

**NSLPP MEETING HELD ON 07/12/2022****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement

ADDRESS/WARD: 17 Cowdroy Avenue, Cammeray**APPLICATION No:** DA 38/2022**PROPOSAL:** Alterations and additions to a dwelling house and associated works.**PLANS REF:**

Plan No.	Issue date/Rev	Description	Prepared by	Dated
1	-	Site Plan	DJSP Consulting Pty Ltd	19/01/2022
2	-	Existing Floor Plans	DJSP Consulting Pty Ltd	19/01/2022
3	-	Proposed Ground Floor Plan	DJSP Consulting Pty Ltd	19/01/2022
4	-	Proposed First Floor Plan	DJSP Consulting Pty Ltd	19/01/2022
5	-	Proposed Sub Floor Plan & BASIX	DJSP Consulting Pty Ltd	19/01/2022
6	-	North & South Elevations	DJSP Consulting Pty Ltd	19/01/2022
7	-	East Elevation	DJSP Consulting Pty Ltd	19/01/2022
8	-	West Elevation	DJSP Consulting Pty Ltd	19/01/2022
9	-	Section A-A	DJSP Consulting Pty Ltd	22/11/2022
10	-	Roof Plan	DJSP Consulting Pty Ltd	19/01/2022

OWNER: Qiong Pan**APPLICANT:** DISP Consulting Pty Ltd**AUTHOR:** Thomas Holman, Assessment Officer**DATE OF REPORT:** 22 November 2022**DATE LODGED:** 03 February 2022**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a detached dwelling comprising internal alterations, alterations to the materials and finishes for the elevations, replacement of the metal roof sheeting and a rear first floor addition.

The development application is reported to the North Sydney Local Planning Panel (NSLPP) for determination because the development application contravenes a development standard imposed by an environmental planning instrument by more than 10%, which requires determination by the Panel in accordance with the directions from the NSW Minister of Planning, Industry and Environment.

The proposed first floor rear addition would have an approximate height of 9.5m (variation of 12%) that fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013. Alterations are also proposed replacing the metal roof and seeking external/internal alterations to parts of the dwelling which exceed the height limit of 8.5m.

The application has been assessed against the relevant provisions and requirements of the relevant planning instruments including the North Sydney LEP 2013 and North Sydney DCP 2013. Consideration has also been given to the Clause 4.6 request for a variation to the height of buildings development standard as submitted by the applicant which was considered to be acceptable in the site circumstances.

The proposed first floor rear addition is designed with side setbacks that comply with the minimum side setbacks stipulated in the DCP and the first floor addition is subordinate in height to the main dwelling house below the main ridge of the dwelling having a limited impact on the bulk and scale of the dwelling and no visual impact on the public domain.

