

SWA Group  
Suite 12, 16-18 Malvern Avenue  
CHATSWOOD NSW 2067

D213/16  
LH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 213/16/2 – APPROVAL**

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**Development Consent Number:** 213/16/2

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**Land to which this applies:** 55 Cowdroy Avenue, Cammeray  
Lot No.: 42A, DP: 14815

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**Applicant:** SWA Group

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**Proposal:** To modify Development Consent DA213/16 with regards to various changes to an approved dwelling development.

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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. **213/16** and registered in Council's records as Application No. **213/16/2** relating to the land described as **55 Cowdroy Avenue, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 February 2017, has been determined in the following manner: -

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

**Development in accordance with plans/documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp as follows:

Plan	Rev	Title	Dated	Prepared by	Received
A.004	E	Site coverage & Landscaped area	16/1/2017	Architecture Urbaneia	16/1/2017
A.101	D	Ground floor	30/11/2016	Architecture Urbaneia	16/1/2017
A.102	D	Level 1	30/11/2016	Architecture Urbaneia	16/1/2017

A103	D	Level 2	30/11/2016	Architecture Urbaneia	16/1/2017
A104	C	Level 3	2/11/2016	Architecture Urbaneia	16/1/2017
A105	D	Level 4	16/1/2017	Architecture Urbaneia	16/1/2017
A106	E	Roof plan	16/1/2017	Architecture Urbaneia	16/1/2017
A150	F	North elevation	16/1/2017	Architecture Urbaneia	16/1/2017
A151	F	South elevation	16/1/2017	Architecture Urbaneia	16/1/2017
A152	E	East elevation	16/1/2017	Architecture Urbaneia	16/1/2017
A153	E	West elevation	16/1/2017	Architecture Urbaneia	16/1/2017
A160	C	Long section	16/1/2017	Architecture Urbaneia	16/1/2017
A161	F	Long section	16/1/2017	Architecture Urbaneia	16/1/2017
A162	F	Cross section	16/1/2017	Architecture Urbaneia	16/1/2017
A190	D	3D View 1	16/1/2017	Architecture Urbaneia	16/1/2017

Except as amended in highlighting on the following plans:

<b>Plan</b>	<b>Issue</b>	<b>Title</b>	<b>Dated</b>	<b>Prepared</b>	<b>Received</b>
DA-12	B	Ground level floor plan	26/2/2020	SWA Group	26/2/2020
DA-13	B	Level 1 floorplan	26/2/2020	SWA Group	26/2/2020
DA-14	B	Level 2 Floorplan	26/2/2020	SWA Group	26/2/2020
DA-15	B	Level 3 Floorplan	26/2/2020	SWA Group	26/2/2020
DA-16	B	Level 4 Floorplan	26/2/2020	SWA Group	26/2/2020
DA-21	B	North Elevation	26/2/2020	SWA Group	26/2/2020
DA-22	B	South Elevation	26/2/2020	SWA Group	26/2/2020
DA-23	B	East Elevation	26/2/2020	SWA Group	26/2/2020
DA-24	B	West Elevation	26/2/2020	SWA Group	26/2/2020
DA-31	B	Section A	26/2/2020	SWA Group	26/2/2020
DA-32	B	Section B	26/2/2020	SWA Group	26/2/2020

Except where amended by the following conditions of this consent.

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

**2. To modify Condition A3 as follows:**

**External finishes and materials**

A3. External finishes and materials must be in accordance with the submitted schedule on Drawings DA21B, DA22B, DA23B and DA24B, dated 26/2/2020, prepared by SWA Group and received by Council on 26/2/2020, unless otherwise modified by Council in writing.

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

**3. To add new Condition C31 as follows:**

**Highlight windows to bedrooms 3 and 4**

C31. Highlight windows having a minimum sill height of 1.5m above floor level shall be provided in the east facing façade of bedrooms 3 and 4 on level 1. The Certifying Authority must ensure that the specifications submitted, accompanying the issued Construction Certificate, fully satisfy this condition.

(Reason: To ensure adequate light and ventilation is provided to habitable rooms)

**Reason for approval:**

The proposed modifications have been considered against the relevant provisions of the Environmental Planning and Assessment Act 1979, North Sydney Local Environmental Plan 2013 and Development Control Plan 2013 and all other relevant statutory Instruments and is considered to satisfactorily address those requirements.

The proposed modifications retain the essence of the originally approved development and would not result in any material adverse amenity impact to adjoining properties or the surrounding area. The proposed modifications are therefore considered to be acceptable.

Having regard to the provisions of section 4.55(2) & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally approved.

The application is therefore recommended for **approval**.

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

Adjoining properties and the Bay Precinct were notified of the proposed development between 11/10/2019 – 25/10/2019.

A notice was placed in the Mosman Daily on 10 October 2019. No submissions were received.

Amended plans submitted on 27/2/2020 were not required to be notified in accordance with the Community Engagement Protocol.

The conditions attached to the original consent for Development Application No. 213/16 by endorsed date of 1 February 2017 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. 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  
**LARA HUCKSTEPP  
EXECUTIVE PLANNER**