



NSLPP MEETING HELD ON 7/04/21

Attachments:

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement (Building Height)

ADDRESS/WARD: 2A Cowdroy Avenue, Cammeray (T)

APPLICATION No: DA 1/21

PROPOSAL: Alterations and additions to a four storey detached dwelling to provide a new replacement roof , a double garage and a carport to Cowdroy Avenue.

PLANS REF: Drawings numbered DA002 Rev C, DA003 Rev C, DA004 Rev C, DA005 Rev D, DA006 Rev D , DA007 Rev C, DA015 Rev D, DA016 Rev D, all dated 17/3/2021 and prepared by COSO Architecture.

OWNER:

[REDACTED]

APPLICANT: Wail El Waili C/o COSO Architecture

AUTHOR: Robin Tse, Senior Assessment Officer

DATE OF REPORT: 24 March 2021

DATE LODGED: 5 January 2021

RECOMMENDATION: Approval (Deferred Commencement)

EXECUTIVE SUMMARY

This development application seeks NSLPP approval for alterations and additions to an existing four (4) storey detached dwelling at No.2A Cowdroy Avenue, Cammeray to provide a new replacement roof, a double garage and a carport to Cowdroy Avenue.

The application is referred to the North Sydney Local Planning Panel for determination because the variation sought to the building height development standard is greater than 10% which requires determination of the application by the Panel in accordance with the directions from the Minister of Planning, Industry and Environment.

The notification of the original application and the amended plans has attracted a total of two (2) submissions raising concerns about the adverse amenity impacts on the adjoining properties and the need for animal barriers between the subject site and an adjoining property.

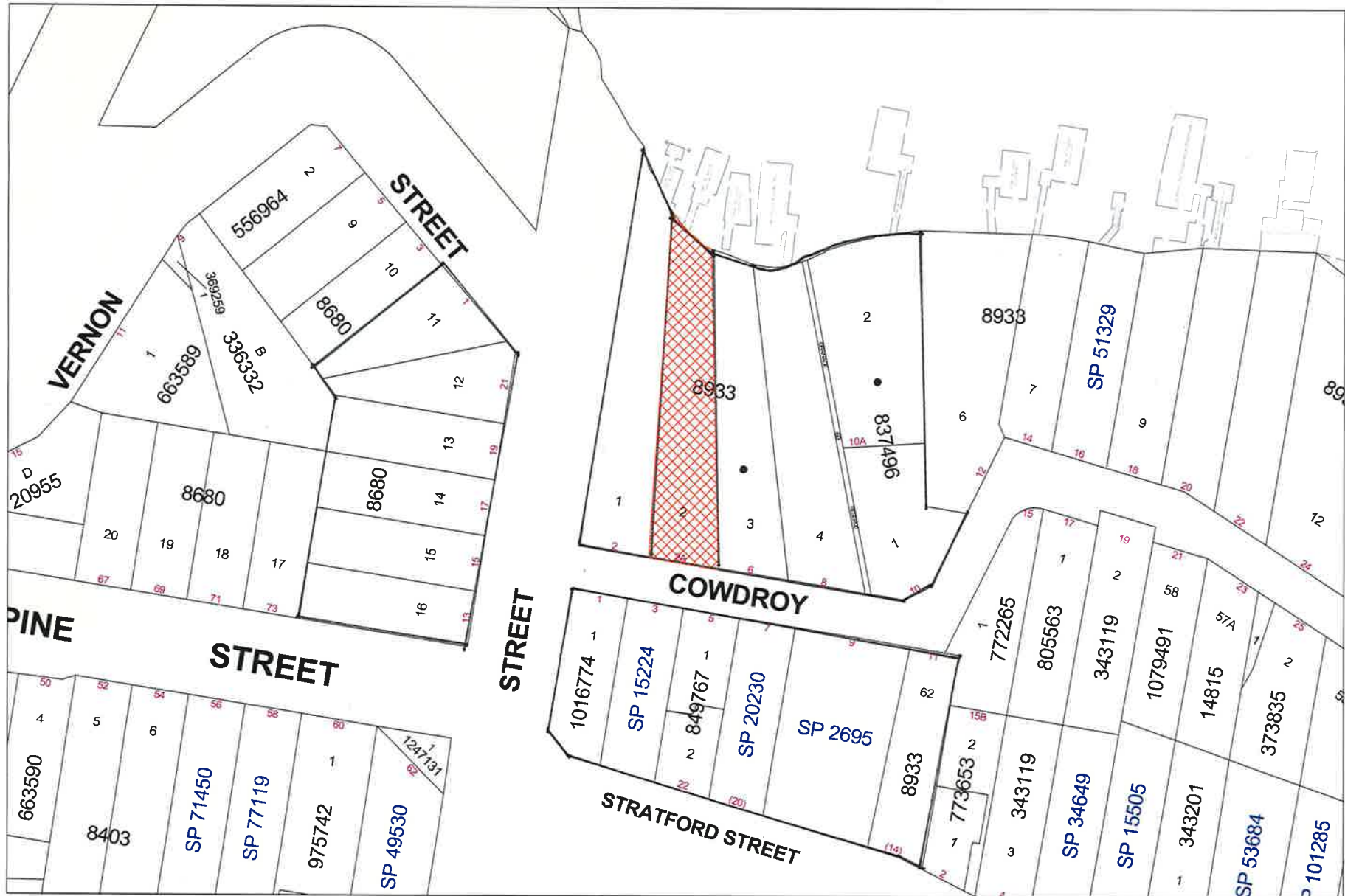
The proposed development has been assessed against NSLEP 2013 and NSDCP 2013 and was generally found to be a satisfactory in the site circumstances subject to the imposition of a deferred commencement condition requiring design modifications to the proposed carport to minimise the bulk and scale of the proposed structures along Cowdroy Avenue frontage (**Condition AA1(a)**).




The subject site is zoned E4 (Environmental Living) which prohibits dual occupancies. A development consent issued in 1987 for the subject site granted consent for the use of the building as a single dwelling and required the termination of a strata plan previously applied to the subject site. It is recommended that an on-going/operational condition be imposed requiring the subject premises be used as a single occupancy (**Condition I1**) to ensure that the use of the dwelling is consistent with the permissible use of land within the E4 (Environmental Living) zone and previous development approvals.

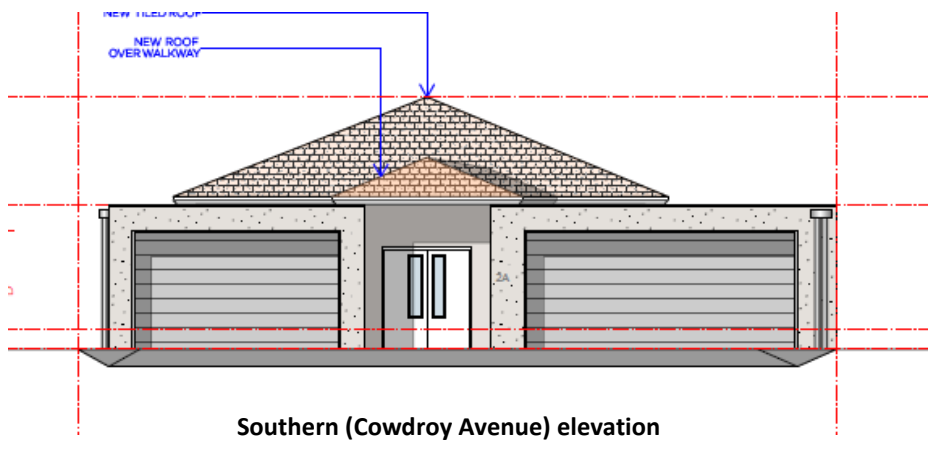
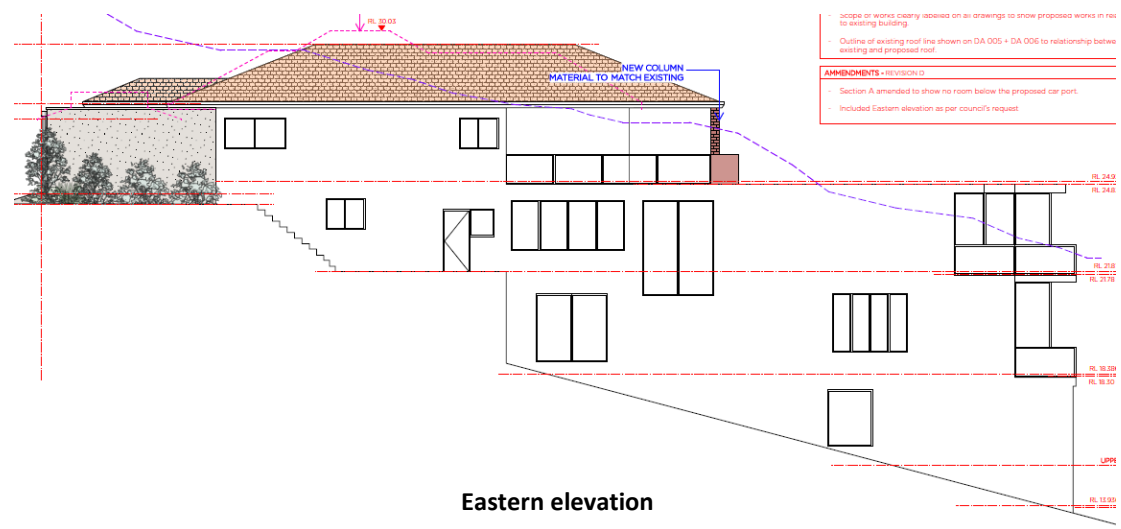
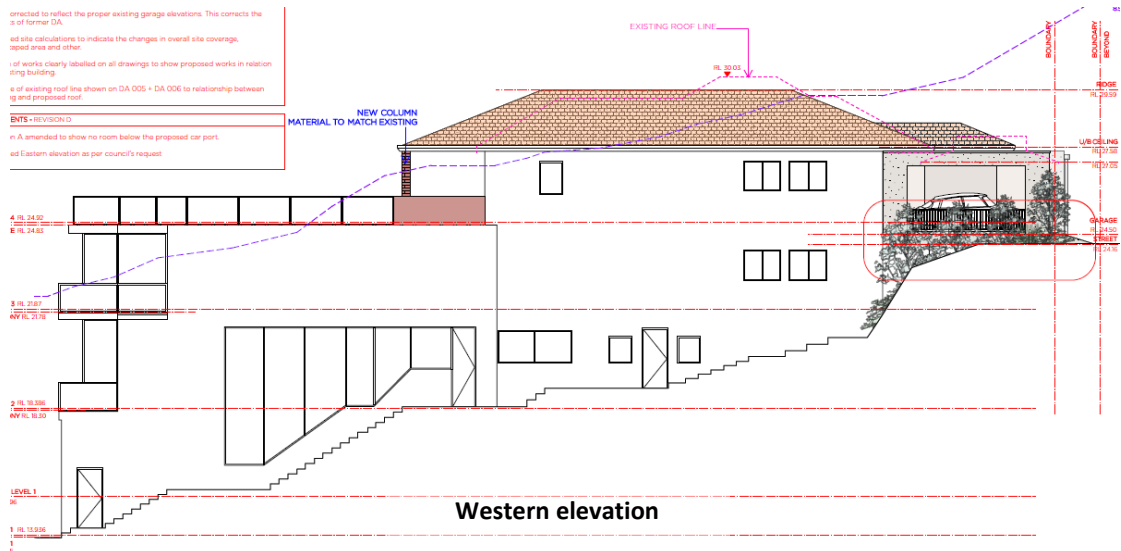
Consideration has also been given to the Clause 4.6 request for a variation to the LEP's building height development standard as submitted by the applicant. The variation to the building height development standard is justifiable because the building element above the LEP maximum building height is unlikely to have an impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and the loss of privacy.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to conditions of consent.

LOCATION MAP



 Property/Applicant ● Submitters - Properties Notified  



Figures 1 – 5: Proposed Development including a carport & a double garage

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – E4 Environmental Living Zone
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No

Environmental Planning & Assessment Act 1979

SEPP No. 55 – Remediation of Land/Draft SEPP (Remediation of Land)

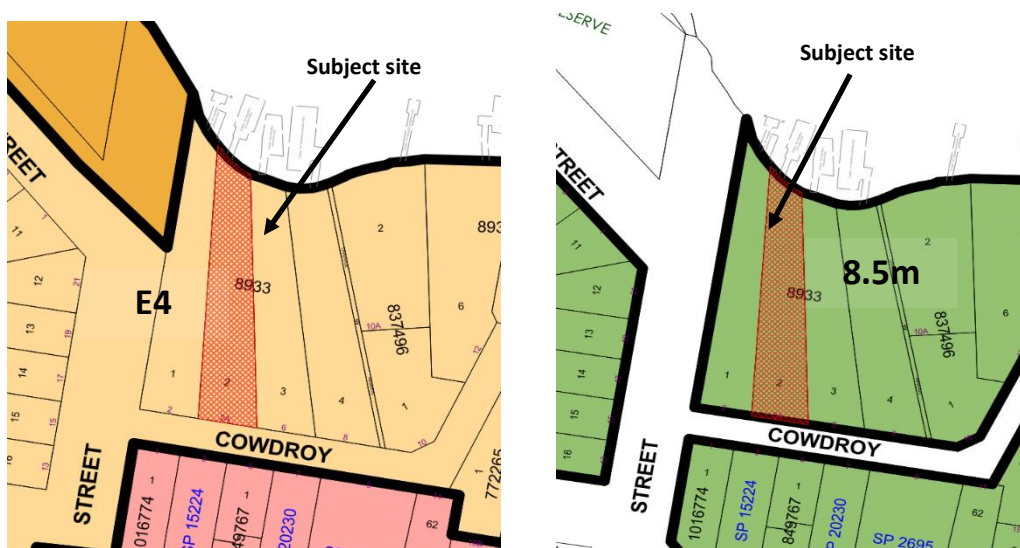
SREP (Sydney Harbour Catchment) 2005

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Vegetation in Non-rural area) 2017

Draft SEPP (Environment)

Local Development



Figures 6 & 7: Zoning Map & Height Map

POLICY CONTROLS

NSDCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is located on the northern (low) side of Cowdroy Avenue with a legal description as Lot 2 in DP 8933 and known as No 2A Cowdroy Avenue, Cammeray. The property is elongated and irregular in shape and slopes away from the Cowdroy Avenue boundary to the Long Bay foreshore with a fall of up to 22m providing a total site area of 847.3m².

A search of Council's records also revealed that the subject site was previously known as No.4 Cowdroy Avenue with a legal description of SP 3234.

Currently located on the subject site is a four (4) storey residential building with two (2) double carports on each side of the street elevation. It is noted from the internal floor plans of the building that a self-contained residential unit is provided on the top level (referred as the flat floor on the submitted architectural plans) of the building.

This residential unit on Level 4 forms part of the 1987 Building Application approval for the conversion of the original apartment building containing two (2) units to a single dwelling with a new three (3) storey addition to the north (rear) of the building. This 1987 Building Approval also required a strata plan previously applied to the subject site be terminated and replaced by the current deposited plan to ensure that the use of the building would be consistent with the approved single dwelling use. Further information is provided under the heading “Relevant History” later in this report.

In addition, construction works have been carried out on site for various works approved under a Complying Development Certificate (17/0467/01).

Further details relating to the development history of the subject site is provided later in this report under the heading “Relevant History”.



Figures 8 & 9 – Existing Dwelling

Surrounding development is predominately residential with large detached residential dwellings including a number of attached dual occupancies/apartment buildings.

A large four storey detached dwelling and a double garage to Cowdroy Avenue is located to the east of the subject site at No.6 Cowdroy Avenue.

Construction works for an approved detached dwelling is underway within the adjoining property to the west of the subject site at No.2 Cowdroy Avenue.



Figure 10: The Locality

The land to the south of the subject site across the street contains a two storey attached dual occupancy at No.3 Cowdroy Avenue and a detached dwelling at No.5 Cowdroy Avenue.

Council's Mortlock Reserve is located further to the north-west of the subject site.

RELEVANT HISTORY

Previous Applications/Incidents:

| Date | Event |
|--------------------------|---|
| 6 April 1948 | Development Consent (48/252) was granted for the construction of a two (2) storey residential flat building containing 2 x two bedroom units with an underfloor laundry. This building was located on the southern side of the subject site (formerly known as No.4 Cowdroy Avenue). |
| 10 September 1981 | Development Consent (1386/81) was granted for alterations and additions to the duplex flat building at No.4 Cowdroy Avenue to provide an extension to a family room within the underfloor area of the lower unit. |

| | |
|-------------------------|--|
| 11 April 1983 | Approval for a Building Application (81/633) was granted for alterations and additions to the duplex flat building at No.4 Cowdroy Avenue to provide an extension of a family room within the underfloor area of the lower unit. |
| 21 October 1987 | Approval for a Building Application (87/468) was granted by Council for the conversion of the duplex/residential flat building to a single dwelling, with an extension at the rear of three floors with a roof deck. The approved dwelling contained three levels of residential accommodation and a caretaker's unit above on the top (fourth) level. Condition No.17 of the Building Permit required the termination of the strata plan (SP3234) applied to the original residential flat building that occupied the southern side of the subject site (formerly known as No.4 Cowdroy Avenue). |
| 12 April 1988 | Approval for a Building Application (87/1104) was granted by Council for the construction of a swimming pool. The application was approved on the basis that the height of the swimming pool deck would match that of the swimming pool within the adjoining property to the east at No.6 Cowdroy Avenue. |
| 21 November 1990 | Approval was granted by the Maritime Services Board for the installation of shared facilities including a skid, jetty, ramp, pontoon and piles on the waterfront of Nos. 2 and 2A (formerly known as No.4) Cowdroy Avenue. |
| 10 October 1991 | Approval for Building Application (91/404) for the construction of two carports on the street elevation was granted by Council.` |
| 18 November 1991 | The Supreme Court of NSW (Equity Division) ordered the termination of Strata Pan 3234 at No.4 Cowdroy Avenue pursuant to S51(4) of the Strata Title Act 1973. Subsequently the address of the subject property was changed to No.2A Cowdroy Avenue. |
| 26 March 1992 | Building Certificate (No.32) was issued for the whole of the Class 1 building comprising the brick and concrete dwelling and the timber carports but excluding the swimming pool. |
| 29 November 2018 | Complying Development Certificate (17/0467/01) was granted by Building Certificates Australia Pty Ltd under Part 4 of SEPP (Exempt and Complying Development Codes) for internal works to the existing dwelling at No.2A Cowdroy Avenue. |
| 15 April 2020 | <p>A deferred commencement development consent (D200/19) was granted by the NSLPP for alterations and additions to an existing dwelling house was lodged with Council.</p> <p>The deferred commencement conditions require the following:</p> <ul style="list-style-type: none">(a) Modifications to the design of the garages to Cowdroy Avenue to provide a double garage on the eastern side and an open carport on the western side with an open entrance pathway to the dwelling entrance; |

| | |
|--|--|
| | <ul style="list-style-type: none">(b) Deletion of swimming pool deck;(c) Revisions to the landscape plan;(d) Installation of privacy screens;(e) Removal of the Level 4 unauthorised wall on the eastern elevation of the main dwelling;(f) Modifications to the design of the roof in order to reduce its bulk and scale; and(g) Deletion of a separate doorway linking the Level 4 kitchen and proposed western covered garage. |
|--|--|

The development application currently under consideration includes most of the elements in the above consent. Consequently, it is recommended that the above application be surrendered to provide certainty and clarity for the subject site. **(Condition C19)**

Current Application:

| Date | Event |
|-------------------------------|---|
| 5 January 2021 | The subject development application (D1/21) for alterations and additions to an existing dwelling house was lodged with Council. |
| 27 January 2021 | A letter was sent to the applicant requesting the submission of additional information, including revised plans and a site coverage/unbuilt upon area/landscaped area compliance diagram to facilitate the notification of the application. |
| 11 February 2021 | The applicant submitted the requested information. |
| 12 to 26 February 2021 | Council notified the subject application to adjoining property owners and the Bay Precinct. The notification of the application has attracted two (2) submissions. |
| 17 March 2021 | The applicant submitted further information and updated drawings to clarify the proposed works on the eastern elevation of the existing dwelling. |

COMPLIANCE ACTIONS

Council's Building Compliance Unit carried out compliance investigation in November 2019 and identified the following unauthorised works:

- (a) A masonry external wall and two windows along the eastern side of the terrace on Level 4 adjacent to bedroom 2;
- (b) Glazed bi-fold doors along the northern side creating a new habitable room; and
- (c) Two (2) masonry columns on the roof terrace on Level 4.

A Stop Work Order relating to the above unauthorised works was issued on 13 November 2019.

It is noted that the windows on top of the eastern masonry wall (item a) and the masonry columns (item c) have since been removed.

REFERRALS - INTERNAL

Building

The application has not been assessed in respect of the National Construction Code (NCC), however, a condition of consent requiring compliance with the NCC is recommended. Should significant amendments be needed for the release of a Construction Certificate, a Section 4.55 modification may be required.

Engineering

The application was referred to Council's Development Engineer given the nature of the application including a new carport/garage on Cowdroy Avenue frontage.

