

**Original signed by: Robyn Pearson Dated: 17//2020**

Timothy Richard Keith  
56 Cowdroy Avenue  
CAMMERAY NSW 2062

D153/19  
MS3(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 153/19/2 – APPROVAL**

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**Development Consent Number:** 153/19/2

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**Land to which this applies:** 56 Cowdroy Avenue, Cammeray  
Lot No.: 32, DP: 8933

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**Applicant:** Timothy Richard Keith

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**Proposal:** S4.55(2) Modification to development consent for alterations and additions to an existing dwelling house and construction of a boat shed.

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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. **153/19** and registered in Council's records as Application No. **153/19/2** relating to the land described as **56 Cowdroy Avenue, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 September 2019, has been determined in the following manner: -

**A. Condition A2 is to be added as follows**

**A2 Development in Accordance with Plans (s4.55 Amendments)**

Plan No.	Issue	Title	Dated	Drawn by	Received
1.00	F	Site Plan	11/12/2019	Regional Design	20 December 2019
1.01	G	Roof Plan	11/12/2019		
1.02	G	Second Floor Plan	11/12/2019		
1.03	G	First Floor Plan	11/12/2019		
1.04	G	Ground Floor Plan	11/12/2019		
1.05	E	Pool Deck Plan	20/09/2019		
2.01	F	North and East Elevation	11/12/2019		

2.02	E	West and South Elevation	11/12/2019		
3.01	F	Section 01 + 02	11/12/2019		

**B. Condition C1 is to be deleted including the following all sub-parts:**

- C1(a)
- C1(b)
- C1(c)
- C1(d)
- C1(e)
- C1(f)
- C1(g)

**C. Condition C2(d) is to be deleted and replaced as follows:**

- (d) The landscaping within the planter boxes on the western edge of both the ground floor and first floor balconies must contain appropriate screening landscaping capable of growing to a minimum height of 1.5m above the finished floor level of each respective balcony and the landscaping must be maintained for the life of the development.

**D. Condition G8 is to be added as follows**

**Compliance with Certain Condition C2(d)**

- G8 Prior to the issue of any Occupation Certificate, Condition C2(d) must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

**E. Condition I2 is to be added as follows:**

**Maintenance of Privacy Screening Landscaping**

- I2 The landscape screening referenced in condition C2(d) is to be maintained for the life of the development.

(Reason: To ensure that overlooking to the adjoining property at 54D Cowdroy Avenue, Cammeray is minimised)

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**Reason for approval:**

The proposed modifications have been proposed in response to the conditions of consent imposed on D153/2019. The modifications seek to satisfy the intent of the conditions whilst proposing alternate design elements to improve the amenity of the dwelling and its presentation to the streetscape and the foreshore.

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The additional site coverage proposed would not increase the density or overall scale of development on the site. The additional bulk that would be created relates to roof awnings and balcony areas that are otherwise open structures. The additional balcony area would provide access across to the pool level below and allows the installation of landscape screening to replace privacy screens which would also soften the built form. The greater articulation of the built form and introduction of architectural elements consistent with the character of the street and the approved dwelling are considered beneficial additions and therefore acceptable despite the increase in site coverage that would occur as a result. Unnecessary areas of additional site coverage or unbuilt upon area were removed through the approval of the original application and therefore there is no further scope to reduce other areas of site coverage.

The reinstatement of the returns on the western side of the balcony has been considered with regard to the potential impact to the availability of water views and solar access for the adjoining property. The introduction of landscaping along the edge of these balconies provides an alternate methodology to ensure visual privacy is maintained and would contribute to the overall landscape character of the foreshore area when viewed from both the waterway and the adjoining property.

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

The application to modify development consent D153/2019 was notified from 17 January 2020 until 31 January 2020. However, no submissions were received. Conditions of consent were imposed on the consent to ensure that the amenity of surrounding dwellings was retained, and construction impacts are managed.

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The conditions attached to the original consent for Development Application No. 153/19 by endorsed date of 4 September 2019 still apply.

**ADVISINGS**

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

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DATE

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Signature on behalf of consent authority  
**ROBYN PEARSON**  
**TEAM LEADER(ASSESSMENTS)**