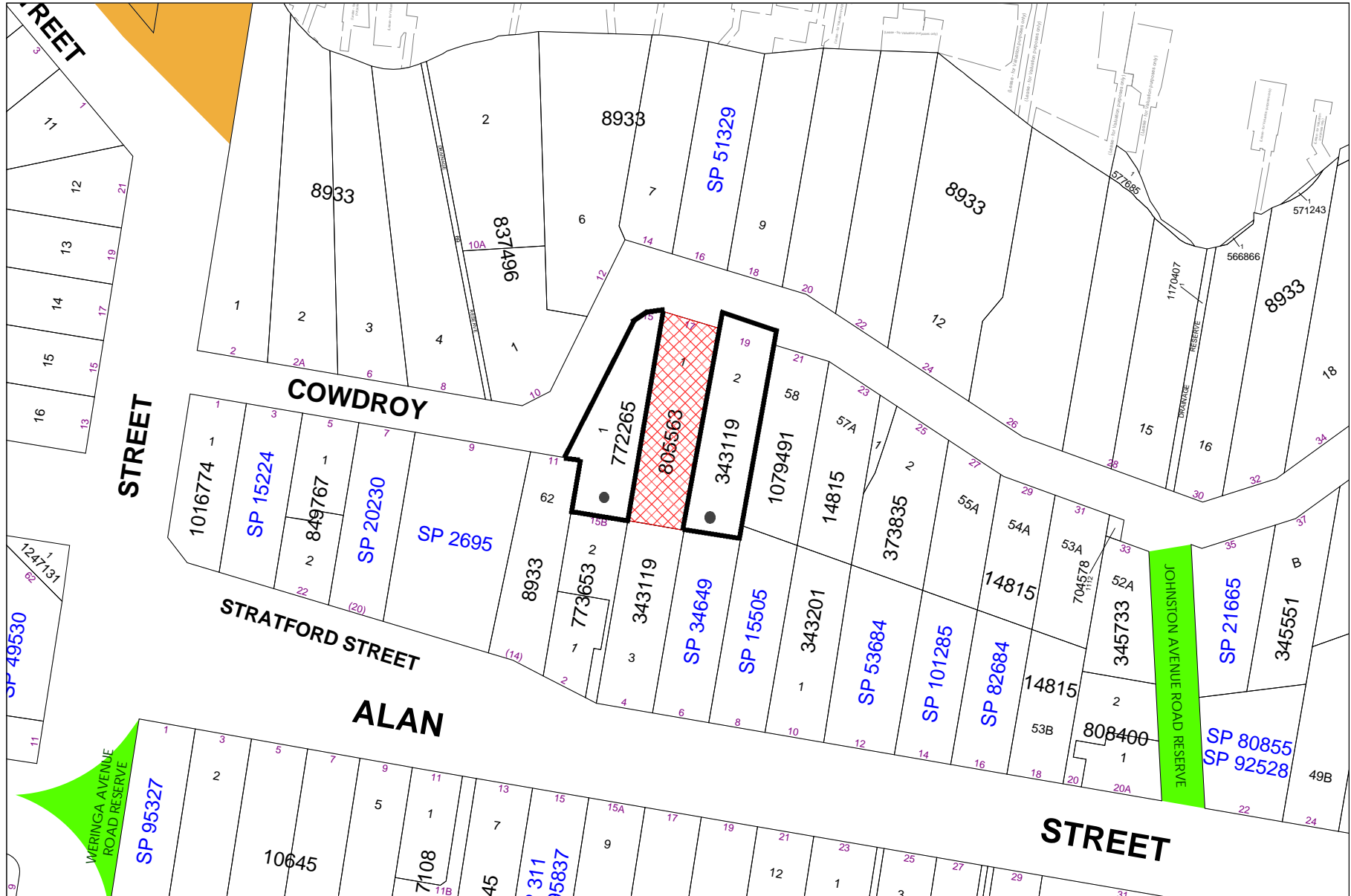
The proposed materials and finishes to the elevations and roof of the dwelling comprising of either muted or earthy tones and amendments replacing the existing metal roller shutter doors with timber doors is a positive outcome reducing the extent of metal visible from the street.

The alterations and additions including first floor rear addition are designed to maintain view sharing and equitable access to views from adjoining dwellings and the development would maintain a minimum 3 hours solar access to solar panels, windows of internal living areas and principal private open space of adjoining properties.

Two submissions were received in response to notification of the development application requiring consideration of potential loss of privacy to habitable rooms and private open space of adjoining properties. The windows on the side elevations of the dwelling are designed to prevent a direct outlook to windows or private open space of adjoining properties and where appropriate additional privacy measures are proposed.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for alterations and additions to an existing detached dwelling. Below is further detail with regards to the proposed works.

External Alterations

North Elevation

- New timber clad entry doors facing Cowdroy Avenue to serve the garage entry and pedestrian entry.
- Alterations to the front façade comprising new aluminium framed windows and doors.
- Proposed front addition within the existing terrace and new glazed window for the front façade of the Ground Floor Level.

South Elevation

- Amendments to existing rear elevation including a render finish and new glazed sliding doors.
- Construction of a first floor addition to the rear of the dwelling with a gabled roof.