Whilst there is no in-principle objection to the proposal in engineering terms, an amendment would be required to the floor level of the proposed carport/garage in order to facilitate the design of the new driveway crossings to Cowdroy Avenue in accordance with the relevant Australian Standards and Council requirements.

Comment:

Council's Development Engineer's comments are noted. As detailed later in this report further design modifications are required for the proposed carport/garage, demonstrating compliance with the relevant Australian Standards and Council requirements is recommended as part of the deferred commencement requirements (**Condition AA1(e)**).

SUBMISSIONS

The application was notified to adjoining properties and the Bay Precinct Committee for a between 12 and 26 February 2021. The notification has attracted two (2) submissions raising the following concerns.

Basis of Submissions

- The current application is similar to the previous application in 2020.
- The new roof would still substantially exceed the building height control.
- The construction works have caused significant nuisance to neighbouring residents.
- Construction works should be finalised and streetscape return to normal as soon as possible.
- The submitter requested the construction of a barrier along the property boundary to prevent animals (such as possums) gaining access to the vegetable garden on top of the garage within the adjoining property to the east.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

SREP (Sydney Harbour Catchment) 2005

The subject site is located within the SREP 2005 Foreshore and Waterways Area.

Consideration has been given to the relevant provisions of the SREP as follows:

Part 1 - Preliminary

Clause 2 - Aims of Plan

The proposal would appear as a dwelling and generally supports the aims of the SREP for the protection of the foreshores and waterways.

Part 2 – Planning Principles

Consideration has been given to the following relevant planning principles and zone objectives as contained in the SREP:

Clause 14 Foreshores and Waterways Area - Planning Principles

- “(a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*
- (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,”*

Comment:

The proposal is unlikely to have adverse impact on the natural assets and the environmental qualities of Sydney Harbour and its islands and foreshores because the majority of the building works would be carried out away from the foreshore.

Furthermore, the design of the proposed development would be generally consistent with the existing large detached dwellings on the northern side of Cowdroy Avenue in terms of height, bulk/scale and appearance.

The proposal would not change the level of public access to the foreshore because currently there is no formal public access to the subject site, and this proposal would not alter this arrangement.

Part 3 – Foreshores and Waterways Area

Foreshore and waterways scenic quality

Clause 17 Zone Objectives – Scenic Waters Active Use (W6):

- (a) to allow a range of public and private water-dependent development close to shore only where it can be demonstrated that such development minimises alienation of waters in this zone from public use and is not constrained by shallow water depth, navigational conflicts or severe wave action,*
- (b) to minimise the number and extent of structures over waters in this zone through mechanisms such as the sharing of structures between adjoining waterfront property owners,*

- (c) *to ensure remnant natural features, aquatic habitat (including wetlands) and public access along the intertidal zone are not damaged or impaired in any way by development,*
- (d) *to minimise any adverse effect on views to and from waters in this zone and on the scenic values of the locality as a result of the size of vessels capable of being accommodated within the development.*

Comments:

The proposed development is generally consistent with the above zone objectives for the following reasons:

- (a) There is currently no formal public access to the foreshore to the north of the rear (northern) property boundary. The proposal would not result in material changes regarding public access to the foreshore.
- (b) The proposed development would not encroach onto the foreshores and the bulk, scale and appearance of the proposed development would be generally consistent with the surrounding developments as well as the character of the locality.

Clause 25 - Foreshore and waterways scenic quality

- (a) *the scale, form, design and siting of any building should be based on an analysis of:*
 - (i) *the land on which it is to be erected, and*
 - (ii) *the adjoining land, and*
 - (iii) *the likely future character of the locality,*
- (b) *development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries, ”*

Clause 26 - Maintenance, protection and enhancement of views

- (a) *development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) *development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) *the cumulative impact of development on views should be minimised.*

Comment:

The proposal would have no material impacts on the scenic quality and/or views of Sydney Harbour because the proposed development would be generally consistent with the surrounding developments, particularly the existing dwellings on the same (northern) side of Cowdroy Avenue, in terms of height, bulk and scale.

SYDNEY HARBOUR FORESHORES AND WATERWAYS AREA DCP 2005

Ecological Assessment

The subject site contains urban development with scattered trees, which attract low conservation values respectively under the Sydney Harbour Foreshores and Waterways DCP (Foreshores & Waterways DCP).

Consideration has been given to the relevant provisions in Section 2 of the Foreshores & Waterways DCP. It is considered that the proposal would have minimal ecological impacts as the proposal would be located entirely within the urban development community which has a low conservation value. The proposed works are also consistent with the relevant provisions relating to developments within areas of low conservation values as outlined in Section 2.4 of the Foreshore & Waterways DCP.

Landscape Assessment

The subject site is located in Landscape Character Area 3 in the Foreshores & Waterways DCP which aims *to allow suitable development that is of an appropriate scale whilst maintaining the natural shorelines and vegetation*. The proposal is consistent with the character statement and landscape performance criteria for this area with a development that has an appropriate form and scale with no works proposed on the foreshores.

Design Guidelines

The proposal has been assessed in accordance with the general requirements in Section 5 – Design guidelines – Land Based Developments of the Foreshores & Waterways DCP and is satisfactory. The proposal would be consistent with Sections 5.3 and 5.4 of the Foreshores & Waterways DCP relating to the sympathetic built form and design of developments.

As such, the proposed development satisfies the provisions as contained within SREP 2005 and the Foreshore & Waterways DCP.

SEPP 55 – Remediation of Land/Draft SEPP (Remediation of Land)

The subject site has been considered in light of the above SEPPs and the Contaminated Lands Management Act and the Draft SEPP (Remediation of Land).

It is noted that the site has been used for residential purposes for many years and Council's records do not indicate any likely source of land contamination. Furthermore, the proposed development does not involve any new earthworks.

Accordingly, the proposal is considered to be satisfactory having regard to SEPP55 and the draft SEPP (Remediation of Land).

SEPP (Building Sustainability Index: BASIX) 2004

The applicant has submitted a valid BASIX Certificate (A385912) that has been included in the recommended conditions of consent (**Conditions C18, G6**).

SEPP (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.

The proposal meets the objectives of the SEPP because the application does not involve clearance of existing native vegetation and would have no materials impacts on bushland (if any) in the vicinity of the subject site.

Draft SEPP (Environment)

This draft SEPP proposes to integrate the provisions of seven (7) SEPPs/SREPs including SREP (Sydney Harbour Catchment) 2005. The majority of the current provisions of SREP (Sydney Harbour Catchment) 2005 would be transferred to the draft SEPP with necessary updates and some amendments. The proposal would not offend the relevant provisions of the draft SEPP in general terms due to the nature of the proposed development as the appearance of the subject dwelling would generally be maintained and there would be negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

NORTH SYDNEY LEP 2013

1. Permissibility within the zone

The subject application involves alterations and additions to a detached dwelling that is a permissible form of development in the E4 – Environmental Living Zone.

It is noted that the subject dwelling contains a self contained flat with two bedrooms, a bathroom and a kitchen on the top (flat floor) level. A review of Council's record has indicated that approval for a Building Application (**87/468**) was granted by Council in October 1987 for the conversion of the duplex/residential flat building to a four (4) storey single dwelling with a three (3) storey addition at the rear of the existing building.

The layout of the approved dwelling contained three (3) levels of residential accommodation and a caretaker's unit above on the top (fourth) level. Condition No.17 of the Building Permit required the termination of the strata plan (SP3234) applied to the original residential flat building (formerly known as No.4 Cowdroy Avenue). The strata plan was terminated in March 1992.

A review of the submitted architectural and internal layout plans for subject application indicated that the current plans are generally consistent with the 1987 approved Building Application plans. Furthermore, the subject application does not involve changes to the internal layout of the existing dwelling.

In addition, the subject proposal primarily involves external works not associated with the use of the existing building. However the applicant has proposed a new doorway providing direct pedestrian access from the proposed eastern carport to the existing Level 4 unit. A deferred commencement condition is recommended for the deletion of this doorway to ensure that the premises would be used as a single dwelling (**Condition AA1(b)**). In addition, an on-going/operational condition is recommended requiring the subject premises be used as a single occupancy (**Condition I1**).

2. Zone Objectives

The objectives for an Environmental Living Zone (E4) are listed below:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

- To ensure that residential development does not have an adverse effect on those values.
- To ensure that a high level of residential amenity is achieved and maintained.

The subject dwelling is located away from the foreshores of Long Bay so as not to have any impact on marine life, aquatic vegetation and/or water quality. The proposed alterations and additions would not have any unreasonable impact upon adjoining properties for the reasons stated throughout this report.

The proposal, subject to the imposition of appropriate deferred commencement conditions requiring modifications to the proposed western carport (**Condition AA1(a)**), to reduce its bulk and scale thereby minimising its visual dominance of the streetscape. Consequently, the proposal would achieve the planning objectives for an E4 (Environmental Living) Zone.

NSLEP 2013 Compliance Table

| Principal Development Standards – North Sydney Local Environmental Plan 2013 | | | | |
|--|----------|----------|-------------|-------------------------------------|
| Site Area – 847.3m ² | Existing | Proposed | Control | Complies |
| Clause 4.3 – Heights of Building | 10.87m | 10.7m | 8.5m | NO (Clause 4.6 variation submitted) |

3. Building Height

The roof ridge of the existing dwelling has a maximum building height of 10.87m and does not comply with the LEP maximum building height limit due to the sloping landform of the subject site. The proposed roof would reach a maximum height of 10.7m resulting in a non-compliance with the LEP maximum height limit (8.5m) by a maximum of 2.2m as illustrated below (**Figure 9**).

It is also noted that the proposed roof would replace the existing one with an extension to the north by three (3) metres with the creation of a covered area to the north of the Level 4 living area and bedroom as shown in **Figure 9** below.

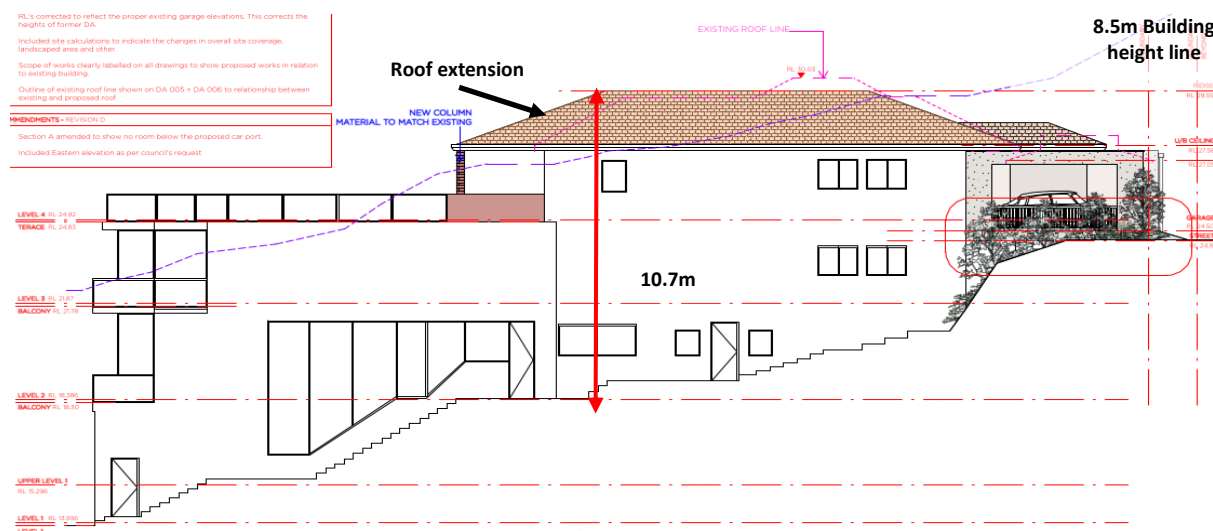


Figure 9: Western elevation and LEP building height control

The applicant has lodged a clause 4.6 statement seeking a variation to the height limit that is considered below in conjunction with the planning objectives for the height control.

(a) To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient.

The subject land falls significantly towards the northern (rear) boundary and the proposed roof generally respects the existing landform with a stepped built form.

(b) To promote the retention and, if appropriate, sharing of existing views,

A view assessment in accordance with the four (4) step process adopted by Commissioner Roseth of the NSW Land and Environment Court centering around *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* (also known as the Tenacity Test) is detailed below to ascertain the potential impacts on views currently enjoyed by the adjoining/nearby properties, particularly Nos. 2 and 6 Cowdroy Avenue to the east and west of the subject site.

Some of the photographs taken from the adjoining properties for the previous development application in 2020 have been used for the view assessment for the current application.

First Step:

“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible, is more valuable than one in which it is obscured.”

Comment:

No.2 Cowdroy Avenue (Under Construction)

Whilst a view assessment from the upper levels of the new dwelling at No.2 Cowdroy Avenue is not possible due to the current status of construction, a photo taken from the southern side of this adjoining property indicates that the impact of the proposed roof replacement would generally be a reduction in the view to the sky (**Figure 10**)



Figure 10: View as seen from the southern (higher) side of the adjoining property at No.2 Cowdroy Avenue

No.6 Cowdroy Avenue

The highlighted opening on the western elevation of a covered terrace on the top (Level 4) floor of No.6 Cowdroy Avenue currently has an outlook across the roof terrace of the subject dwelling to nearby vegetation and sky (**Figure 11**). The proposed development would have no impact on water and distract views as seen from the terrace towards the north (**Figure 12**).



Figure 11: Outlook from a west facing opening on the top floor covered terrace of No.6 Cowdroy Avenue



Figure 12: View from a north facing opening on the top floor covered terrace of No.6 Cowdroy Avenue

In addition, the view from the Level 3 kitchen window on the western elevation is currently obstructed by the existing dwelling. The proposed roof replacement would not significantly change this outlook apart from a small reduction in the outlook of the sky viewing upwards from this window. Furthermore, the kitchen window on the northern elevation would provide water views along Long Bay and skyline/district views (**Figure 13**).

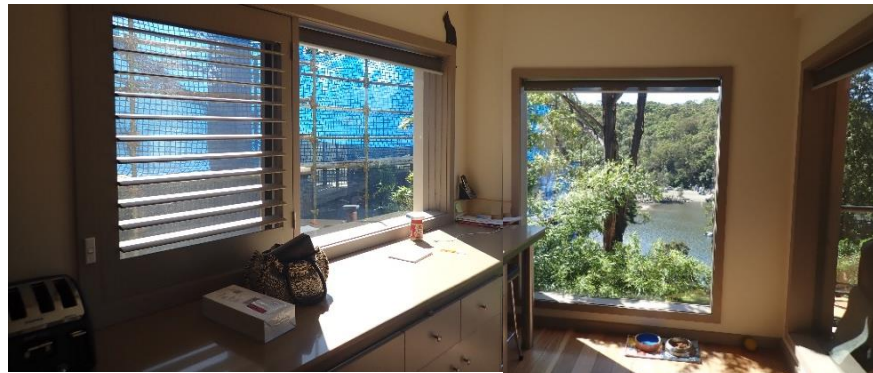


Figure 13: Views from Level 3 kitchen windows at No.6 Cowdroy Avenue

Second Step:

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

Comment:

No.2 Cowdroy Avenue:

The view/outlook from the windows on the eastern elevation of this adjoining property would be obtained across the side boundaries of the subject site from a standing position.

No.6 Cowdroy Avenue:

The views/outlook from the top floor covered terrace opening and the Level 3 kitchen window on the western elevation of No.6 Cowdroy Avenue are obtained across the side boundaries of the subject site from a standing position.

Third Step:

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Comment:

No.2 Cowdroy Avenue

It is noted that the proposed roof replacement would have negligible impact on the outlook from the windows on the eastern elevation of this adjoining property and the significant water and district views as seen through the northern window/opening of this room are to be retained.

No.6 Cowdroy Avenue

The proposed roof replacement would have no impacts on the significant water and district views as seen from the windows and openings on the northern elevation of the Level 3 kitchen and the Level 4 covered terrace. Whilst the proposed roof would cause some loss of the outlook to nearby vegetation and sky across the side boundary to the west, the view impact is considered to be minor.

Fourth Step:

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment:

No.2 Cowdroy Avenue

The proposed roof replacement would not cause a detrimental view impact for No.2 Cowdroy Avenue given that the significant water and district views towards the north from the lower ground level cabana would be retained.

No.6 Cowdroy Avenue

Whilst the northern section of the proposed roof would breach the LEP building height limit by up to 2.2m, the building elements above the LEP building height limit would not cause material loss of significant views as seen from No.6 Cowdroy Avenue given that the water and district views to the north are not affected by the proposal.

Conclusion

The Tenacity tests suggested that the view loss caused by the non-complying building elements above the LEP building height limit would be minor as the views currently enjoyed from north facing windows/openings of Nos.2 and 6 Cowdroy Avenue would generally be retained.

(c) To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,

The building elements in breach of the LEP building height limit, namely the northern section of the proposed replacement roof would not cause material overshadowing of the adjoining properties to the west at No.2 Cowdroy Avenue because the northern facing living areas would receive in excess of the required 3 hours of sunlight in mid-winter. The additional shadows caused by the non-complying roof would generally fall on the roof of the detached dwelling currently under construction.

The building elements in breach of the LEP building height limit would not cause material overshadowing of the adjoining properties to the east at No.6 Cowdroy Avenue because the north facing living areas and swimming pool would receive in excess of the required 3 hours of sunlight in mid-winter. The additional overshadowing of the western elevation of No.6 Cowdroy Avenue would occur after 1.30pm in mid winter on a bedroom window. It is however noted that the shadow would primarily be caused by complying building elements or existing building structures.

(d) To maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

The new building elements above the maximum height limit are unlikely to cause material privacy impacts for the adjoining properties because these elements form part of the new roof or currently used as the roof terrace.

(e) To ensure compatibility between development, particularly at zone boundaries,

(f) To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of an area

The proposal, as amended by conditions of consent, would not change the use of the land as a dwelling house and the design, scale and built form of the proposed works are generally consistent with large dwellings along the northern side of Cowdroy Avenue.

The building elements in breach of the LEP building height limit would not cause any material loss of solar access, adverse privacy loss and/or view loss as detailed later in this report. Consequently, the clause 4.6 submission is supported given that it would be unreasonable for Council to insist upon strict compliance when the objectives of the development standard are satisfied by the proposal.

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Strict compliance with the building height control is considered to be unreasonable and unnecessary as the elements in breach of the height control will not have a material impact upon the character of the locality and/or the amenity of adjoining properties.

The building elements above the LEP height limit would generally be similar to the existing roof given that it's a replacement roof in terms of its height and its design and would not result in any unacceptable loss of significant views, overshadowing or privacy impacts.

The built form of the proposed roof replacement is considered to be generally consistent with other existing dwellings along the northern side of Cowdroy Avenue.

That there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed roof replacement would improve the amenity and enjoyment of the future residents of the dwelling. The design of the proposed roof is generally in-keeping with the form of the existing roof as well as other roofs found within the locality. Furthermore, the non-complying building elements are unlikely to cause material impacts on the amenity of the main living areas within these adjoining properties as discussed throughout this report.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The written justification as submitted by the applicant seeking variation to Clause 4.3(2) in NSLEP 2013 is considered to be acceptable in the site circumstances. Compliance with the maximum building height control is therefore considered to be unreasonable and unnecessary in the circumstances, as the objectives of the zone and the control are achieved despite the non-compliance subject to the imposition of appropriate conditions of consent.

4. Excavation

The proposal does not involve significant earthworks apart from the footings for the proposed carport/garage to Cowdroy Avenue.

5. Foreshore Development

The proposed development does not encroach beyond the foreshore building line because the rear boundary setback of the existing dwelling would be maintained as demonstrated below (**Figure 14**).

