20  
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 219/20/2 – APPROVAL**

**Development Consent Number:** 219/20/2

**Land to which this applies:** 31 King Street, Waverton  
Lot No.: 1, DP: 105627

**Applicant:** Saw Eng Tan  
C/- Atelier M

**Proposal:** Section 4.55(2) modifications to DA219/20 to amend  
Conditions A1 and C2.

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. **219/20** and registered in Council's records as Application No. **219/20/2** relating to the land described as **31 King Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 December 2020, has been determined in the following manner:-

*1. Condition A1 is to be amended to read:*

**A1. Development in Accordance with Plans**

Plan No.	Issue	Title	Drawn by	Received
DA202	D	Site Plan	Atelier M	24.11.2020
DA203	E	Existing Floor Plan	Atelier M	24.11.2020
DA205	D	Existing Elevations	Atelier M	24.11.2020
DA206	B	Demolition Plan	Atelier M	24.11.2020
DA207	J	Proposed Ground Floor Plan	Atelier M	24.11.2020
DA208	I	Proposed Mezzanine Floor Plan	Atelier M	24.11.2020
DA209	I	Proposed Roof Plan	Atelier M	24.11.2020
DA210	F	Proposed Elevation - North	Atelier M	24.11.2020

Plan No.	Issue	Title	Drawn by	Received
DA211	E	Proposed Elevation - South	Atelier M	24.11.2020
DA212	E	Proposed Elevation - East	Atelier M	24.11.2020
DA213	E	Proposed Elevation - West	Atelier M	24.11.2020
DA214	E	Sections	Atelier M	24.11.2020
DA220	C	Proposed Street View and Materials	Atelier M	24.11.2020

As amended by the following plans and additional conditions:

Plan No.	Issue	Dated	Title	Drawn by	Received
DA200	B	19.3.2021	Cover Page	Atelier M	23.3.2021
DA201	B	19.3.2021	Proposed Ground Floor Plan	Atelier M	23.3.2021
DA202	B	19.3.2021	Proposed Elevation - West	Atelier M	23.3.2021

2. *To modify the development consent (D219/20) by partially modifying condition C2 as follows:*

**C2. Heritage Design Amendments**

The following heritage design amendments are outlined below:

- ~~The original door opening on the western elevation of the rear is to remain.~~
- The proposed front entry steps are to be restored with the same materials and ‘made good’.
- A schedule of conservation works to be carried out for the maintenance, repair and restoration of the dwelling is required prior to CC.
- ~~The proposed ground floor steps on the western elevation are to be deleted from the proposal.~~

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain and retain the heritage fabric of the existing dwelling)

**Reason for approval:**

The proposed change has resulted from a minor oversight made in the imposition of a condition in this instance. The amendment of Condition A1 and C1 is supported in this regard.

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

The application was notified in accordance with the North Sydney Community Participation Plan 2019 and nil (0) submissions were received during the notification period.

The conditions attached to the original consent for Development Application No. 219/20 by endorsed date of 2 December 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 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**

\_\_\_\_\_  
DATE

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