

24224

10 April 2026

Brent Pearce  
Executive Development Assessment Officer  
Ku-ring-gai Council

Dear Brent,

### **Section 37 Amendment to DA - eDA0485/25 at 46-50 Cowan Road, St Ives**

On behalf of 50 Cowan Road St Ives Pty Ltd, an entity of Traders in Purple (the applicant), formal amendment to eDA0485/25 is sought in accordance with s37 of the Environmental Planning and Assessment Regulation 2021. The amendments to the proposal have arisen to respond to Council and community concerns raised during the assessment of the Development Application (DA).

The changes requested to the development application are set out below, and the proposal as amended is outlined in the supporting Statement of Environmental Effects, updated plans and technical reports.

#### **Amended Project Description**

The project description is to be updated to reflect the following:

- Site preparation works including the removal of 1 tree.
- Bulk excavation to accommodate the three (3) storey basement structure.
- Construction of two (2) x six (6) storey residential flat buildings.
- On-site car parking and loading within three (3) basement levels comprising 178 car spaces, accessed from Cowan Road.
- Landscaping.
- Extension and augmentation of infrastructure and utilities as required.

#### **Changes to the Proposal**

In broad terms, the amended proposal incorporates a series of meaningful design changes, including:

- a reduction in building height,
- refinement of the built form to ensure compliance with the floor space ratio control,
- improved solar access outcomes,
- relocation of the driveway,
- increased tree retention,
- reduction of basement encroachment within the setbacks,
- a substantial increase in deep soil,
- improved façade articulation, and
- amendments to internal layouts.

These changes improve the integration of the development with the surrounding context and to protect the amenity of the surrounding residents.

The following inputs have been updated to support the amended proposal:

- Addendum Statement of Environmental Effects
- Appendix B – Amended Architectural Plans
- Appendix C – Amended Design Report
- Appendix D – Amended Design Verification Statement
- Appendix E – Amended Development Control Plan

- Appendix G – Amended Clause 4.6 Variation Request
- Appendix H – Amended Arboricultural Impact Assessment
- Appendix I – Amended Transport Impact Assessment
- Appendix J – Amended Landscape Plans
- Appendix M – Amended Stormwater Report
- Appendix N – Amended Acoustic Assessment
- Appendix O – Amended Waste Management Plan
- Appendix P – Amended Accessibility Report
- Appendix Q – Amended BCA Report
- Appendix T – Amended BASIX and Thermal Comfort Assessment Report
- Appendix W – Amended BASIX Certificate

### Closing

Based on the overview of the updated proposal set out in this letter, and in accordance with s37 of the Regulations, Traders in Purple seek authorisation from the Sydney North Planning Panel (SNPP), as per the decision made on 12 March 2026, to lodge a formal amendment to e-DA0485/25 such that assessment of the proposal can be re-commenced.

As mentioned above, assessment of the amended scheme has been undertaken in the amended Statement of Environmental Effects and supporting plans and technical reports.

As discussed, due to the interaction between the SNPP process and the deemed refusal proceedings in the Land and Environment Court, which were occurring in parallel, the Applicant initially considered it appropriate not to upload the documents to the Planning Portal until Council clarified whether doing so would affect the deemed refusal process.

The Applicant notes that sections 37 and 38 of the Regulation provide that the Planning Portal requirements do not apply to development applications that are the subject of proceedings before the Court. On that basis, the amendment package was submitted to Council and the Panel by email on 18 March 2026, within the timeframes required by the SNPP, allowing Council to undertake internal referrals and notify the amendments without portal lodgement.

The Applicant does not wish to delay re-notification or the ongoing assessment of the application. Accordingly, the amendment package has now been uploaded to the Planning Portal.

Should you have any questions or require clarification please contact myself or Eliza Hannah at the details below.

Kind regards,



**Michael Rowe**

**Director**

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