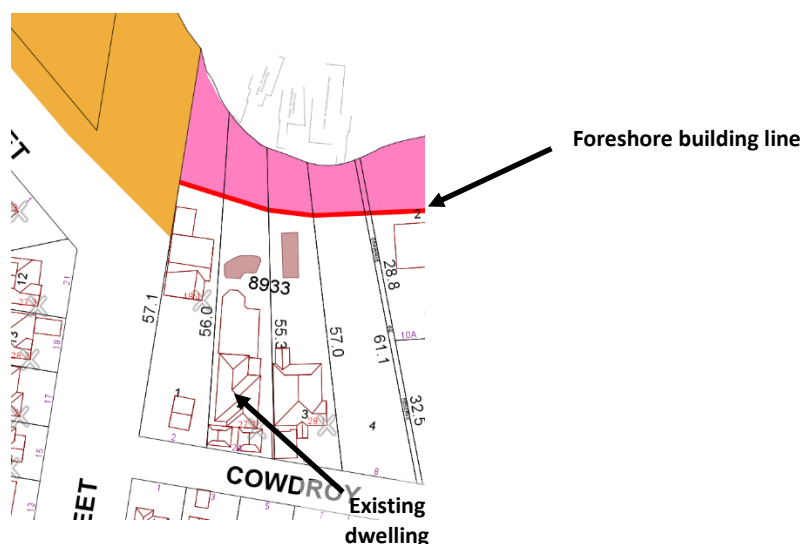
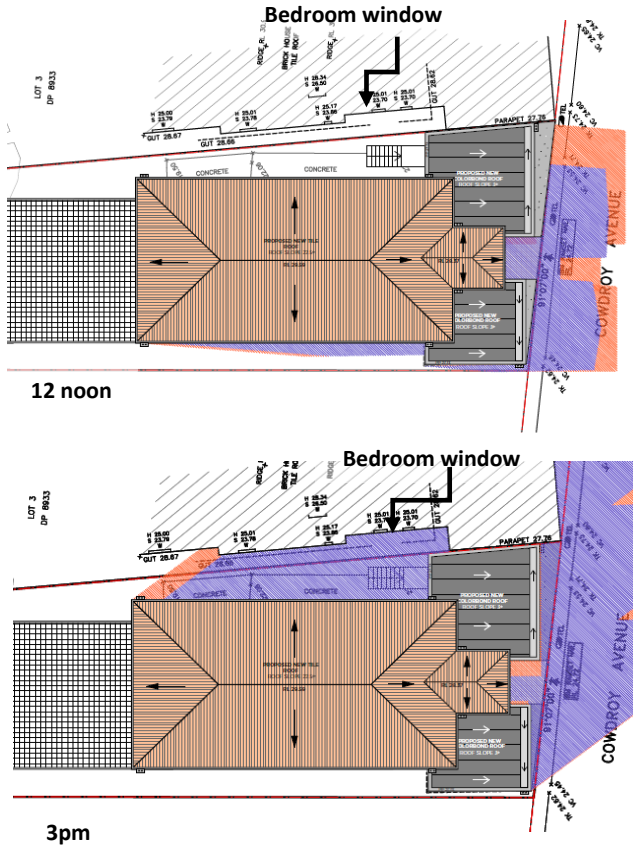


Figure 14: Foreshore Building Line


NORTH SYDNEY DCP 2013

Compliance Table

| DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development | | |
|--|-----------------|--|
| | <i>Complies</i> | <i>Comments</i> |
| 1.2 Social Amenity | | |
| Population Mix/ Maintaining Residential Accommodation | Yes | The proposal would have no impact upon population mix and the level of resident accommodation. |
| Affordable Housing for Seniors/Persons with disability | Yes | The proposal would replace an existing dwelling house, and would not cause a loss of affordable housing, housing for seniors and/or people with disabilities. |
| 1.3 Environmental Criteria | | |
| Topography | Yes | The proposal generally respects the topography of the subject site. |
| Foreshore Development | Yes | The proposal is consistent with the DCP requirements for the following reasons: (a) The proposal is consistent with the relevant provisions and requirements of SREP (Sydney Harbour Catchment) 2005 and Sydney Harbour Foreshores and Waterways Area DCP (2005) as detailed earlier in this report; (b) There would be no change to public access to the foreshores; (c) The proposal would not affect the existing sea walls, rock outcrops/sand stone platforms along the foreshore; and (d) The design of the proposed dwelling generally reflects the topography of the subject site. |
| Views | Yes | A detailed view assessment in accordance with the four (4) step process adopted by Commissioner Roseth of the NSW Land and Environment Court centering around <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> (also known as the Tenacity Test) has been carried out earlier in this report. The Tenacity test has found that the proposal would have no material view impacts for the adjoining properties. |

| | | |
|----------------------------|------------|--|
| <p>Solar Access</p> | <p>Yes</p> | <p><i>No.2 Cowdroy Avenue:</i></p> <p>An examination of the submitted shadow diagram has revealed that the proposed roof would cause additional overshadowing for the adjoining property to the west at No.2 Cowdroy Avenue between 9am and 11am during mid-winter. It is however noted that the additional shadows would primarily fall on the roof and blank walls on the eastern elevation of the new dwelling currently under construction at No.2 Cowdroy Avenue. The north facing windows and openings of this adjoining property would receive the required three (3) hours of sunlight in mid-winter.</p> <p><i>No.6 Cowdroy Avenue:</i></p> <p>Whilst the proposal will cast some additional shadows over the neighbouring property at No.6 Cowdroy Avenue to the east in midwinter, there will be no material impacts to the north facing windows of primary living spaces or primary outdoor areas/swimming pool on the northern side of the adjoining dwelling. These areas will continue to receive more than three hours of solar access in mid-winter.</p> <p>Solar access to a Level 3 bedroom windows on the western (side) elevation of No.6 Cowdroy Avenue, would be reduced by up to 30 minutes between 1.30pm and 2pm in mid-winter. The reduction in solar access to this window is considered to be acceptable because the window is located towards the southern end of the dwelling where solar access to this part of the dwelling is very difficult to protect due to the north-south orientation of the properties on the northern side of Cowdroy Avenue.</p> <div style="text-align: center;">  </div> <p><i>Figures 15- 16: Shadow diagrams in mid-winter for No.6 Cowdroy Avenue</i></p> |
|----------------------------|------------|--|

| | | |
|--------------------------------------|------------------------------------|--|
| <p>Visual Privacy</p> | <p>Yes (via condition)</p> | <p>Consideration has been given to the potential visual privacy impacts of the proposed development:</p> <ul style="list-style-type: none"> • <i>New Roof</i> – The proposed replacement roof and extension would have no adverse visual privacy impact on the adjoining properties to the east and west. • <i>Proposed covered terrace</i> – The area was originally used as a terrace with a cover on the eastern side, so, there would no material change to the visual privacy on the adjoining property to the east. • <i>Staircase and elevated passageway</i> – The proposed staircase would be located within 2.5m from a bedroom window within the adjoining property to the east. It is therefore recommended that a 1.5m high privacy screen be installed along the eastern edge of the proposed staircase and the elevated passageway connecting the staircase and the doorway on the eastern elevation to the second floor kitchen window (Condition AA1(c)). Furthermore, screen planting is also proposed as part of the landscaping response along the eastern property boundary to ensure visual privacy of the adjoining property (Condition AA1(d)). • <i>Proposed Carport/Garage</i> – The proposal is likely to improve visual privacy as compared to the existing fully unenclosed carports. <p>The proposed development, as amended by conditions of consent, is considered to be acceptable in terms of visual privacy.</p> |
| <p>Acoustic Privacy</p> | <p>Yes</p> | <p>Consideration has been given to the noise impacts of the proposal:</p> <ul style="list-style-type: none"> • <i>New Roof</i> - The proposed works involve the replacement of the existing roof and a 3m extension of the roof over the existing roof terrace. The proposed 3m extension would provide a covered area over the existing roof terrace, it is however noted that the roof terrace has been in use since the completion of the approved works for the 1987 DA in early 1990's, therefore, the proposal is unlikely to cause material noise nuisance for the adjoining properties. • <i>Proposed covered terrace</i> – The area was originally used as a terrace with a cover over the eastern side of the building, therefore, there would no material change to the noise impact from the use of this area on the adjoining property to the east. • <i>Staircase and elevated passageway</i> - Whilst the use of the staircase is likely to generate some noise to the adjoining property to the east including a bedroom on Level 3, the new staircase serves as a replacement of an existing staircase which provides pedestrian access to the street via the side setback to the elevated passageway. Therefore, it is considered that the noise impact from the new staircase would be comparable to the existing arrangements. • <i>Proposed Carport/Garage</i> – The proposed carport/garage would replace the existing carports. It is likely that noise from the use of the garage would be better contained within a closed construction. In addition, a standard condition in relation to noise from plant/equipment, such as mechanical garage doors, is recommended to ensure the amenity of the adjoining properties (Condition C16). |
| <p>1.4 Quality built form</p> | | |
| <p>Context</p> | <p>Yes</p> | <p>The proposed roof replacement and extension are generally consistent with the context and typical roof forms found within the locality.</p> <p>The design of the proposed carport/garages would result in solid built forms along the street frontage. The proposed carport on the western side has a solid wall and garage door facing the street. The presentation of the proposed carport on the street is similar to a garage.</p> <p>This aspect of the proposal would be inconsistent with the nearby properties along Cowdroy Avenue featuring a garage with some front fencing and landscaping along the street frontage such as the adjoining property to the east at No.6 Cowdroy Avenue.</p> |

| | | |
|----------------------|-------------------------|--|
| | |  <p style="text-align: center;"><i>Figure 17: No.6 Cowdroy Avenue (Street Elevation)</i></p> <p>It is recommended that the following modifications be required to minimise the visual dominance of the proposed structures along the Cowdroy Avenue frontage:</p> <ul style="list-style-type: none"> (a) The western carport would have an open construction with light weight materials and a 1.5m high carport gate/screen with 50% transparency; and (b) The provision of a 1.5m wide landscape strip along the western common property boundary to provide a landscape buffer between the western edge of the carport and the common property boundary. <p>Accordingly, a deferred commencement condition requiring design modifications to proposed structures on the front (southern) elevation (Condition AA1(a)).</p> |
| Streetscape | Yes (via condition) | Council’s Development Engineer has raised no in-principle objection to the proposal subject to the imposition of appropriate engineering conditions to ensure that the protection of Council’s infrastructure along Cowdroy Avenue. |
| Siting | Yes | The proposal would not change the building orientation and siting of the existing building. |
| Front Setback | Yes (via condition) | <p>The proposed carport/garage would replace the existing carports and provide a minimum front setback of 140mm from Cowdroy Avenue at the western end of the street boundary.</p> <p>As mentioned earlier in this report, the proposed carport/garage would result in a visually dominant structure on the street frontage with minimal front setback.</p> <p>It is recommended that a deferred commencement condition be imposed requiring design modifications to the western carport with additional soft landscaping to minimise the visual dominance of the new structures and to maintain a more desirable streetscape presentation (Condition AA1(a)).</p> |
| Side Setbacks | Yes (via conditions) | <p>The proposal would not change the overall building setback from the side boundary for the main dwelling (i.e. Levels 1 to 4).</p> <p>The proposed roof replacement would result in a non-complying minimum setback of 1.2m and 1.4m from the eastern and western property boundaries respectively. The DCP requires a minimum 2.5m side boundary setback for building elements over 7m high.</p> <p>The above non-compliances are considered to be acceptable for the following reasons:</p> |

| | | |
|---|------------------------|---|
| | | <p>(a) The proposal involves the replacement of an existing roof with an extension of 3m to provide a covered terrace to the north of the living area on Level 4;</p> <p>(b) The design of the proposed roof replacement with a pitch and hipped form is consistent with the characteristic roof form with the locality;</p> <p>(c) The proposed roof extension would have no material impacts on the amenity of the adjoining properties in terms of the loss of views, privacy and overshadowing as detailed throughout this report; and</p> <p>(d) There would be no significant change in terms of the bulk and scale of the main dwelling as a whole and building separation with the adjoining properties.</p> <p>The design modifications recommended for the western carport would provide a complying 1.5m setback from the western property boundary (Condition AA1(a)).</p> <p>In addition, the proposed eastern garage would have zero side property boundary setback along the eastern common property boundary. Consideration has been given to the L&E Court planning principle in relation to “buildings to the side boundary in residential areas” established in <i>Galev v Marrickville Council [2003] NSWLEC 113</i> as follows:</p> <p>(a) Is the street characterised by terrace housing?</p> <p>The building on the site is not a form of terrace housing. The recommendation for design modifications to the carport and garage should minimise the visual dominance of the structure along the street frontage and the impacts on the streetscape.</p> <p>(b) What is the height of and length of the wall on the boundary?</p> <p>The height of the wall along the boundary would generally match the height of the existing western wall of the garage at No.6 Cowdroy Avenue along the common property boundary.</p> <p>(c) Has the applicant control the adjoining site(s) or the agreement of their owners?</p> <p>The property owner of the adjoining property has not objected to the proposal but requested the installation of some form of barriers to prevent access across the property boundary by animals (particularly possums) (Condition C2).</p> <p>In addition, a condition is recommended requiring all works be carried out wholly within the subject site (Condition C1).</p> <p>(d) What are the impacts on the amenity and/or development potential of adjoining sites?</p> <p>As detailed earlier in this report, the proposal would have no material impact on the amenity of the neighbouring residential properties.</p> <p>It is therefore considered that the proposal is acceptable in the site circumstances.</p> <p>It is therefore considered that the proposal is satisfactory in terms of side boundary setbacks subject to the imposition of appropriate conditions.</p> |
| Rear Setback | No change | The proposal would not change the rear building setback of the existing dwelling. |
| Form Massing Scale/ Built Form Character | Yes (via condition) | The existing dwelling steps down the site and features a contemporary built form reflecting the topography of the subject site. The proposed works for the main dwelling generally respect the existing landform and the design of the existing building. |

| | | |
|---|--------------------------------|---|
| | | <p>As mentioned earlier in this report, the proposed carport/garage would result in visually dominant structures on the street frontage with minimal front setback.</p> <p>It is recommended therefore that a deferred commencement condition be imposed requiring the replacement of the new dwelling entrance, single garage by an open dwelling entrance pathway, a single carport with additional soft landscaping to minimise the visual dominance of the new structures and to maintain a more desirable streetscape presentation (Condition AA1(a)).</p> |
| Dwelling Entry | Yes (via condition) | <p>As mentioned earlier in this report, it is recommended that the design of the proposed western carport adjacent to the pedestrian entrance on Cowdroy Avenue should be modified to minimise the visual impact of the proposed structures along Cowdroy Avenue (Condition AA1(a)). The revised design would continue to provide a stronger sense of address for the subject property as the dwelling entrance would be more visible from the street.</p> |
| Roofs | Yes (via condition) | <p>The proposed replacement roof on top of the main dwelling would feature a traditional pitched/hipped roof form. The proposed eastern double garage would feature a shallow skillion roof form behind the parapet walls. No in-principle objection is raised to the proposed roof form given that these forms are generally consistent with the diverse architectural designs within the locality.</p> <p>However, a more light weight roof design without a parapet is considered to be more appropriate for the western carport as this would minimise the visual dominance of the current proposal featuring a masonry wall and parapet on the street elevation (Condition AA1(a)).</p> |
| Materials | Yes (via condition) | <p>A standard condition is recommended requiring the submission of a detailed schedule of colours, finishes and materials to ensure that the materials used are to be compatible with those used on the surrounding properties (Condition C7).</p> |
| 1.5 Quality Urban Environment | | |
| Vehicular Access | Yes | <p>Council's Development Engineer has raised no in-principle objection to the proposed vehicular access subject to the imposition of appropriate engineering conditions.</p> |
| Parking | No (acceptable on merit) | <p>The proposed carparking within the front setback area, comprising a double garage on the eastern side and a large single carport on the western side of the site, would provide three (3) off-street parking spaces which do not comply with the maximum requirement of two (2) parking spaces for a detached dwelling with 3 bedrooms.</p> <p>However, the proposed number of parking spaces provided within the subject site would remain unchanged as per the existing development. The proposal is therefore considered acceptable having regard to the lack of on-street parking along Cowdroy Avenue.</p> <p>As mentioned earlier in this report, a deferred commencement condition is recommended requiring design modifications to provide additional side setback for the single carport on the western side of the property and soft landscaping along the street frontage between the carport and the western property boundary to minimise its visual dominance and to maintain the streetscape (Condition AA1(a)).</p> |
| Site Coverage Unbuilt upon area Landscape Area | No (via condition) | <p>The proposal complies with the DCP site coverage/unbuilt upon and landscaped areas are detailed below.</p> |

| | | <p>The proposal would increase site coverage by 1% and causes a reduction in landscaped area primarily due to the proposed carport/garage within the</p> <table border="1"> <thead> <tr> <th>Site Area: 847.3m²</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage (max 35%)</td> <td>381.3 m² (45%)</td> <td>391m² (46%)</td> <td>No</td> </tr> <tr> <td>Landscaped Area (min 45%)</td> <td>318m² (38%)</td> <td>301.3m² (36%)</td> <td>No</td> </tr> <tr> <td>Unbuilt Upon Area (max 20%)</td> <td>148m² (17%)</td> <td>155m² (18%)</td> <td>Yes</td> </tr> </tbody> </table> <p>front setback area. The recommendation requiring design modifications to the front carport/garage would include a 1.5m wide landscape strip between the western carport and the western property boundary with a reduction in site coverage to 45.6% (Condition AA1(a)).</p> <p>The proposal, as amended by deferred commencement conditions, is considered to be acceptable given that there would be no significant change to the overall built form of the existing building on site and the landscape quality of the subject site as well as its locality.</p> | Site Area: 847.3m ² | Existing | Proposed | Complies | Site Coverage (max 35%) | 381.3 m ² (45%) | 391m ² (46%) | No | Landscaped Area (min 45%) | 318m ² (38%) | 301.3m ² (36%) | No | Unbuilt Upon Area (max 20%) | 148m ² (17%) | 155m ² (18%) | Yes |
|---------------------------------------|-------------------------------|---|-----------------------------------|----------|----------|----------|----------------------------|-------------------------------|----------------------------|----|------------------------------|----------------------------|------------------------------|----|-----------------------------------|----------------------------|----------------------------|-----|
| Site Area: 847.3m ² | Existing | Proposed | Complies | | | | | | | | | | | | | | | |
| Site Coverage (max 35%) | 381.3 m ² (45%) | 391m ² (46%) | No | | | | | | | | | | | | | | | |
| Landscaped Area (min 45%) | 318m ² (38%) | 301.3m ² (36%) | No | | | | | | | | | | | | | | | |
| Unbuilt Upon Area (max 20%) | 148m ² (17%) | 155m ² (18%) | Yes | | | | | | | | | | | | | | | |
| Excavation | Yes | As mentioned earlier in this report, the proposal does not involve significant earthworks or excavation within the subject site. | | | | | | | | | | | | | | | | |
| Landscaping | Yes (via condition) | A deferred commencement condition is recommended requiring the submission of a landscape plan for the landscape strip between the western carport and the western property boundary and the screen planting along the eastern boundary to provide screening for the new external staircase at the rear of the proposed eastern garage (Condition AA1(d)). | | | | | | | | | | | | | | | | |
| Garbage Storage | Yes | A standard condition is recommended requiring the proposed garbage storage area to comply with the relevant Council requirements (Condition C15). | | | | | | | | | | | | | | | | |
| 1.6 Efficient Use of Resources | | | | | | | | | | | | | | | | | | |
| Energy Efficiency | Yes (via condition) | The applicant has provided a BASIX Certificate in support of the development application. A condition has been recommended to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process (Condition C18). | | | | | | | | | | | | | | | | |

Cammeray Planning Area (Cammeray Neighbourhood)

The proposal, as amended by the deferred commencement conditions, is generally consistent with Part C of North Sydney DCP 2013 in particular Section 4 of the Character Statement for Cammeray Planning Area and Section 4.2 for Cammeray Neighbourhoods. The requirement for the modifications to the design of the proposed carport/garage would minimise the visual impacts of the original proposal on the streetscape.

In addition, the design of the proposed replacement roof is generally consistent with the desired built form for the neighbourhood as contained in Section 4.2.3 in Part C of NSDCP 2013 by allowing the building to follow the slope of the land.

The proposal is therefore considered to be satisfactory having regard to the provisions/requirements in the DCP Character Statement subject to the amendments required by way of conditions of consent.

SUITABILITY OF THE SITE

The proposal, involving works to a four storey single dwelling originally approved in 1987, is a permissible form of development within an E4 (Environmental Living) zone as discussed earlier in this report. The design of the proposed replacement roof and carport/garage has considered the potential environmental impacts on the surrounding properties and the neighbourhood where it was found to be a suitable development for the subject site with design modifications as required by the deferred commencement conditions (**Conditions AA1(a) – (e)**).

PUBLIC INTEREST

The proposal would not be contrary to the public interest for the reasons stated throughout this report.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The cost of the proposed development is \$100,000.00 and the proposal does not involve an increase in population or resulting an increase in the number of bedrooms/floor space. It is noted that s7.12 contribution will apply should the cost of development is over \$100,000.00.

Therefore, the proposal is not subject to s7.11 or s7.12 contribution in accordance with Section 1.3.3 of the North Sydney Local Infrastructure Contributions Plan 2020.

ENVIRONMENTAL APPRAISAL

CONSIDERED

| | | |
|----|--|-----|
| 1. | Statutory Controls | YES |
| 2. | Policy Controls | YES |
| 3. | Design in relation to existing building and natural environment | YES |
| 4. | Landscaping/Open Space Provision | YES |
| 5. | Traffic generation and Carparking provision | YES |
| 6. | Loading and Servicing facilities | N/A |
| 7. | Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | YES |
| 8. | Site Management Issues | YES |

9. All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979 YES

SUBMITTERS CONCERNS

Council has received submissions raising various concerns are addressed as follows:

- *Excessive roof that breach the height limit.*

Comment:

The proposed roof would replace the existing roof over the top level with a new 3m northern extension to provide a cover over the southern end of an existing open terrace. As detailed in the assessment earlier in this report, the proposed roof is unlikely to cause material impacts on the amenity of the neighbouring properties in terms of the loss of significant view, privacy and overshadowing.

- *The construction of the building on site has caused significant nuisance to the local residents.*

Comment:

As mentioned earlier in this report, the internal works were approved under a Complying Development Certificate. Council's Compliance Unit has investigated the matter and identified some unauthorised works.