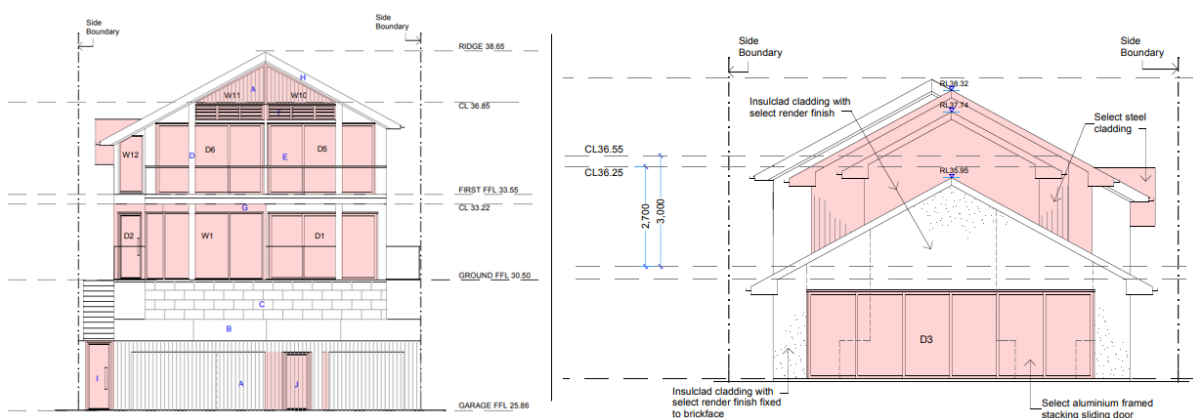


Figure 1 – North (Front) and South (Rear) Elevation, Sheet No. 6 Dated 19.01.2022

East Elevation

- Amendments to the side elevation comprising a render finish to the walls and new window and door openings. The walls are to have a beige colour (Resene Albescent White) and the window and door openings are aluminium framed with a dark brown finish (Weathered Copper) as stipulated in the submitted Schedule of Materials & Colours.
- A side addition is proposed providing a new pedestrian entry to the dwelling.

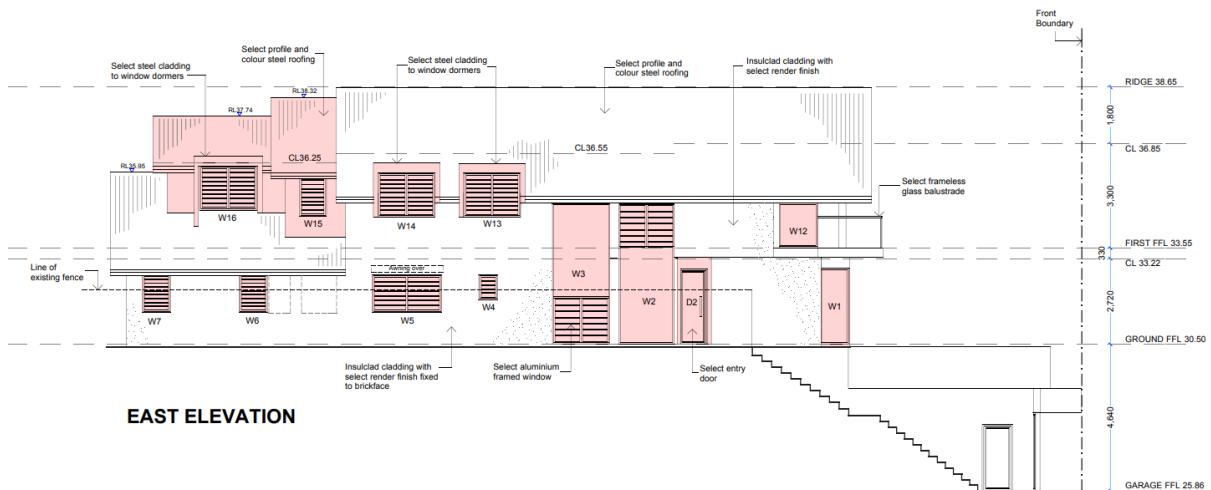


Figure 2 – East (Side) Elevation, Sheet No. 7 Dated 19.01.2022

West Elevation

- Amendments to the side elevation comprising a render finish to the walls and new window and door openings. The walls are to have a beige colour (Resene Albescent White) and the window and door openings are aluminium framed with a dark brown finish (Weathered Copper) as stipulated in the Schedule of Materials & Colours.

