



Land and Environment Court  
New South Wales

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Case Name: Blainey North & Associates Pty Ltd v Woollahra Municipal Council (No 2)

Medium Neutral Citation: [2021] NSWLEC 1678

Hearing Date(s): 14 July 2021

Date of Orders: 8 November 2021

Decision Date: 8 November 2021

Jurisdiction: Class 1

Before: Pullinger AC

Decision: The Court orders:  
(1) The Appeal is upheld.  
(2) Consent is granted to Modification Application DA-272/2019/2, as amended, for alterations and additions to the existing terrace dwelling at 7 Paddington Street, Paddington, subject to conditions set out in Annexures A and B.  
(3) The exhibits are returned, except for C, 1 and 2.

Catchwords: MODIFICATION APPLICATION – dwelling house – heritage conservation area – appeal upheld – orders

Cases Cited: Blainey North & Associates Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1586

Category: Principal judgment

Parties: Blainey North & Associates Pty Ltd (Applicant)  
Woollahra Municipal Council (Respondent)

Representation: Counsel:  
A Galasso SC (Applicant)  
P Rigg (Respondent)

Solicitors:

Dentons Australia (Applicant)  
Peter Rigg, Solicitor and Barrister (Respondent)

File Number(s): 2020/350346

Publication Restriction: No

## JUDGMENT

- 1 **COMMISSIONER:** On 6 October 2021, I handed down my reasons in the Class 1 appeal *Blainey North & Associates Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1586 (the Principal Judgment) and indicated that upon the satisfaction of certain directions, I would give consideration to the making of final orders.
- 2 At the commencement of the hearing I had granted leave to the Applicant to amend the Modification Application as reflected in the architectural plans tendered as Exhibit C in the proceedings, and which formed the subject of the appeal.
- 3 In the Principal Judgment, the Respondent was directed to effect lodgement of these plans amending the Modification Application on the NSW Planning Portal and to prepare corresponding conditions of consent reflecting the reasons set out in the judgment.
- 4 Similarly, the Applicant was directed to file a copy of the amended Modification Application with the Court upon lodgement having been effected.
- 5 The amended Modification Application was filed with the Court on 18 October 2021.
- 6 The conditions of consent were filed with the Court on 29 October 2021.
- 7 I am satisfied that the Modification Application, as amended, and conditions of consent accord with the Principal Judgment, and I now make the following orders to thereby dispose of the matter.

## Orders

- 8 The Court orders:
  - (1) The Appeal is upheld.

- (2) Consent is granted to Modification Application DA-272/2019/2, as amended, for alterations and additions to the existing terrace dwelling at 7 Paddington Street, Paddington, subject to conditions set out in Annexures A and B
- (3) The exhibits are returned, except for C, 1 and 2.

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**M Pullinger**

**Acting Commissioner of the Court**

[Annexure A \(155858, pdf\)](#)

[Annexure B \(570363, pdf\)](#)

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