Appropriate conditions are recommended to minimise impacts on the amenity of the surrounding properties during the construction of the proposed works.

- *Request the construction of a barrier along the property boundary to prevent animals (such as possums) to gain access to the vegetation garden on top of the garage of the adjoining property to the east.*

Comment:

A condition is recommended requiring the installation of a suitable barrier along the eastern edge of the garage parapet to prevent animal access from the roof of the proposed garage and the garden beds on the roof of the garage at No.6 Cowdroy Avenue (**Condition C2**).

COMMUNITY VIEWS

The application was notified to adjoining properties and the Bay Precinct Committee for a between 12 and 26 February 2021. The notification of the application has attracted two (2) submissions.

The issues raised in the submissions received have been addressed in the report.

CONCLUSIONS AND REASON

The proposed development has been assessed against NSLEP 2013 and NSDCP 2013 and was generally found to be a satisfactory in the site circumstances with the exception of the visual dominance of the proposed carport/garage and a further increase in site coverage.

It is recommended that a deferred commencement condition be imposed requiring the design modifications to the western carport to minimise the visual dominance of the proposed structures along the Cowdroy Avenue frontage and the provision of a 1.5m wide landscape strip along the western common property boundary to reduce the site coverage and to provide a landscape buffer between the carport and the common property boundary (**Condition AA1(a)**).

Consideration has also been given to the Clause 4.6 request for a variation to the LEP's building height development standard as submitted by the applicant. The variation to the building height development standard is justifiable because the building element above the LEP maximum building height is unlikely to have an impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and the loss of privacy.

The subject site is zoned E4 (Environmental Living) which permits single dwelling development.

The subject dwelling contains a self-contained flat on the top level (Level 4) as approved in a 1987. A deferred commencement condition is recommended requiring the deletion of a doorway between the proposed western carport and the Level 4 unit (**Condition AA1(b)**) so that the top level can only be accessible from the main staircase within the existing dwelling. It is also recommended that an on-going/operational condition be imposed requiring the subject premises be used as a single occupancy (**Condition I1**).

The issues raised in the submissions received have also been addressed in the report.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Minister of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and grant deferred commencement consent to Development Application No. 1/21 for alterations and additions to an existing detached dwelling on land at No. 2A Cowdroy Avenue, Cammeray, subject to the following site specific conditions and the attached conditions:-

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

Deferred Commencement Matters

AA1. Amended plans, addressing the following matters, must be submitted for the written approval of Council's Manager Development Services:

(a) Modifications to the western carport to Cowdroy Avenue

The design of the proposed western carport must be modified to minimise the visual dominance of new building elements.

The western carport shall adopt an open construction design utilising light weight materials to ensure high visibility of the car space and front setback area to the west of the dwelling entrance as seen from Cowdroy Avenue. The height of any door/gate for the western carport shall not be higher than 1.5m with a 50% transparency.

The western edge of the proposed carport must provide a minimum 1.5m setback from the western property boundary.

A 1.5m wide landscape strip along the western common property boundary shall be provided in order to maintain a landscape buffer between the carport and the common property boundary.

(b) Deletion of the doorway at the rear of western carport

The doorway providing pedestrian access between the proposed western carport and the Level 4 kitchen shall be deleted to ensure that Level 4 of the building can only be accessed via the main staircase of the existing dwelling.

(c) Privacy Screens

The applicant must install 1.5m high privacy screens along the eastern edges of the proposed staircase to the north of the new eastern garage building and along the eastern edge of the second floor elevated passageway within the eastern side setback area to ensure privacy protection for the adjoining property to the east.

(d) Landscape Plan

The applicant must prepare a landscape plan detailing the landscape treatments within the landscaping strip between the western property boundary and the western carport as amended by Condition AA1(a)) and the replacement of existing planting with new screen planting within the planter beds along the eastern property boundary to the south of the northern building line of the main dwelling.

The maximum height of screen planting along the eastern property boundary shall be 2m to protect the visual privacy of the adjoining property at No.6 Cowdroy Avenue. The screen planting along the landscaping strip between the western property boundary and the western carport shall have a minimum height of 2.5m and dense foliage to provide soft landscaping within the front building setback area.

(e) Engineering

The applicant must submit engineering drawings for the driveway crossings of the eastern double garage and the western carport, as modified by Condition AA1(a), demonstrating compliance with Australian Standard AS2890 and the relevant Council requirements. The floor levels of the eastern double garage and the western carport shall be amended to RL24.36 and RL24.2 respectively to be consistent with the sloping profile of Cowdroy Avenue.

Advisory Note: The final floor levels and the driveway crossing condition may subject to further adjustments to ensure compliance with relevant Australian Standards and Council requirements.

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality and the amenity of the surrounding properties)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following and site specific conditions:

Terms of Consent (D1/21)

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Demolition of the existing roof and the construction of a new roof including an extension of the roof to the north by 3m to be supported by two columns;
- (b) Demolition of the existing carports and the construction of a double garage on the eastern side, a new covered entry portico and a carport on the western side; and
- (c) Demolition of an existing external staircase within the eastern side building setback area and the construction of a new external staircase to provide access to the eastern garage.

No approval is given or implied in this consent for the doorway providing pedestrian access between the proposed western carport and the Level 4 kitchen, tree removal and any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

No Encroachment onto Adjoining Property

C1. The proposed works must be located wholly within the subject site and must not encroach onto the adjoining properties including, but not limited to, the property to the east at No 6 Cowdroy Avenue.

The Certifying Authority must ensure that the revised landscape plan, building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure no encroachment onto the adjoining property)

Installation of Barriers

- C2. Suitable barriers shall be installed along the top of eastern parapet of the proposed double garage to prevent crossing of small animals such as possums to the adjoining property to the east at No.6 Cowdroy Avenue.

The Certifying Authority must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To provide barriers for crossing of small animals to the adjoining property.)

Surrender of Previous Development Consent

- C19. The applicant/developer is required to surrender Development Consent (**D200/19**) within 60 days from the date of this consent to ensure clarity and certainty for the subject site.

The Certifying Authority must ensure that the written confirmation from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure clarity and certainty on development within the subject site.)

Single Occupancy

- II. The subject four-storey detached dwelling, including all residential accommodation on ALL levels, must be used as a single occupancy at all times.

No approval granted or implied in this consent for the use of the subject property other than a single occupancy.

(Reason: To ensure the use of the existing dwelling as a single occupancy)

Robin Tse
SENIOR ASSESSMENT OFFICER

Robyn Pearson
TEAM LEADER, ASSESSMENTS

Stephen Beattie
MANAGER, DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
2A COWDROY AVENUE, CAMMERAY
DEVELOPMENT APPLICATION NO. 1/21

A. *Conditions that Identify Approved Plans*

AA. *Deferred Commencement Condition*

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

Deferred Commencement Matters

AA1. Amended plans, addressing the following matters, must be submitted for the written approval of Council's Manager Development Services:

(a) *Modifications to the western carport to Cowdroy Avenue*

The design of the proposed western carport must be modified to minimise the visual dominance of new building elements.

The western carport shall adopt an open construction design utilising light weight materials to ensure high visibility of the car space and front setback area to the west of the dwelling entrance from Cowdroy Avenue. The height of any door/gate for the western carport shall not be higher than 1.5m with a 50% transparency.

The western edge of the proposed carport must provide a minimum 1.5m setback from the western property boundary.

A 1.5m wide landscape strip along the western common property boundary shall be provided in order to maintain a landscape buffer between the carport and the common property boundary.

(b) *Deletion of the doorway at the rear of western carport*

The doorway providing pedestrian access between the proposed western carport and the Level 4 kitchen shall be deleted to ensure that Level 4 of the building can only be accessed via the main staircase of the existing dwelling.

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DEVELOPMENT APPLICATION NO. 1/21**

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(c) Privacy Screens

The applicant must install 1.5m high privacy screens along the eastern edges of the proposed staircase to the north of the new eastern garage building and along the eastern edge of the second floor elevated passageway within the eastern side setback area to ensure privacy protection for the adjoining property to the east.

(d) Landscape Plan

The applicant must prepare a landscape plan detailing the landscape treatments within the landscaping strip between the western property boundary and the western carport as amended by Condition AA1(a)) and the replacement of existing planting with new screen planting within the planter beds along the eastern property boundary to the south of the northern building line of the main dwelling.

The maximum height of screen planting along the eastern property boundary shall be 2m to protect the visual privacy of the adjoining property at No.6 Cowdroy Avenue. The screen planting along the landscaping strip between the western property boundary and the western carport shall have a minimum height of 2.5m and dense foliage to provide soft landscaping within the front building setback area.

(e) Engineering

The applicant must submit engineering drawings for the driveway crossings of the eastern double garage and the western carport, as modified by Condition AA1(a), demonstrating compliance with Australian Standard AS2890 and the relevant Council requirements. The floor levels of the eastern double garage and the western carport shall be amended to RL24.36 and RL24.2 respectively to be consistent with the sloping profile of Cowdroy Avenue.

Advisory Note: The final floor levels and the driveway crossing condition may subject to further adjustments to ensure compliance with relevant Australian Standards and Council requirements.

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality and the amenity of the surrounding properties)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached site specific and standard conditions:

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DEVELOPMENT APPLICATION NO. 1/21**

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A. Conditions that Identify Approved Plans

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, except where amended by the following conditions of this consent.

| Drawing No. | Rev | Date | Title | Drawn |
|-------------|-----|-----------|-----------------------------|----------------|
| DA002 | C | 17/3/2021 | Proposed Roof Plan | COSO Architect |
| DA003 | C | 17/3/2021 | Proposed Entrance Plan | COSO Architect |
| DA004 | C | 17/3/2021 | Proposed Front Elevation | COSO Architect |
| DA005 | D | 17/3/2021 | Proposed side Elevation | COSO Architect |
| DA006 | D | 17/3/2021 | Proposed Section A | COSO Architect |
| DA007 | C | 17/3/2021 | Proposed Section B | COSO Architect |
| DA015 | D | 17/3/2021 | Proposed Eastern Elevation | COSO Architect |
| DA016 | D | 17/3/2021 | Proposed Northern Elevation | COSO Architect |

Note: The final drawing numbers and associated details in this condition are subject to further updates to reflect the changes required by the relevant deferred commencement conditions.

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

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

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

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

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Terms of Consent (D1/21)

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Demolition of the existing roof and the construction of a new roof including an extension of the roof to the north by 3m to be supported by two columns;
- (b) Demolition of the existing carports and the construction of a double garage on the eastern side, a new covered entry portico and a carport on the western side; and
- (c) Demolition of an existing external staircase within the eastern side building setback area and the construction of a new external staircase to provide access to the eastern garage.

No approval is given or implied in this consent for the doorway providing pedestrian access between the proposed western carport and the Level 4 kitchen, tree removal and any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated).

No Encroachment onto Adjoining Property

C1. The proposed works must be located wholly within the subject site and must not encroach onto the adjoining properties including, but not limited to, the property to the east at No 6 Cowdroy Avenue.

The Certifying Authority must ensure that the revised landscape plan, building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure no encroachment onto the adjoining property)

Installation of Barriers

C2. Suitable barriers shall be installed along the top of eastern parapet of the proposed double garage to prevent crossing of small animals such as possums to the adjoining property to the east at No.6 Cowdroy Avenue.

The Certifying Authority must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To provide barriers for crossing of small animals to the adjoining property)

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Dilapidation Report Damage to Public Infrastructure

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Sediment Control

- C5. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

C6. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

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External Colours and Finishes

- C7. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development.

A schedule of external colours and finishes must be submitted for the written approval of Council's Team Leader Assessment prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans, the written approval from Council and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Roofing Materials - Reflectivity

- C8. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

Work Zone

- C9. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

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Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C10. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure interface between property and public land remains uniform)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

- C11. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:-

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the width of vehicular crossings must remain same;
- c) the gutter and road shoulder levels must match the existing levels and shall not be altered;

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- d) the road shoulder must be reconstructed 600mm wide to gutter lip in AC10 - 50mm thick, adjacent to all new gutter works;
- e) the property frontage footpath on Cowdroy Avenue must be reconstructed and is to be transitioned at least 2m on both sides or additional pavement panel whichever is greater, of the driveway crossing to ensure uniformity on the footpath;
- f) the driveway crossings at any point along of the property boundary shall be set at maximum of 125mm -130mm above the gutter invert level;
- g) the crossing (between the layback and the property boundary) must be placed on a single straight grade at a maximum of 4.5%, falling to the back of the layback; It must be taken into account that the change in cross fall grade of the road shoulder and driveway crossing is no more than 15%. The cross fall of the road shoulder is measured for a distance of 1200 mm falling to the gutter lip, starting from the surface of the existing carriageway 1650 mm from the existing face of kerb;
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- i) any twisting of driveway access must occur entirely within the subject property;
- j) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- k) the design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed;
- l) a longitudinal section along gutter line at a scale of 1:50 showing how it is intended to transition with proposed vehicular crossing; must include all changes of grade and levels both existing and proposed;
- m) the sections must show the calculated clearance to the underside of any overhead structure;
- n) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- o) there are utility pits on the footpath which might be affected by construction activities; therefore, applicant must obtain permission from service providers prior to commencing any construction works nearby those pits.

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- p) all kerb/gutter and layback works must be steel trowel smooth finish and all other concrete works on Council land must be wood float cove finish.
- q) any footpath panel that is disturbed for the purpose of this development works must be reconstructed as a whole panel.

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Disposal

- C12. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. New pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C13. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$7,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent

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- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Protection of Trees

- C14. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

| Tree | Location | Height |
|-------------------------------|--|---------------|
| <i>Grevillea robusta (T9)</i> | On the western property boundary to the north of the existing garage | 18m |

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Garbage and Recycling Facilities

C15. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Noise from Plant and Equipment

C16. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver . The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

(b) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

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Security Deposit/ Guarantee Schedule

- C17. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

| Security deposit/ guarantee | Amount (\$) |
|------------------------------------|--------------------|
| Infrastructure Damage Bond | \$7,000.00 |
| TOTAL BONDS | \$7,000.00 |

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

BASIX Certificate

- C18. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A385912 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Surrender of Previous Development Consent

- C19. The applicant/developer is required to surrender Development Consent (**D200/19**) within 60 days from the date of this consent to ensure clarity and certainty for the subject site.

The Certifying Authority must ensure that the written confirmation from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure clarity and certainty on development within the subject site)

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D. Prior to the Commencement of any Works (and continuing where indicated)

Temporary Fences and Tree Protection

- D1. All protected trees on-site that are specifically nominated as per Condition C14 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

The tree protection measures as detailed in the Arboricultural Impact Assessment report prepared Glenice Buck dated 28 January 2020, shall be established before work commences.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works: -

(Reason: To protect the trees to be retained on the site during construction works)

Public Liability Insurance – Works on Public Land

- D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Commencement of Works Notice

- D3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

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E. During Demolition and Building Work**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

**2A COWDROY AVENUE, CAMMERAY
DEVELOPMENT APPLICATION NO. 1/21**

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Service Adjustments

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Cigarette Butt Receptacle

- E5. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Progress Survey

- E6. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows: -
- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
 - b) at the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials; and
 - c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

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Removal of Extra Fabric

E7. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

E8. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

E9. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

No Work on Public Open Space

E10. No work can be undertaken within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

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Developer's Cost of Work on Council Property

E11. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Special Permits

E13. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

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DEVELOPMENT APPLICATION NO. 1/21**

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3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E14. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- a) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

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DEVELOPMENT APPLICATION NO. 1/21**

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All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

E15. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the “Blue Book” and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E16. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Amenities and Facilities

E17. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

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Health and Safety

- E18. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

- E19. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant & Equipment Kept Within Site

- E20. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Waste Disposal

- E21. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

**2A COWDROY AVENUE, CAMMERAY
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F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

National Construction Code

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

a) in the case of work for which a principal contractor is required to be appointed:

- i) the name and licence number of the principal contractor, and
- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

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Appointment of a Principal Certifying Authority (PCA)

F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F5. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Demolition

F6. Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F7. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;

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- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Damage to Adjoining Properties

- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

- G3. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

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Certification of Tree Condition

- G4. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

| Tree | Location | Height |
|-------------------------------|--|---------------|
| <i>Grevillea robusta (T9)</i> | On the western property boundary to the north of the existing garage | 18m |

The report must detail the condition and health of the nominated tree(s) upon completion of the works, and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

Disposal Information

- G5. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:
- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
 - (b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

BASIX Completion Certificate

- G6. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

Compliance with Certain conditions

- G7. Prior to the issue of any Occupation Certificate, Conditions A4, C1, C2 and C7 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)

**2A COWDROY AVENUE, CAMMERAY
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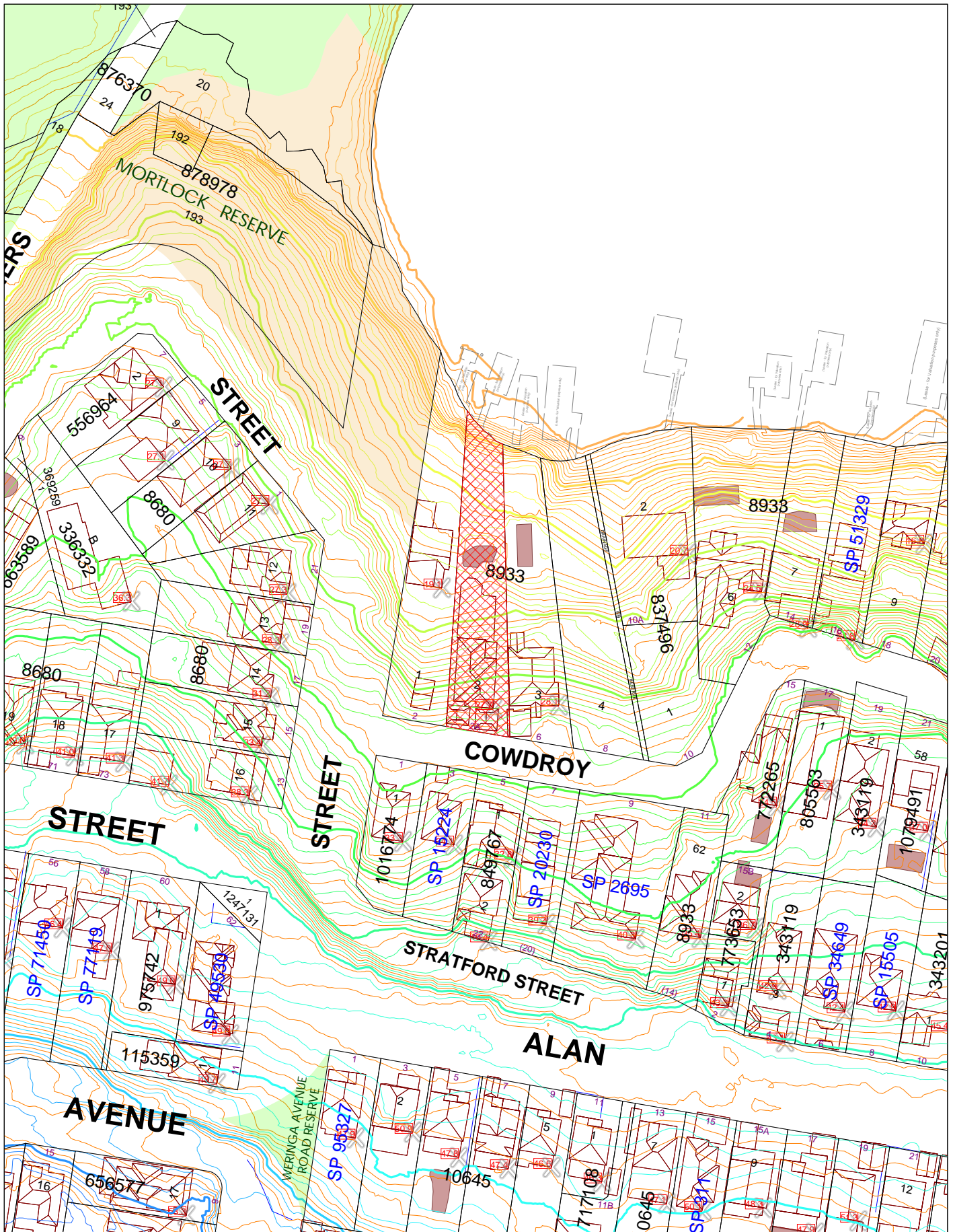
I. On-Going / Operational Conditions

Single Occupancy

- II. The subject four storey detached dwelling, including all residential accommodation on ALL levels, must be used as a single occupancy at all times.

No approval is granted or implied in this consent for the use of the subject property other than a single occupancy.

