

Ms Sy Queenie Chow  
PO Box 383  
CREMORNE JUNCTION NSW 2090

D125/20  
RB6 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED**  
**SECTION 4.55 MODIFICATION 125/20/2 - APPROVAL**

<b>Development Consent Number:</b>	<b>125/20</b>
<b>Land to which this applies:</b>	13 King Street, Waverton Lot No.: 1 DP: 505323
<b>Applicant:</b>	Ms Sy Queenie Chow
<b>Proposal:</b>	Modify DA 125/20 for addition of an attic room and minor interior modification proposing

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. **125/20** and registered in Council's records as Application No. **125/20/2** relating to the land described as **13 King Street, Waverton**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 13 October 2020, has been determined in the following manner:

- To delete condition A1 of the consent and insert in lieu thereof the following new condition, namely:**

**A Condition A1 to be amended to reflect the revised plans as follows:**

**Development in Accordance with the 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 of this consent.

Drawing Number	Revision	Title	Drawn by	Dated
DA01	C	Site Plan	J Li	25.01.2022
DA02	C	Lower and Upper Ground Plan	J Li	25.01.2022
DA03	C	Attic Plan and Elevation	J Li	25.01.2022
DA04	C	Elevation and Section	J Li	25.01.2022
DA05	A	Site Analysis	WAH Architects	21.08.2020
DA06	B	External Finishes	J Li	25.01.2022
DA10	A	Greater Site Plan	WAH Architects	21.08.2020
DA11	A	Stormwater Management Concept Plan	WAH Architects	21.08.2020

**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 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.

There would be no undesirable impacts in terms of overshadowing, visual and /or acoustic privacy nor any view loss for adjoining properties arising from the proposed changes. No change to the building's form, bulk, scale, is proposed; internal layouts are proposed to be amended under this minor alteration. The appearance of the building is unchanged except for the colour of the window frames; all other changes are internal minor alterations and not visible to the public domain, so do not alter the streetscape.

The proposed changes have been assessed under the relevant planning instruments including NSLEP 2013 and NSDCP 2013 and generally found to be acceptable.

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 modification application was not required to be notified as there are no material impacts due to changes being proposed being internal layouts and an alteration to external finish of the colour of window frames.

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The conditions attached to the original consent for Development Application No. 125/20 by endorsed date of 13 October 2020 still apply.

ADVISINGS

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

29 April 2022

DATE

Signature on behalf of consent authority

DAVID HOY

TEAM LEADER - ASSESSMENTS