

Belinda Walter  
Atlas Urban  
Suite 1, Level 1, 136 Willoughby Road  
CROWS NEST NSW 2065

D106/18  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 106/18/2 - APPROVAL**

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**Development Consent Number:** 106/18/2

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**Land to which this applies:** 29 Cowdroy Avenue, Cammeray  
Lot No.: 54A, DP: 14815

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**Applicant:** Belinda Walter

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**Proposal:** Modification of consent to enable partial demolition of existing garage to provide for construction of alterations and additions to dwelling house and reinstatement of the garage.

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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. **106/18** and registered in Council's records as Application No. **106/18/2** relating to the land described as **26 Cowdroy Avenue, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 August 2018, has been determined in the following manner:

**1. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

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

Drawing Number	Revision	Title	Drawn by	Dated
A-001	DA-3	Site Plan	BW	07/09/2018
A-100	DA-3	Garage Level Plan	BW	07/09/2018
A-101	DA-3	Entry Level Plan	BW	07/09/2018
A-102	DA-3	Ground Floor Plan	BW	07/09/2018

A-103	DA-3	First Floor Plan	BW	07/09/2018
A-200	DA-3	North Elevation	BW	07/09/2018
A-201	DA-3	South Elevation	BW	07/09/2018
A-202	DA-3	East Elevation	BW	07/09/2018
A-203	DA-3	West Elevation	BW	07/09/2018
A-204	DA-3	Western Pool Elevation	BW	07/09/2018
A-300	DA-3	Section A	BW	07/09/2018
A-301	DA-3	Section B	BW	07/09/2018
A-302	DA-3	Section C	BW	07/09/2018
A-304	DA-3	Eastern Pool Elevation	BW	07/09/2018
A-304	DA-3	Swimming Pool Cross Section	BW	07/09/2018
LS01, Sheet 1 of 1	DA-3	Landscape Plan	Melissa Wilson	04/09/2018

except as modified as such on the following drawings for DA 55/20/2:

Drawing Number	Issue	Title	Drawn by	Dated
A-001	4.55	Site Plan	Belinda Walter	04/12/2021
A-100	4.55	Garage Level Plan	Belinda Walter	04/12/2021
A-101	4.55	Entry Level Plan	Belinda Walter	04/12/2021
A-200	4.55	North Elevation	Belinda Walter	04/12/2021
A-301	4.55	Section B	Belinda Walter	04/12/2021

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

**Reason for Approval:**

The proposed modifications satisfy the provisions of Section 4.55(2) in that the proposed development remains substantially the same as what was approved by DA 106/18. The proposed modifications will not alter the use of the development as originally approved and amenity impacts remain acceptable. The proposed modifications would not significantly change the level of compliance with the relevant development standards and controls as contained in NSLEP 2013 and NSDCP 2013.

The proposed modifications to partially demolish and then reconstruct the existing garage on Cowdroy Avenue will help facilitate construction of the works approved under DA 106/18 and will not have any impact upon the neighbourhood character or the Cammeray Neighbourhood. The proposal also remains consistent with the objectives of the C4 Environmental Living zone and the original reasons for granting consent.

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The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved.

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

The subject application was notified to adjoining properties and the Bay Precinct Committee seeking comment, and no submissions were received. Nevertheless, it is considered that the proposed modifications would not substantially alter the impacts of what has already been approved under the original consent and would not cause any unreasonable impacts to the streetscape and/or adjoining properties.

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The conditions attached to the original consent for Development Application No. 106/18 by endorsed date of 21 August 2018 still apply.

**ADVISINGS**

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

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DATE

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