(Reason: To ensure the use of the existing dwelling as a single occupancy)



North Sydney Council

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

DEVELOPMENT APPLICATION

2A COWDROY AVENUE, CAMMERAY

PREPARED FOR WAIL EL WAILI
NORTH SYDNEY COUNCIL

REVISION D - 17/3/2021



| SURVEY | | | REVISION | | |
|--------|----------------------------|-------|----------|------------------------------|----------------|
| MD 001 | Existing Ground Floor Plan | 1:100 | DA 001 | Proposed Site Plan | C 1:200 |
| MD 002 | Existing Roof Plan | 1:100 | DA 002 | Proposed Roof Plan | C 1:100 |
| MD 003 | Existing Front Elevation | 1:100 | DA 003 | Proposed Entrance Plan | C 1:100 |
| MD 004 | Existing Section | 1:100 | DA 004 | Proposed Front Elevation | C 1:100 |
| MD 005 | Existing Side Elevation | 1:100 | DA 005 | Proposed Side Elevation | D 1:100 |
| | | | DA 006 | Proposed Section A | D 1:100 |
| | | | DA 007 | Proposed Section B | C 1:100 |
| | | | DA 008 | Stormwater Drainage Plan | C 1:200 |
| | | | DA 009 | Waste Management Plan | C 1:200 |
| | | | DA 010 | Shadow Analysis Diagram 9AM | C 1:200 |
| | | | DA 011 | Shadow Analysis Diagram 12PM | C 1:200 |
| | | | DA 012 | Shadow Analysis Diagram 3PM | C 1:200 |
| | | | DA 013 | Site Calculations | C 1:200 |
| | | | DA 014 | Proposed Eastern Elevation | D 1:100 |

AMMENDMENTS - REVISION C

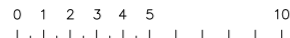
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
- Long section included to show proposed works in the garage / car port area.
- RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
- Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
- Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
- Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.

AMMENDMENTS - REVISION D

- Section A amended to show no existing room below the proposed car port.
- Included Eastern elevation as per council's request

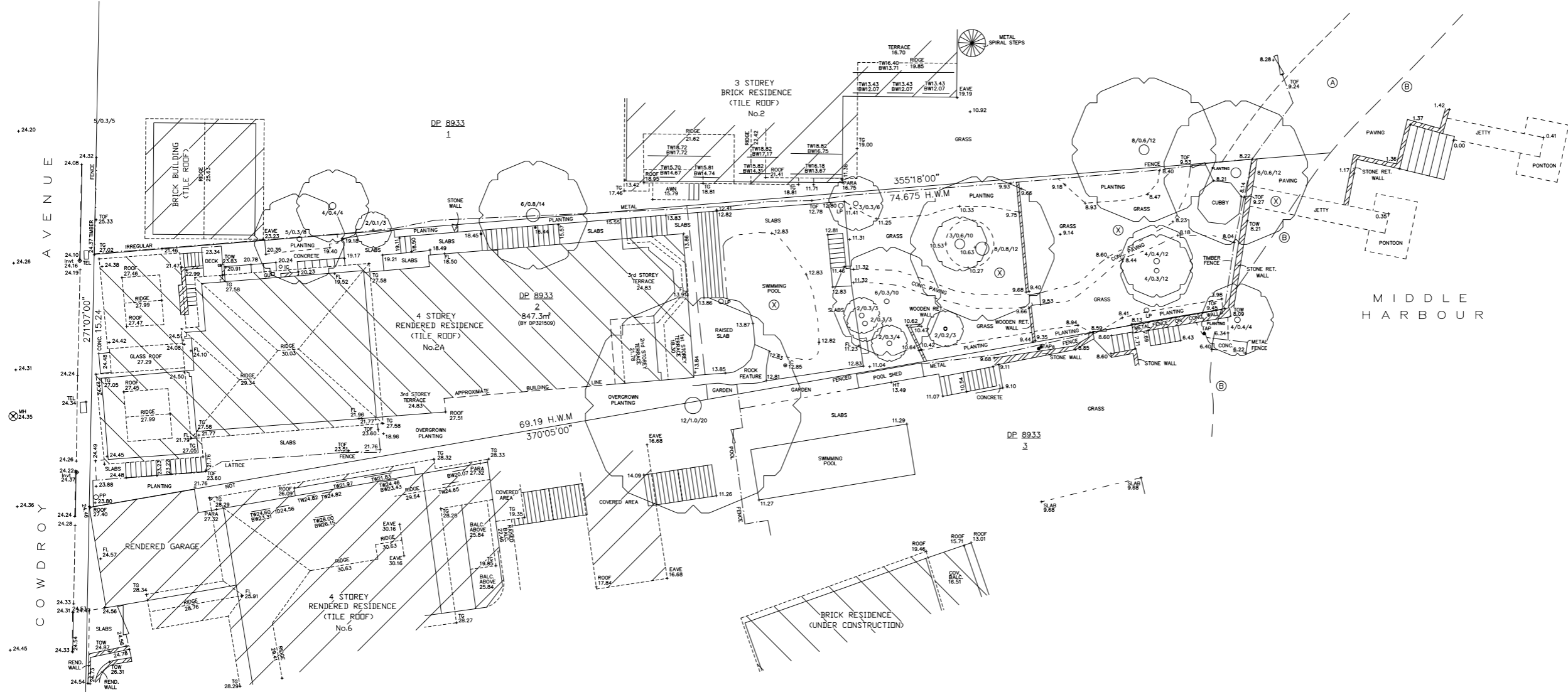
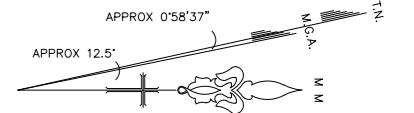


DATUM : A.H.D.



- ⊗ AREA OF RESTRICTIVE COVENANT BY TRANSFER
- Ⓐ RIGHT OF CARRIAGEWAY 5.0 WIDE BY TRANSFER
- Ⓑ HIGH WATER MARK

Building Certificates Australia Pty Ltd
 CONSULTING DEVELOPMENT ENGINEERS
 FOR INFORMATION - REFERENCED PLANS & SPECIFICATIONS
 Reference: 17046793 Date: 20/06/16
 This information is provided for your information only. It is not intended to be used as a basis for any construction or other work. It is your responsibility to confirm that work can comply with the relevant Australian Standards. The plans are not to be used in any way other than as intended. All rights reserved by the Consultant. Any other applications must be discussed with the PCA.



LEGEND

| | | | |
|---|---------------------------------------|-------|----------------------|
| — | Building | BALC. | Balcony Height |
| — | Walls | BFL | Basement Floor Level |
| — | Kerb Bottom | BOL | Bollard |
| — | Concrete edge | BS | Bus Stop |
| — | Kerb top | BW | Bottom of Window |
| — | Barrier | CHM. | Chimney Height |
| — | Hedge | CONC. | Concrete |
| — | Fence | ER | Earth Rod |
| — | Overhead Powerline | FH | Fire Hydrant |
| □ | Manholes | FL | Floor Level |
| △ | Survey Station & Name | GU | Gully |
| ▲ | Bench Mark | GFL | Ground Floor Level |
| + | Sapling | GM | Gas Meter |
| + | Tree, 12/0.5/10 (Spread/Trunk/Height) | GV | Gas Valve |
| + | Area Of Undergrowth | HT | Height |
| + | Gate | IC | Inspection Cover |
| + | IC | IC | Inspection Chamber |
| + | CL | CL | Cover level |
| + | IL | IL | Invert level |
| + | Inv #0.25 | TDW | Top of Door/Window |
| + | —GU | TEL | Telstra |
| + | —KO | TC | Top of Gutter |
| + | MH | TL | Traffic Light |
| + | | TW | Top of Window |
| + | | TOF | Top of Fence |
| + | | TOW | Top of Wall |
| + | | UND | Underside Height |
| + | | WM | Water Meter |
| + | | VER | Verandah |
| + | | W-B | Wall to Boundary |

NOTES:

- ALL DIMENSIONS/LEVELS SHOULD BE CHECKED ON SITE PRIOR TO THE DESIGN AND CONSTRUCTION. THE TREE INFORMATION (WHERE APPLICABLE) HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY.
- SURVEY MARKS MUST BE PLACED PRIOR TO ANY CONSTRUCTION WORK.
- ORIGIN OF LEVELS SSM 135141, RL35-496 A.H.D.
- SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
- NO UNDERGROUND SERVICES SEARCH MADE, ONLY PITS ETC. VISIBLE AT TIME OF SURVEY PLOTTED. 5) BEARINGS ARE ON MAGNETIC MERIDIAN.
- EXTENT OF TREE CANOPY IS APPROXIMATE & DIAGRAMMATIC ONLY.
- THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DESIGN AND DA PURPOSES ONLY. SURVEY MARKS MUST BE PLACED PRIOR TO ANY CONSTRUCTION.
- SITE AREA CALCULATED BY SURVEY.
- THE RECORDS OF THE SERVICE AUTHORITIES HAVE NOT BEEN INVESTIGATED, ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
- SERVICES SHOWN ARE INDICATIVE ONLY, OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION OF THEIR EXACT POSITION SHOULD BE MADE PRIOR TO COMMENCEMENT OF EXCAVATION.
- IF THERE IS ANY POINT OR FEATURE I.E. (FLOOR LEVEL, WALL POSITION, ROOF, RIDGE ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US AND ADEQUATELY LOCATED PRIOR TO THE COMPLETION OF THESE PLANS OR COMMENCEMENT OF CONSTRUCTION.
- STAR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED, AND ARE DIAGRAMMATIC ONLY.

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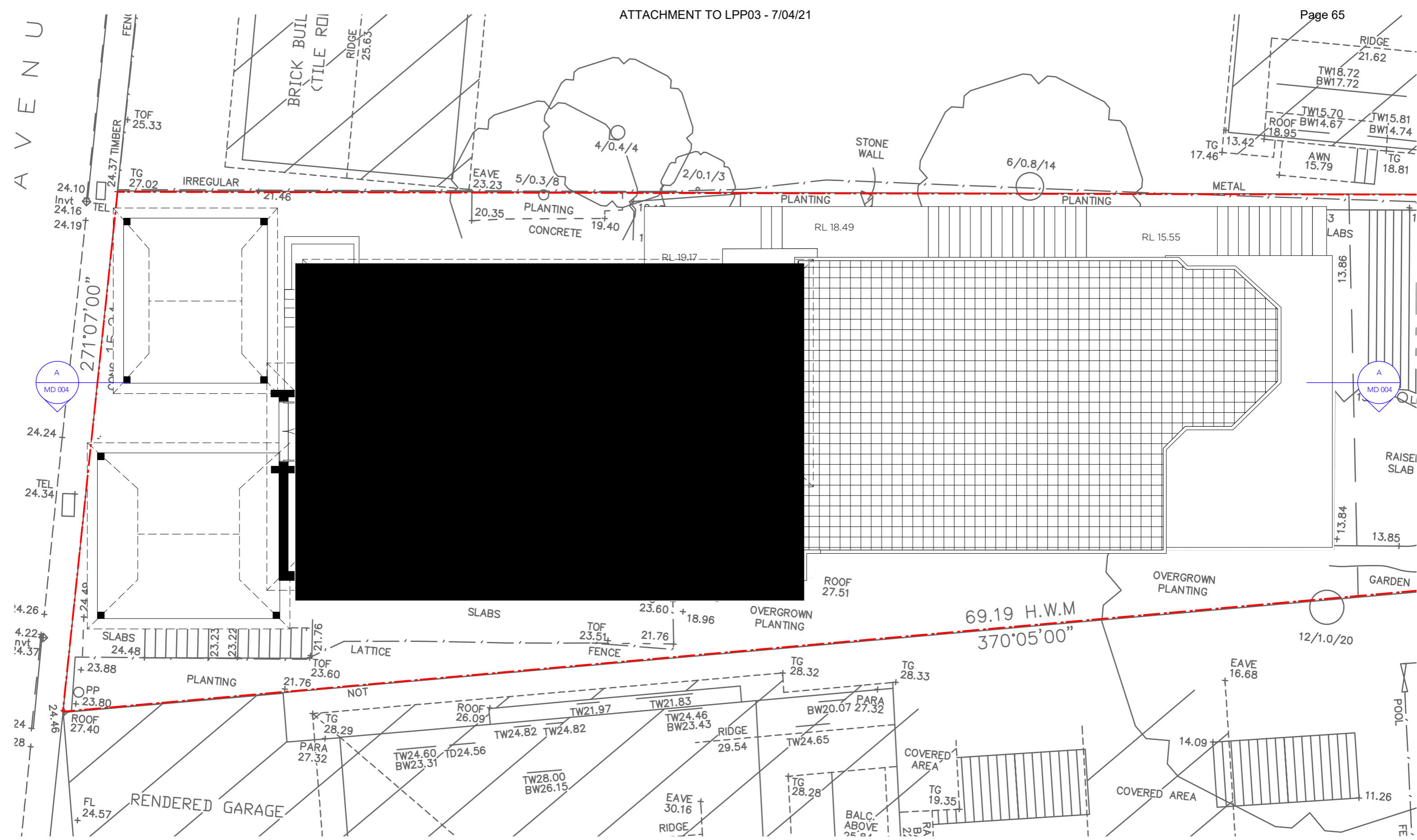
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CONSULTING SURVEYORS
ACN 000 721 004

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PROJECT

SHOWING SELECTED LEVELS
AND DETAIL OVER
LOT 2 IN DP 8933 BEING
2A COWDROY AVENUE, CAMMERAY.

| | | |
|--------------------|--------------|----------------------------|
| LGA | NORTH SYDNEY | REGISTERED SURVEYOR |
| SCALE | 1:100 | DRAWN/PAPER SIZE |
| | | DGM/A0 |
| SURVEY DATE | 20/06/16 | DRAWING No. |
| | | 58415001A |



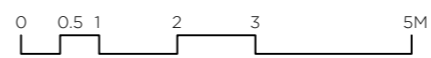
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

| | | | | | | | | | | | |
|---------|----------|--------|-----------|----------|-------|----------|---------|--------|--------------|-------|--------|
| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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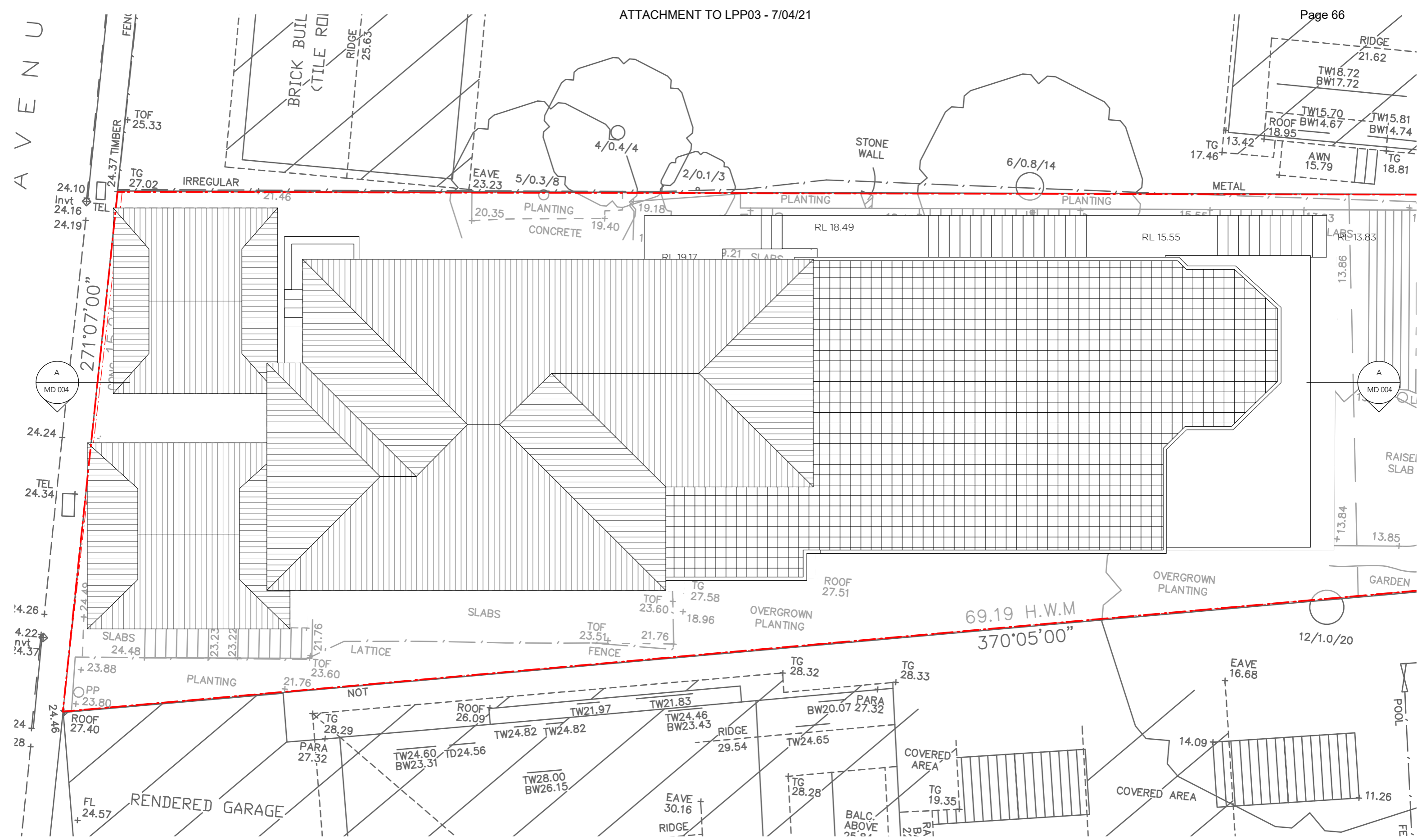
DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.
EXISTING ENTRANCE PLAN
 DATE: JULY 2020
 SCALE: 1:100 @ A3



DRAWING NO.
MD 001
 REVISION.



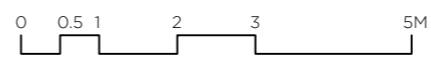
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)

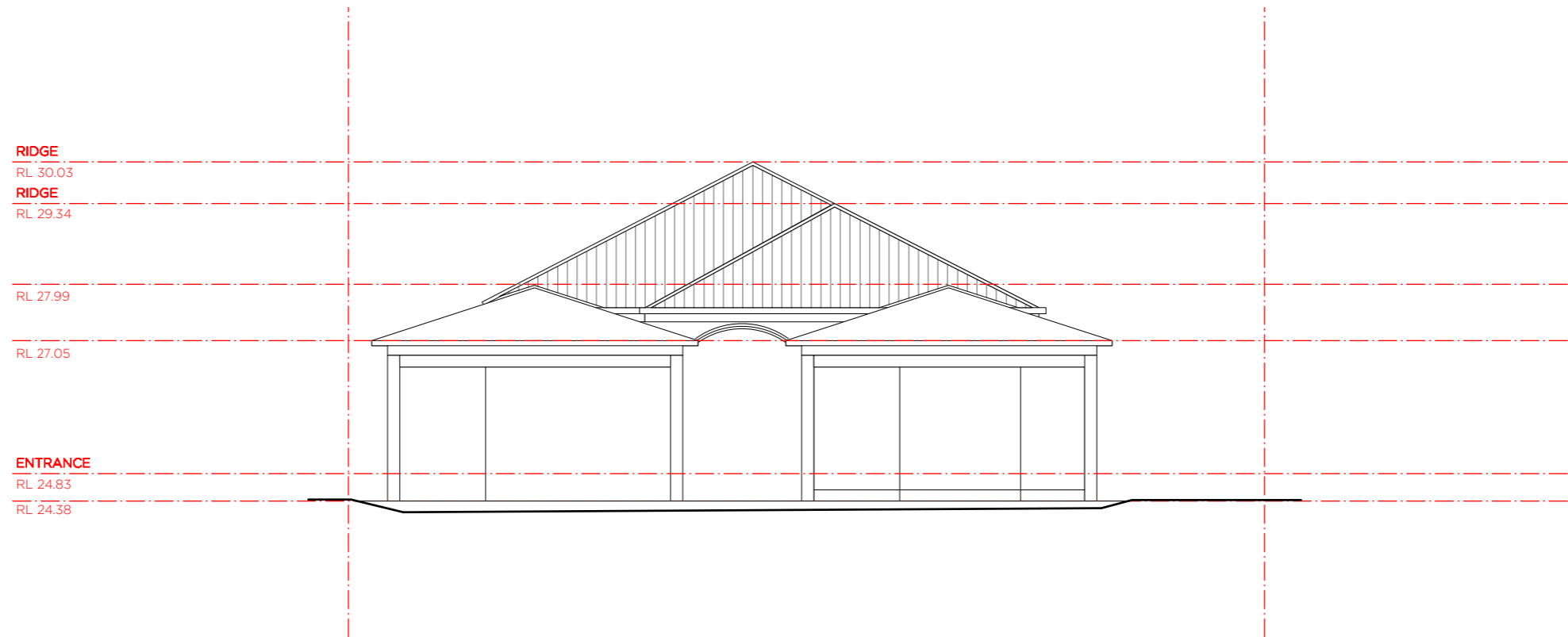


DRAWING NAME.
EXISTING ROOF PLAN

DATE: JULY 2020
 SCALE: 1:100 @ A3



DRAWING NO.
MD 002
 REVISION.



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

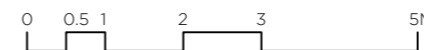
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

EXISTING FRONT ELEVATION

DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

MD 003

REVISION.