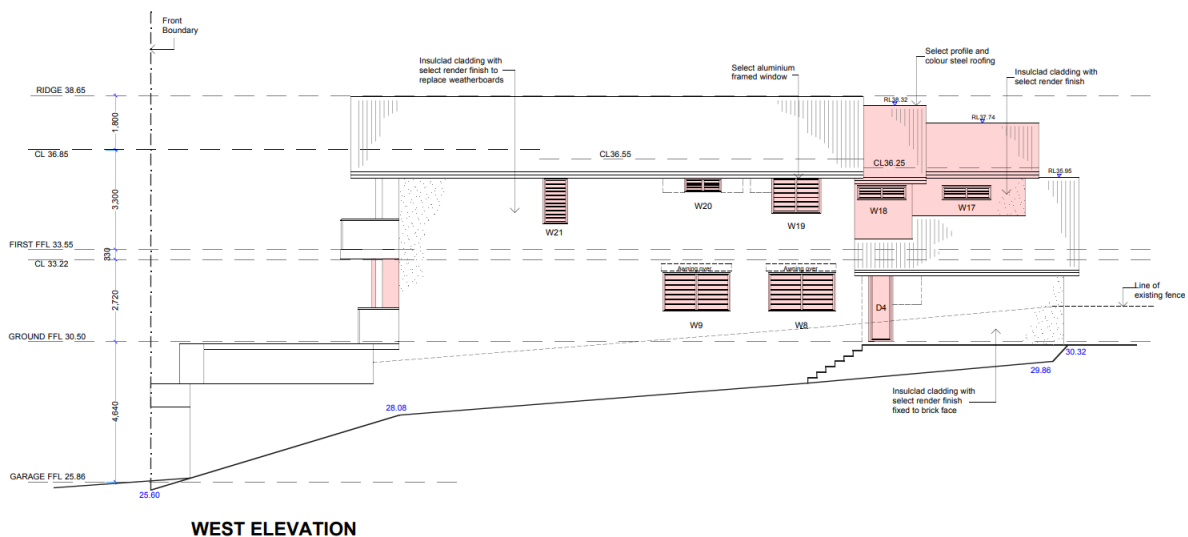


Figure 3 – West (Side) Elevation, Sheet No. 8 Dated 19.01.2022

Roof

- New roof cladding comprising steel roofing. The colour of the roof cladding is to be mid grey (Wallaby) as stipulated in the Schedule of Materials and Colours.

Internal Alterations

Lower Ground Floor – RL 25.86

- Internal works comprising a new partition wall for the garage and the provision of doors leading to an excavated area comprising a cellar/lobby and lift.

Ground Floor Plan – RL 30.50

- Internal alterations including demolition and construction of new partitions.

First Floor Plan – RL 33.55

- Internal alterations including demolition and construction of new partitions.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – C4 Environmental Living Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- FSBL - No

Environmental Planning & Assessment Act 1979

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas
- Chapter 6 Bushland in urban areas
- Chapter 10 Sydney Harbour Catchment

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of land

POLICY CONTROLS

NSDCP 2013

Sydney Harbour Foreshores and Waterways Area DCP 2005

North Sydney Local Infrastructure Contributions Plan

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 DP 805563 also known as 17 Cowdroy Avenue, Cammeray and sited on the southern side of Cowdroy Avenue. The site is rectangular in shape with a site area of 543.3m² and comprises a two storey dwelling with a lower ground garage fronting Cowdroy Avenue.

The existing dwelling has a predominantly glazed front façade and a swimming pool located above the garage within the front setback elevated above the street. To the rear of the dwelling is a private open space area with paving and landscaping within the rear setback of the site.



Figure 4 – Photographs of the front and rear elevations of the existing dwelling, (North Sydney Council, 15 August 2022)

The site is located in the C4 Environmental Living Zone and is not a heritage item or located within a conservation area.



Figure 5 – Land Zoning Map (left), Height of Building Map (middle) and Heritage Map (right)

RELEVANT HISTORY

Previous Applications

Date	Action
There are no recent recorded planning applications relating to the subject site.	

Current application

Date	Action
03/02/2022	Development Application No. 38/22 for alterations and additions was lodged on 03 February 2022.
04/03/2022	The proposed development was notified to the Bay Precinct and adjoining properties between 18 February and 04 March 2022.
15/08/2022	A site visit was completed by the assessment officer.
09/09/2022	Following a preliminary assessment of the development application the following issues were raised in correspondence to the applicant dated 09 September 2022: Height of Building – a revised Section confirming the maximum height of the proposed alterations and additions measured in accordance with the building height definition in NSLEP 2013.