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

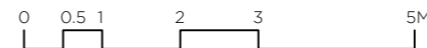
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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

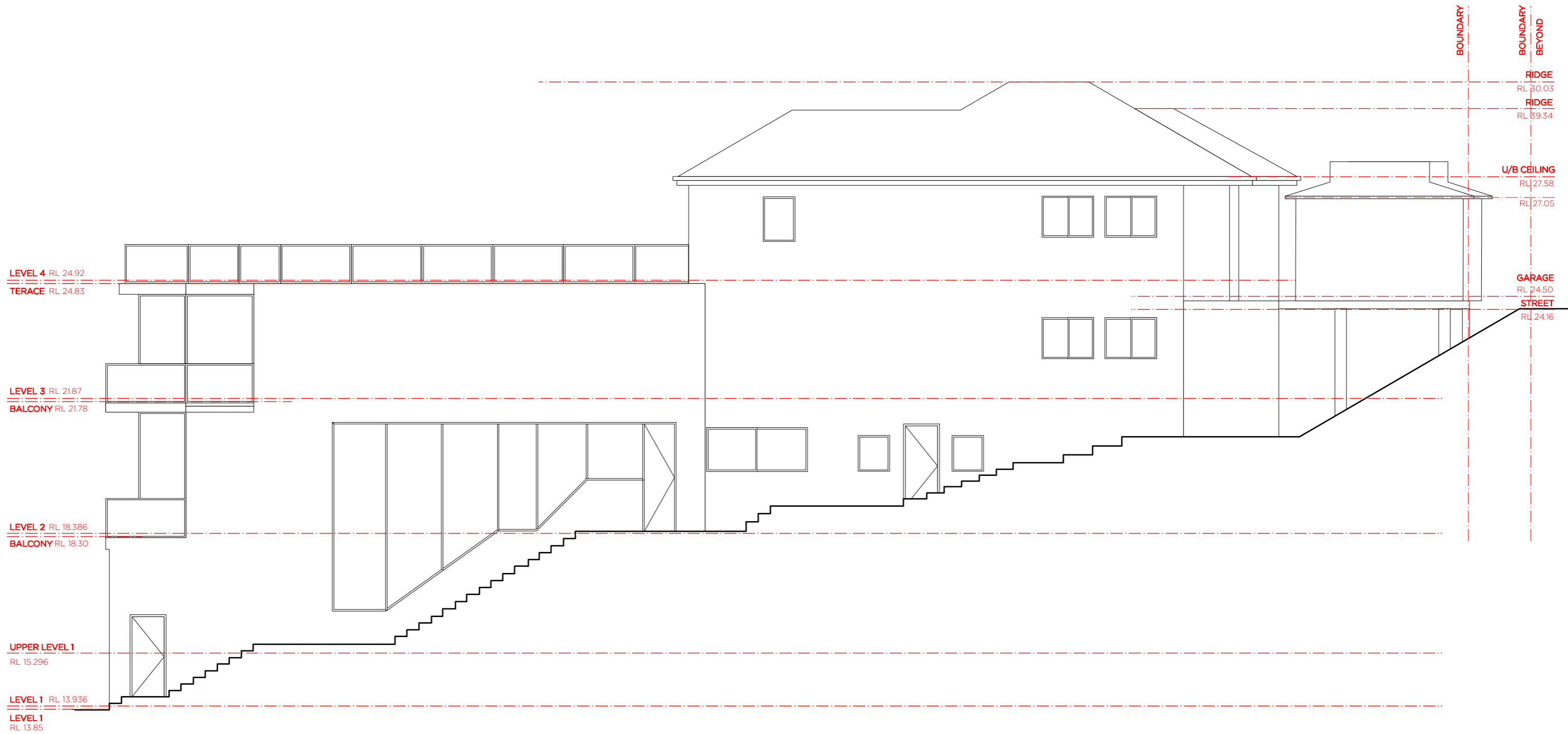
EXISTING LONG SECTION

DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

MD 004

REVISION.



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

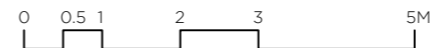
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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

EXISTING SIDE ELEVATION

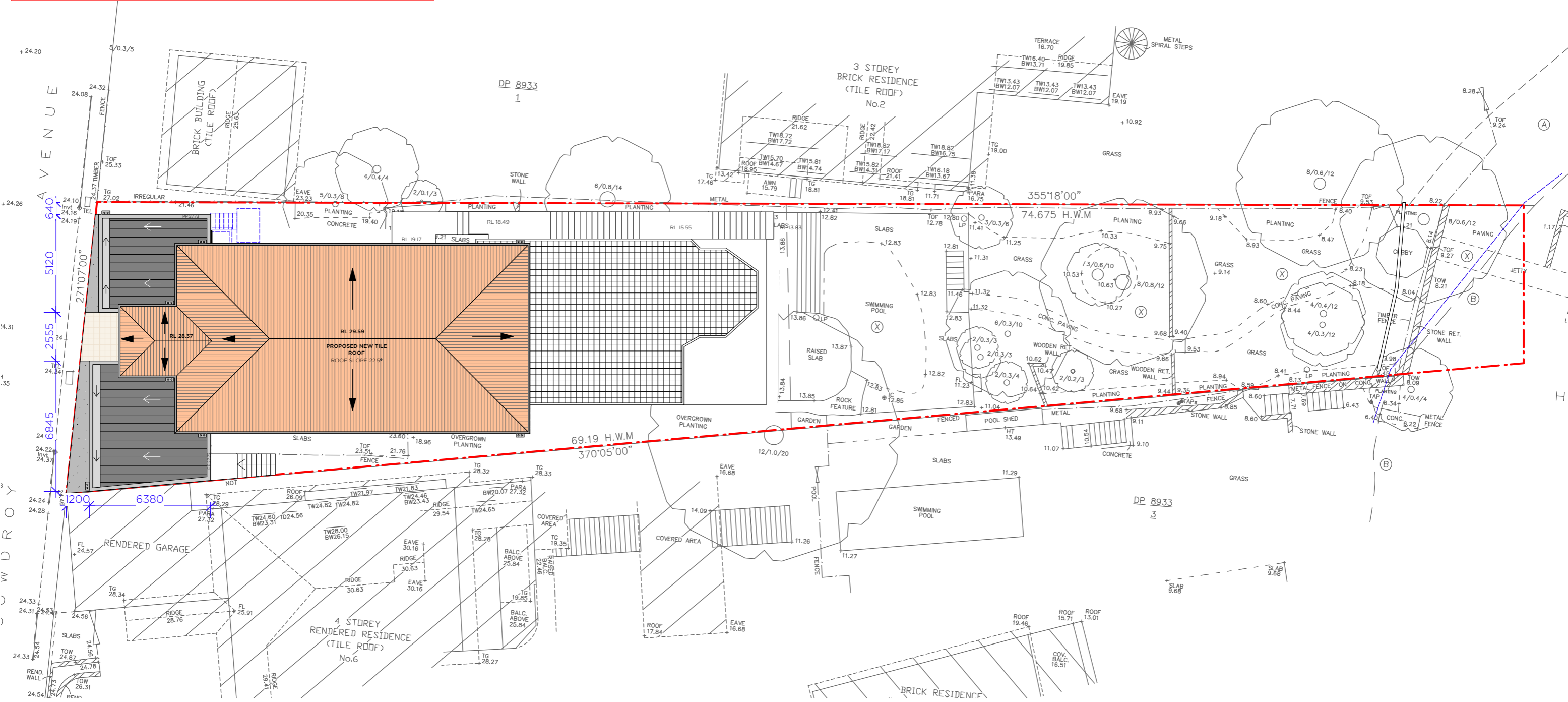
DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

MD 005

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



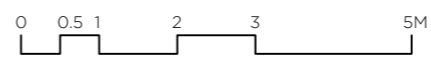
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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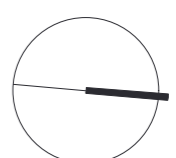
DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

PROPOSED SITE PLAN

DATE: JULY 2020
 SCALE: 1:200 @ A3

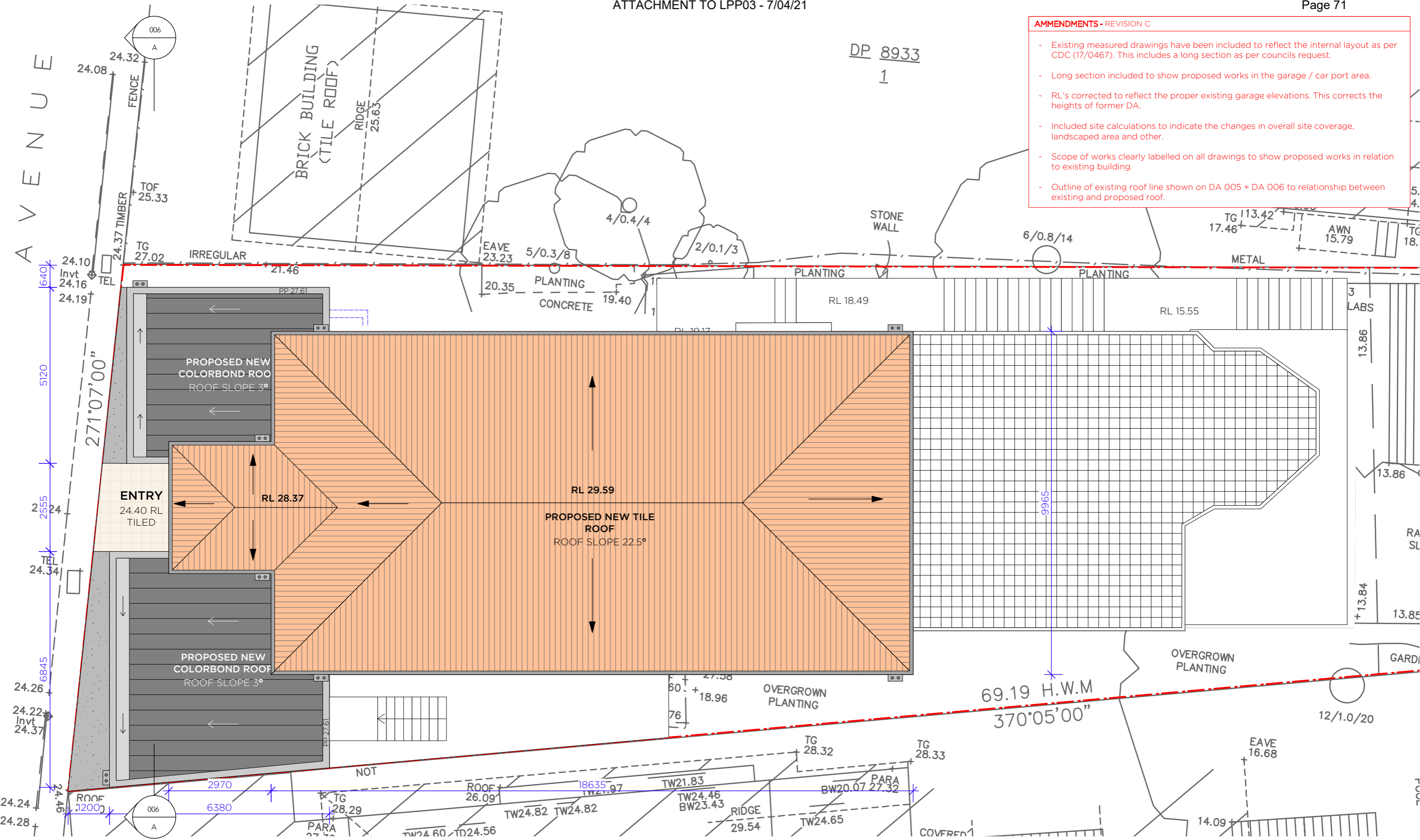


DRAWING NO.

DA 001

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
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 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



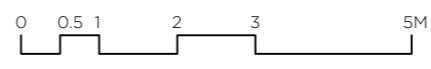
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)

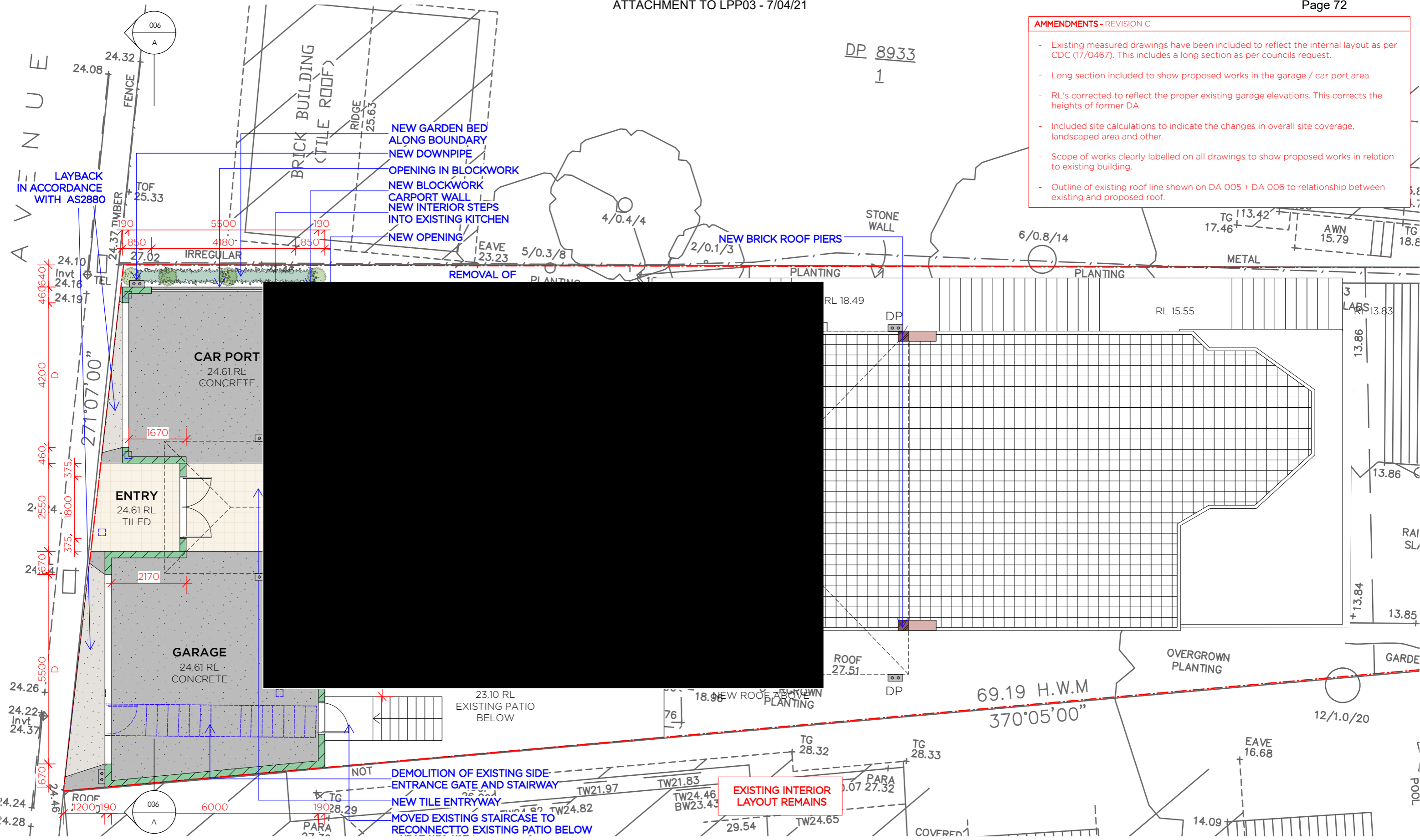


DRAWING NAME.
PROPOSED ROOF PLAN
 DATE: JULY 2020
 SCALE: 1:100 @ A3



DRAWING NO.
DA 002
 REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



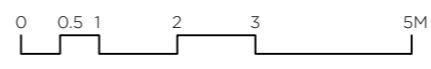
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)

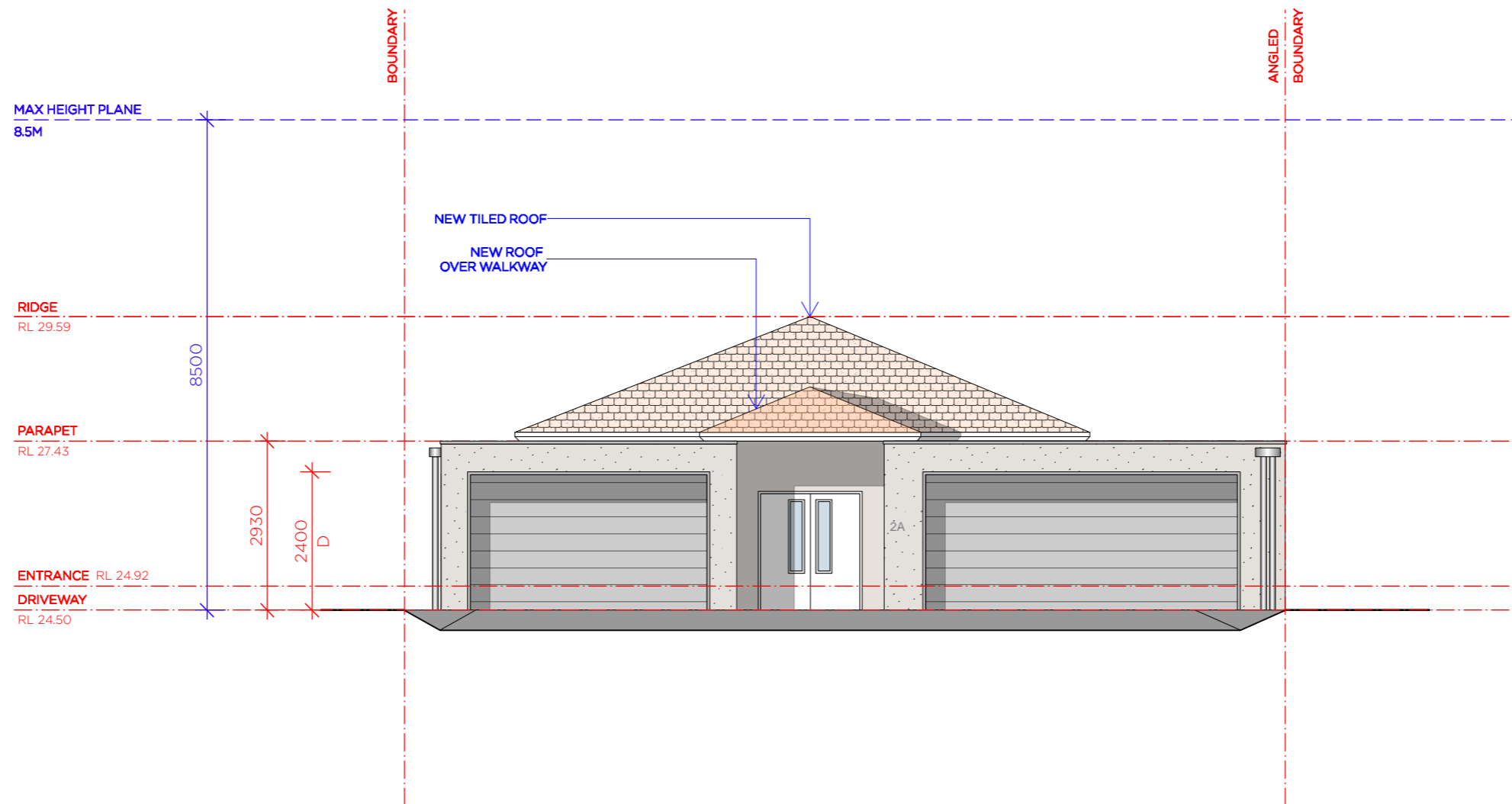


DRAWING NAME.
PROPOSED ENTRANCE PLAN
 DATE: JULY 2020
 SCALE: 1:100 @ A3



DRAWING NO.
DA 003
 REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

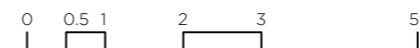
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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

PROPOSED FRONT ELEVATION

DATE: JULY 2020
 SCALE: 1:100 @ A3

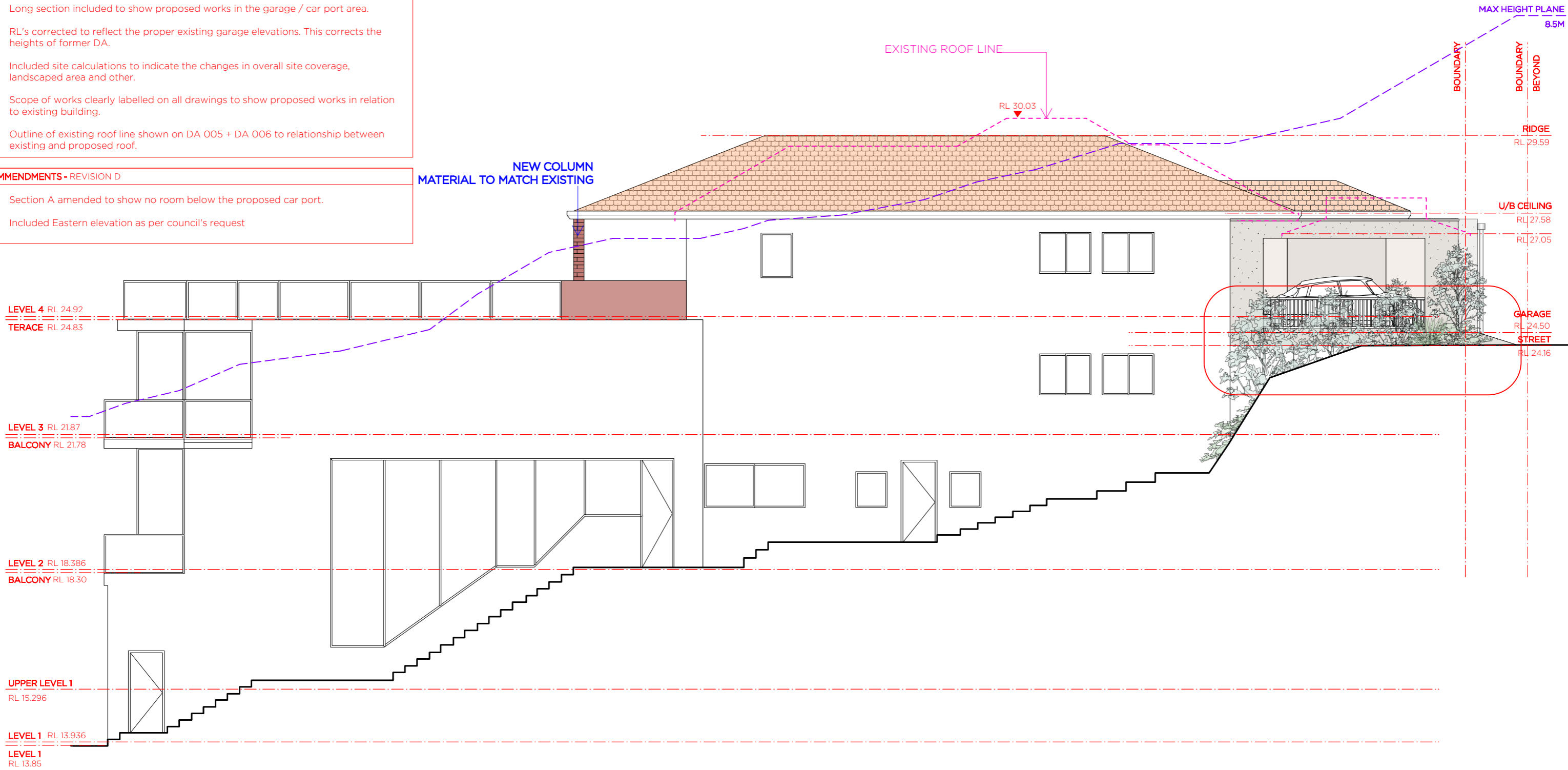
DRAWING NO.

DA 004

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.

- AMMENDMENTS - REVISION D**
- Section A amended to show no room below the proposed car port.
 - Included Eastern elevation as per council's request



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

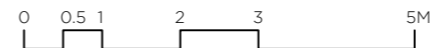
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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

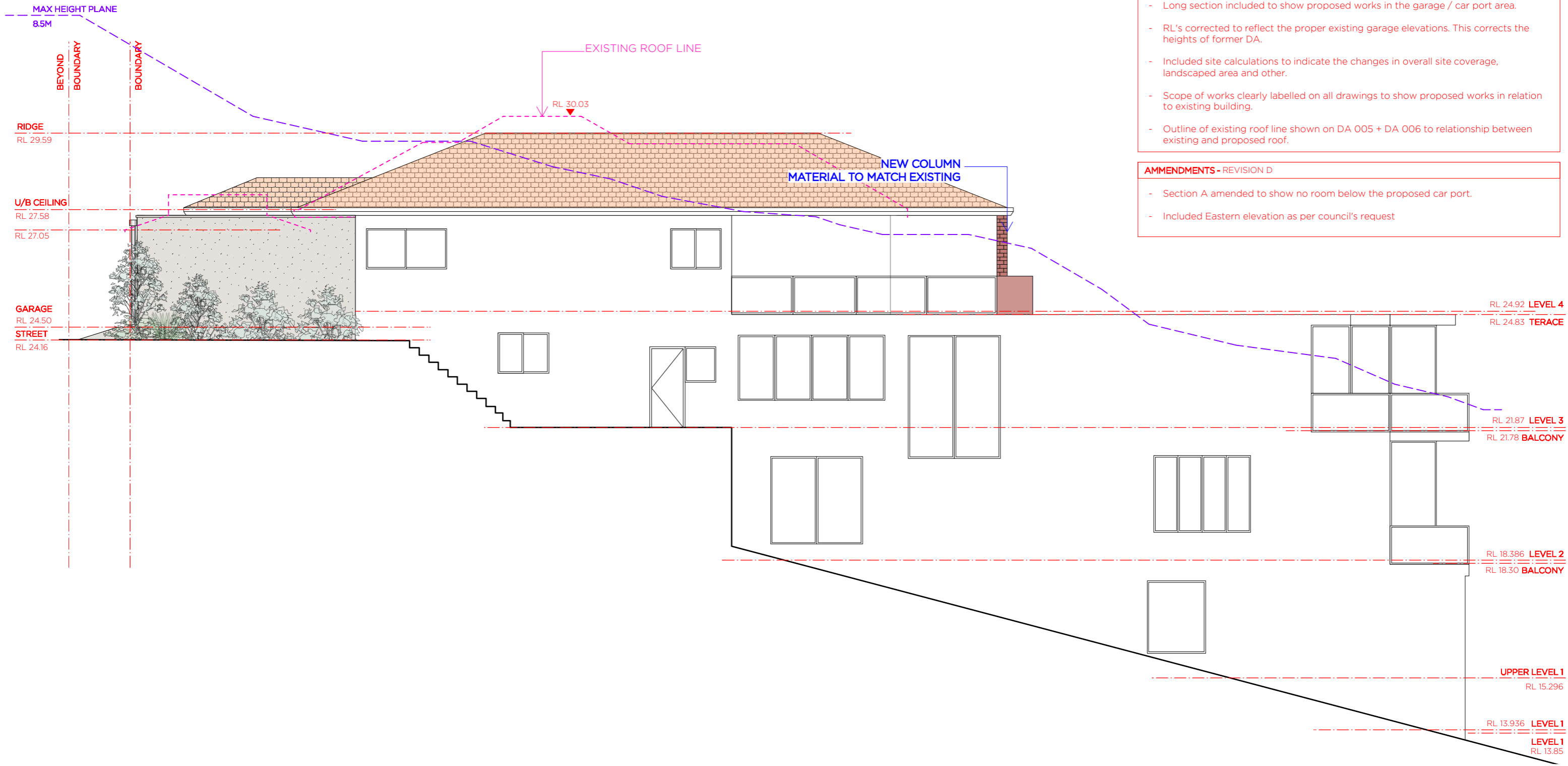
PROPOSED SIDE ELEVATION

DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

DA 005

REVISION.



- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.

- AMMENDMENTS - REVISION D**
- Section A amended to show no room below the proposed car port.
 - Included Eastern elevation as per council's request

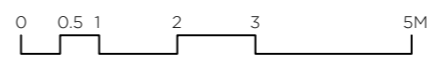
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

PROPOSED EASTERN ELEVATION

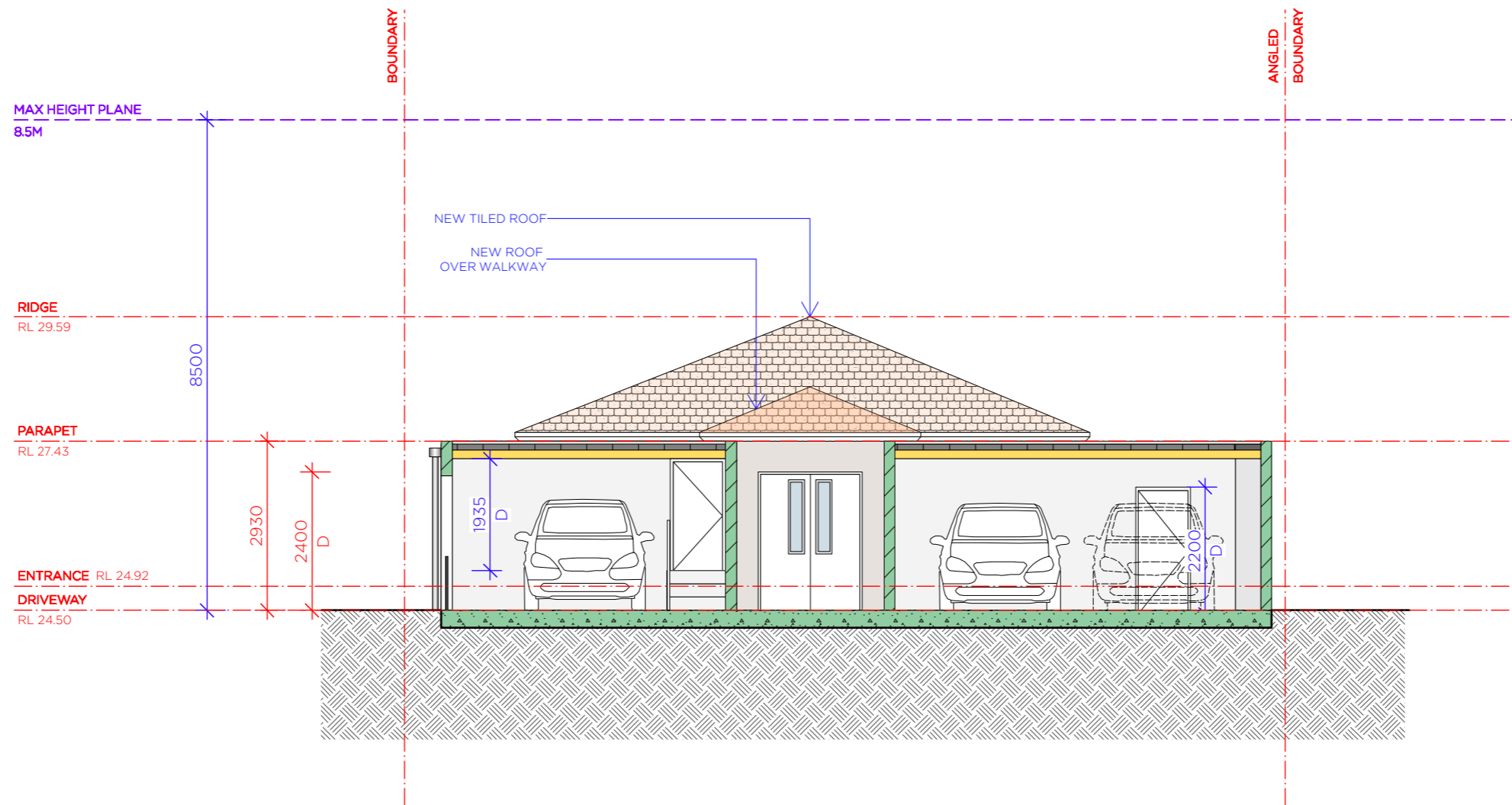
DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

DA 015

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
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 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

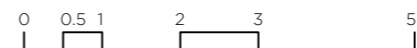
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DEVELOPMENT APPLICATION

PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

PROPOSED SECTION B

DATE: JULY 2020
 SCALE: 1:100 @ A3

DRAWING NO.

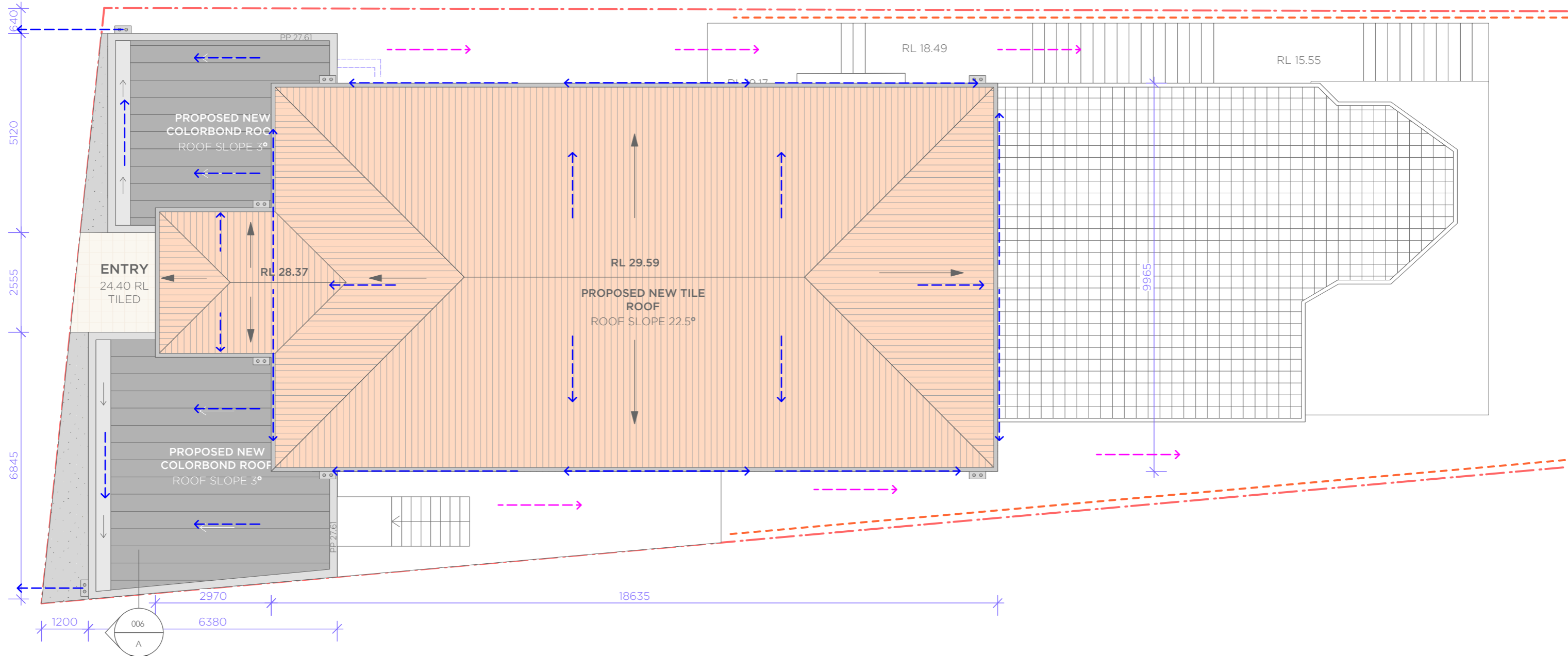
DA 007

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
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 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.

LEGEND

-  stormwater path
-  existing stormwater
-  sedimentation control fence
-  stormwater pit - 600 x 600
-  rainwater tank
-  overland flow path



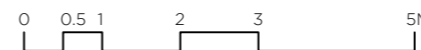
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. |  EXISTING |  TIMBER |  BLOCKWORK |  CONCRETE |  BRICK |  CLADDING |  ROOFING |  RENDER |  TIMBER FLOOR |  TILES |  PAVING |
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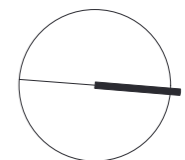
DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

STORMWATER MANAGEMENT PLAN

DATE: JULY 2020
 SCALE: 1:100 @ A3



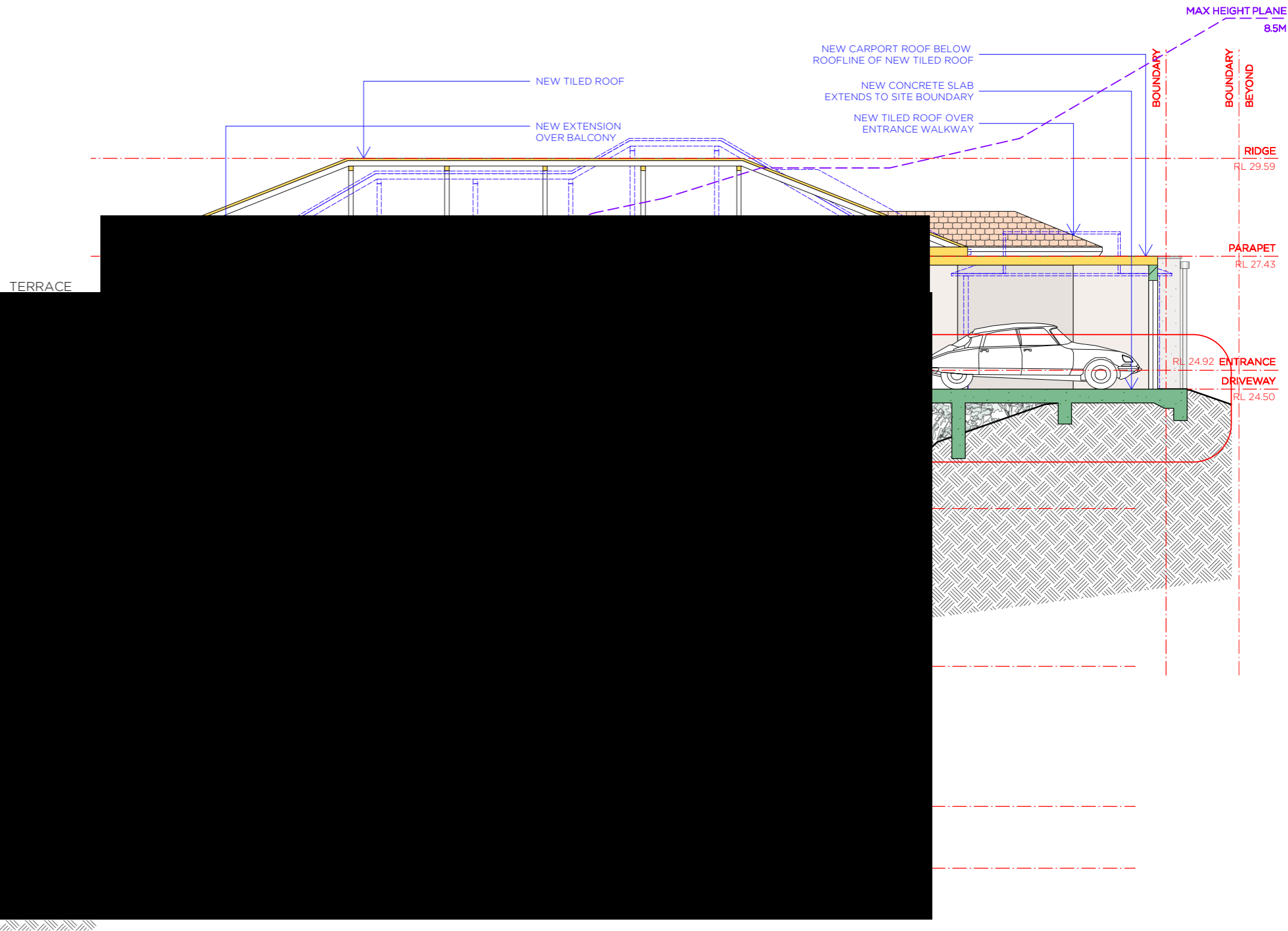
DRAWING NO.

DA 008

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
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 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.

- AMMENDMENTS - REVISION D**
- Section A amended to show no room below the proposed car port.
 - Included Eastern elevation as per council's request



- LEVEL 4 RL 24.92
- TERRACE RL 24.83
- LEVEL 3 RL 21.87
- BALCONY RL 21.78
- LEVEL 2 RL 18.386
- BALCONY RL 18.30
- UPPER LEVEL 1 RL 15.296
- LEVEL 1 RL 13.936
- LEVEL 1 RL 13.82

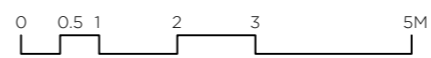
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

| | | | | | | | | | | | |
|---------|----------|--------|-----------|----------|-------|----------|---------|--------|--------------|-------|--------|
| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
|---------|----------|--------|-----------|----------|-------|----------|---------|--------|--------------|-------|--------|



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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)

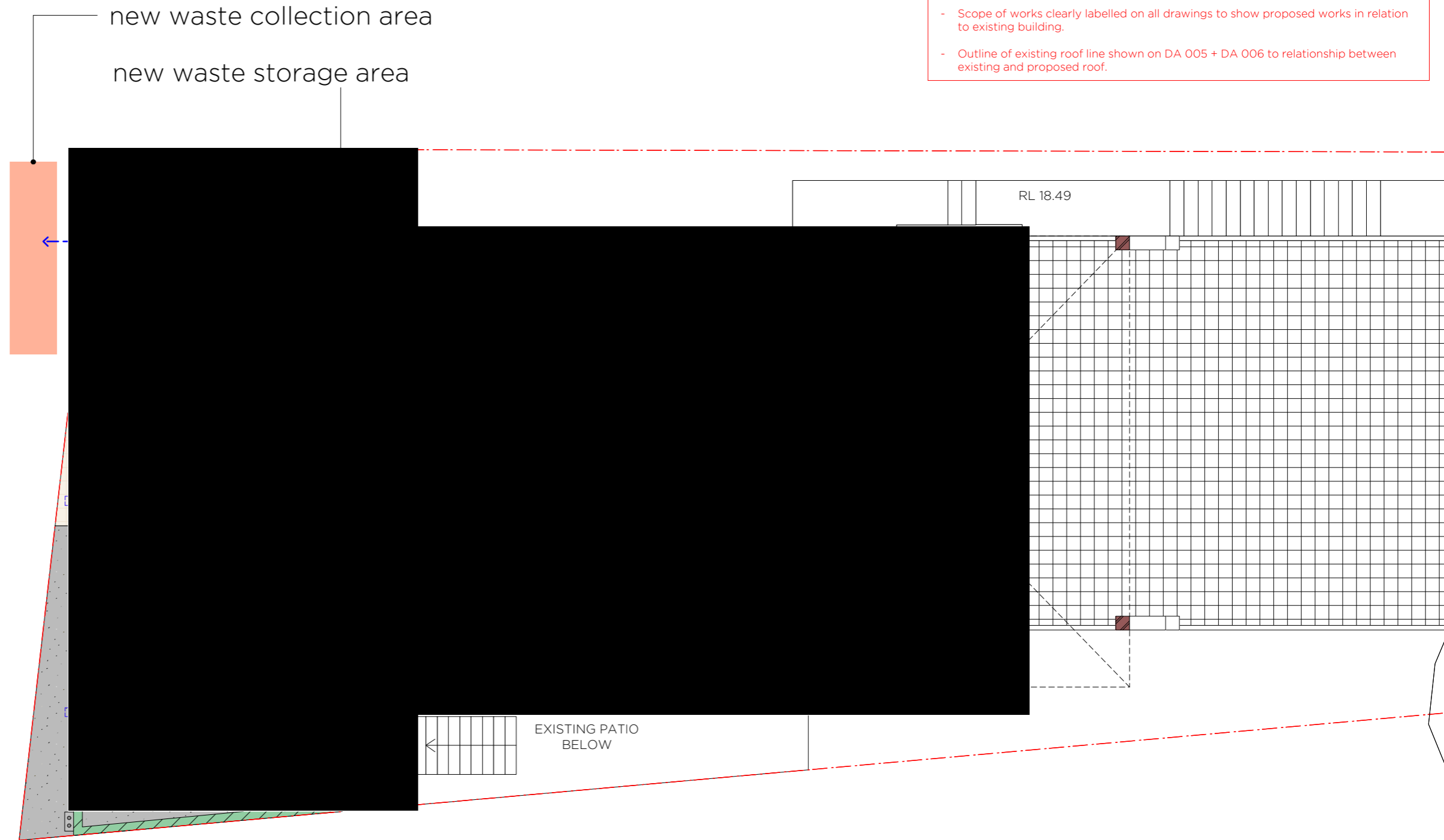


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|--------------------------------------|---------------|
| DRAWING NAME. | DRAWING NO. |
| PROPOSED SECTION B | DA 006 |
| DATE: JULY 2020 SCALE: 1:100 @ A3 | REVISION. |

LEGEND

- general waste bin 240L - collected fortnightly
- mixed recycling bin (paper/recyclable containers) 240L - collected fortnightly
- green waste bin (garden) 240L - collected monthly
- mixed food + vegetation bin (for compost) 240L - collected weekly
- waste storage area
- waste collection area
- path from waste storage to waste collection

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
 - Included site calculations to indicate the changes in overall site coverage, landscaped area and other.
 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



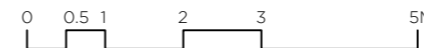
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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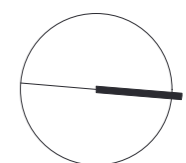
DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

WASTE MANAGEMENT PLAN

DATE: JULY 2020
 SCALE: 1:100 @ A3

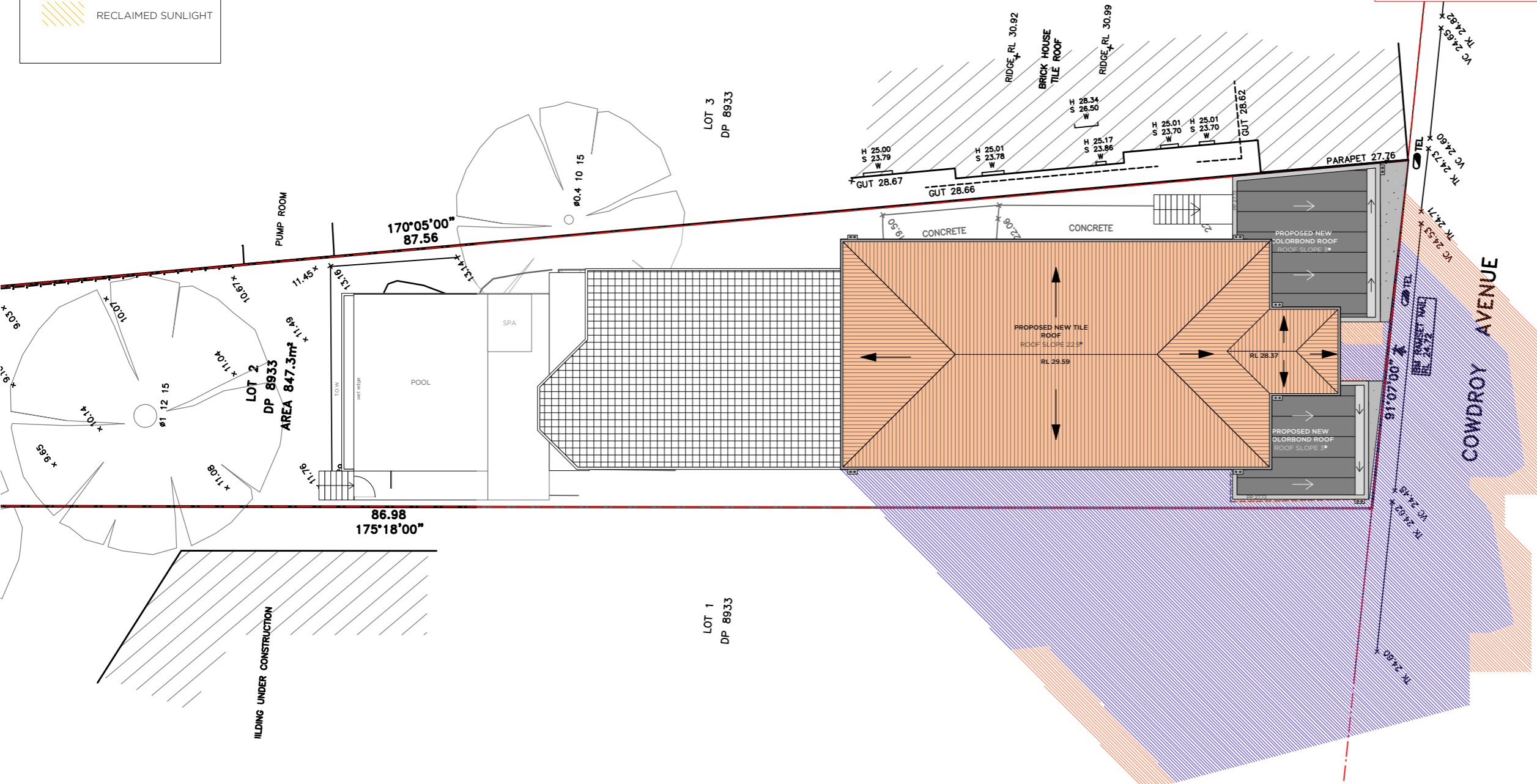


DRAWING NO.

DA 009

REVISION.

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
 - RL's corrected to reflect the proper existing garage elevations. This corrects the heights of former DA.
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 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
 - Outline of existing roof line shown on DA 005 + DA 006 to relationship between existing and proposed roof.



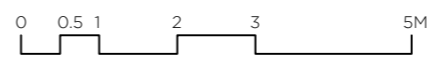
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
 PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.
9AM SHADOW ANALYSIS
 DATE: JULY 2020
 SCALE: 1:200 @ A3



DRAWING NO.
DA 010
 REVISION.

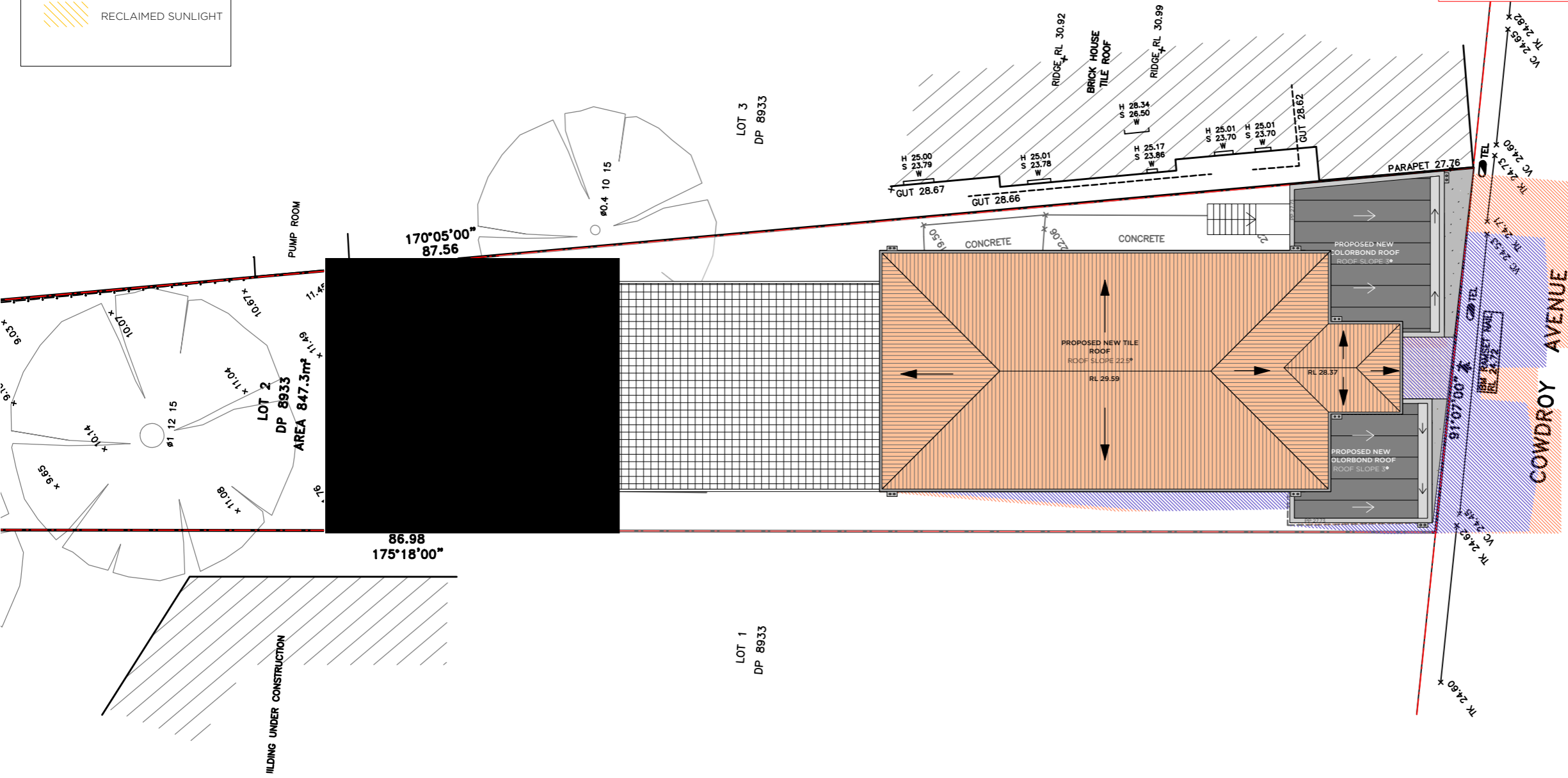
N

12 noon solstice

ALTITUDE - 32°
AZIMUTH - N

EXISTING SHADOW
PROPOSED SHADOW
RECLAIMED SUNLIGHT

- AMMENDMENTS - REVISION C**
- Existing measured drawings have been included to reflect the internal layout as per CDC (17/0467). This includes a long section as per councils request.
 - Long section included to show proposed works in the garage / car port area.
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 - Scope of works clearly labelled on all drawings to show proposed works in relation to existing building.
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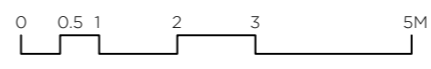
REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION
PROJECT 2A COWDROY AVE
(LOT 2/B/D.P. 8933)



DRAWING NAME.
12PM SHADOW ANALYSIS

DATE: JULY 2020
SCALE: 1:200 @ A3

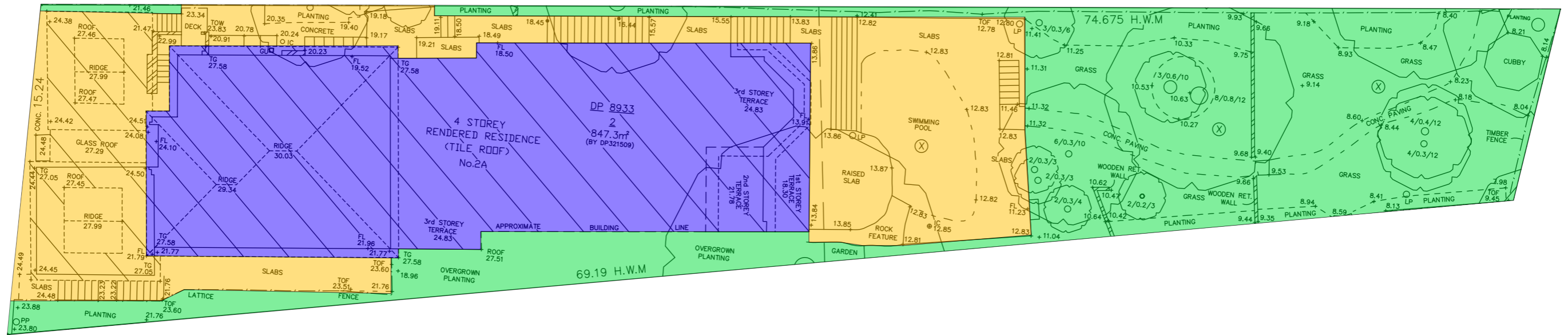


DRAWING NO.
DA 011

REVISION.

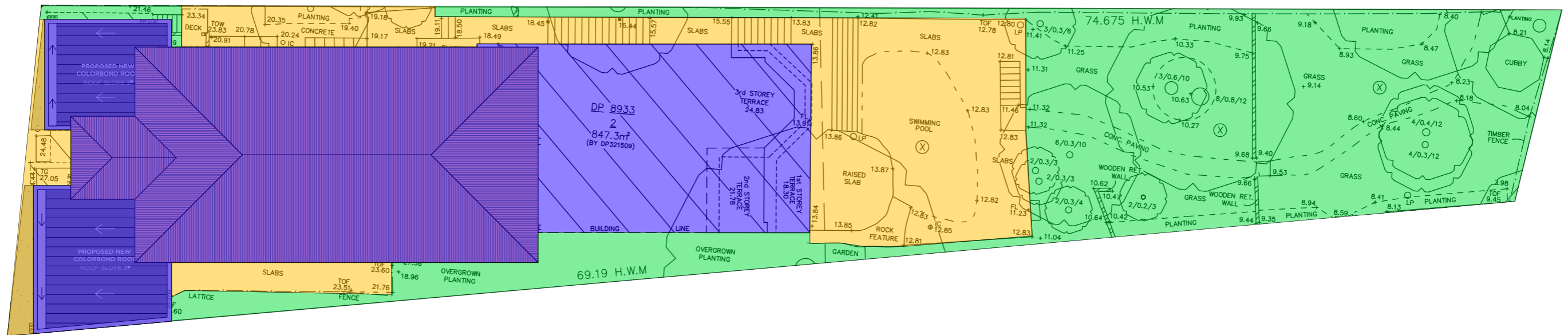
EXISTING SITE CALCULATIONS

| | | |
|-----------------|-----------|-----|
| SITE AREA | 847.3 sqm | |
| SITE COVERAGE | 279.6 sqm | 33% |
| LANDSCAPED AREA | 313. sqm | 37% |
| OTHER | 254.2 sqm | 30% |



EXISTING SITE CALCULATIONS

| | | |
|-----------------|-----------|-----|
| SITE AREA | 847.3 sqm | |
| SITE COVERAGE | 364.3 sqm | 43% |
| LANDSCAPED AREA | 305 sqm | 36% |
| OTHER | 178 sqm | 21% |



REFER TO DEMOLITION PLAN FOR DEMOLISHED STRUCTURE

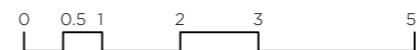
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| LEGEND. | EXISTING | TIMBER | BLOCKWORK | CONCRETE | BRICK | CLADDING | ROOFING | RENDER | TIMBER FLOOR | TILES | PAVING |
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DEVELOPMENT APPLICATION

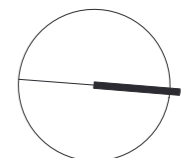
PROJECT 2A COWDROY AVE
 (LOT 2/B/D.P. 8933)



DRAWING NAME.

SITE CALCULATIONS

DATE: JULY 2020
 SCALE: 1:200 @ A3



DRAWING NO.

DA 013

REVISION.

4.3A HEIGHT OF DEVELOPMENT + 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

To accompany a Development Application to North Sydney Council

1.0 Introduction

The following statement addresses Clause 4.3 of the North Sydney LEP. It is in reference to the accompanying applications non-compliance of max building height of 8.5m an subsequent Clause 4.6 Exceptions to Development Standards.

3.0 4.6 Clause Exemption

4.3A Exceptions to Height of Buildings

| Applicant Details | |
|-------------------|-------------------|
| Applicant Name | Wail El Waili |
| Site Address | 2A Cowdroy Avenue |
| Suburb | Cammeray, 2062 |
| Lot/DP | LOT 1 / DP177789 |

abn 61536029808

Paul Connor FRAIA #7058

Anthony Solomon RAIA #5684

Studio 4.04 "The Cooperage"

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CLAUSE 4.6

Clause 4.6 NSLEP 2013 provides a mechanism by which a development standard can be varied.

(1) The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *the achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) states consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6(6) Development consent must not be granted under this clause for a subdivision of land in Zone... E4 Environmental Living if-

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Claim for Variation

Max Building Height

The standard and associated objectives have been previously identified. It has been determined that the development does not comply with the max building height of 8.5m. Referring to the architectural documentation, it is noted that the maximum building height is 6.7m at the front of the site however towards the rear of the site where the new roof is proposed exceeds the max height at varying amounts from 1m to 3.5m.

Although the proposal breaches the height of buildings control, the development achieves appropriate buildings envelopes and separation to the adjacent future residential land. It is also worth noting that the development does comply with solar access, cross ventilation, site coverages, landscaped area, communal open space, and deep soil requirements.

(1) The objectives of this clause are as follows:

(a) The height of the building does not exceed the maximum height by more than 5 metres, and
Response: As stated prior, it is noted that the maximum building height is 6.7m at the front of the site however towards the rear of the site where the new roof is the height exceeds the maximum by varied amount of 1-3.5m.

- (b) That part of the building that exceeds the maximum height comprises either -
 - (i) roof-top plant or equipment, lift overruns and associated structures, or
 - (ii) an architectural roof feature that complies with subclause (2).

(2) An Architectural roof feature complies with this subclause if it -

- (a) comprises a decorative element on the uppermost portion of a building, and
- (b) is not an advertising structure, and
- (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (d) will cause minimal overshadowing, and
- (e) has fully integrated into its design any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) that is contained in or supported by the roof feature.

Response: The area of roof that exceeds the height limit is a re implemented version of the existing roof of the property. A large portion of the roof that exceeds the max height plane is within the boundaries of the existing roof. The additional roof area towards the top floor deck is not an advertising structure, it does not adversely impact the overall site coverage numbers of the property.

It is also not deemed reasonably capable of modification to include floorspace area. As per the accompanying shadow analysis diagrams in the accompanying architectural documentation (prepared by COSO Architecture, DA09, DA10, DA11) there is minimal overshadowing impact as a result of this roof.

The roof structure that is exceeds the max height plane as stated prior is a continuation of the existing roofing structure and is fully integrated unto the design of the roof as a whole.

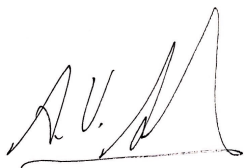
CONCLUSION

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- (a) that the contextually responsive development is consistent with the zone objectives, and
- (b) that the contextually responsive development is consistent with the objectives of building height and
- (c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- (d) that having regard to (a), (b) and (c) above that compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the case, and
- (e) that given the developments ability to comply with the landscaped area and site coverage development standard objectives that approval would not be antipathetic to the public interest, and
- (f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such we have informed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a landscaped area and site coverage variation in this instance.

COSO ARCHITECTURE



Anthony Victor Solomon

RAIA 5684

Partner