	Colours and Materials – the proposed external finishes and materials are submitted as a separate document/plan rather than contained within the SEE.
08/11/2022	A schedule of materials and colours was submitted by the applicant on 08 November 2022.
22/11/2022	Additional information was submitted by the applicant on 22 November 2022 providing an updated Section A-A and an amended Clause 4.6.

REFERRALS

BUILDING

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

ENGINEERING

The application has been referred to Council's Development Engineer who raised no objections subject to appropriate conditions of consent requiring the developer to prepare a dilapidation survey and report to record the condition of public infrastructure prior to construction, a Geotechnical Certificate certifying the structural integrity of the site and adjoining sites can be maintained during excavation and the applicant is to prepare a site drainage management plan to be submitted with the Construction Certificate.

SUBMISSIONS

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Bay Precinct between 18 February and 04 March 2022. In response to Council's notification letter a total of 2 submissions were received expressing the following concerns:

The original submission may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and is available for review by NSLPP members.

Basis of Submissions

- The proposed second storey extension may overlook windows to habitable rooms, swimming pool and backyard.
- Our privacy should be maintained and we should not be overlooked in our entertaining areas.

The issues raised are addressed later in the report.

AMENDED PLANS

The additional information submitted to Council in November 2022 including an updated Section with annotations detailing the height exceedances, an updated Clause 4.6 Request and a Schedule of Materials & Colours were supplementary information to assist in the assessment of the development application and did not require renotification of the development application.

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas

The proposed development meets the aims outlined in Chapter 2 of this SEPP (Vegetation in Non-Rural Areas) with works comprising internal alterations, alterations to the elevations/roof and a first floor rear addition therefore the development has a neutral landscape outcome preserving existing trees within the subject site and adjoining the site.

SEPP (Biodiversity and Conservation) 2021

- Chapter 6 Bushland in urban areas

The proposed development meets the aims outlined in Chapter 6 of this SEPP (Bushland in urban areas) not affecting the aesthetic, recreational, educational or scientific value of neighbouring bushland with works restricted to alterations and additions within a residential zoned site only.

SEPP (Biodiversity & Conservation) 2021

- Chapter 10 Sydney Harbour Catchment

The proposed works to the site are not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the scale of works proposed to the site. The aims for the Sydney Harbour Catchment are satisfied because the development has no impact on the ecology, use and accessibility to and along the Sydney Harbour with works comprising alterations and additions to a residential dwelling only. As such, the development is acceptable having regard to the aims contained within Part 10.1, Chapter 10 Sydney Harbour Catchment of the SEPP (Biodiversity and Conservation) 2021.

SEPP (Resilience and Hazards) 2021

- Chapter 4 – Remediation of Land

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate A446626 dated 25 January 2022 for alterations and additions has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 and is considered to be satisfactory with respect to the relevant aims of the Plan.

2. Permissibility

The site is zoned C4 Environmental Living Zone under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of alterations and additions to a dwelling house is permissible with the consent of Council.

3. Objectives of the zone

The objectives for a C4 Environmental Living Zone are stated below (*in italics*):

- *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 development is unlikely to have an impact on the ecological, scientific and aesthetic values of the surrounding Environmental Living Zone because the works affect the external facades or internal elements of the existing dwelling, and the subordinate rear addition would have minimal impact on the surrounding public realm. The development would have no impact on nearby sensitive land such as bushland or impact upon the scientific or ecological values of the foreshore.

The development does not adversely impact upon neighbouring amenity not affecting existing views, the privacy of adjoining properties and additional overshadowing is minimised to ensure sufficient access to sunlight for adjoining properties.

4. Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under NSLEP 2013 as follows:

Compliance Table –

North Sydney Local Environmental Plan 2013			
Site Area – 543.3m²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	9.5 – 13m	8.5m	NO

5. Height of Building

The following objectives for the permissible height limit are stated below:

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

- (b) to promote the retention and, if appropriate, sharing of existing views,
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
- (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 proposed works would have an approximate height variance of 9.5m for the first floor rear addition to 13m for the front roof ridge of the dwelling that fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013.

Below is an annotated Section confirming the approximate height exceedances at different points throughout the building.

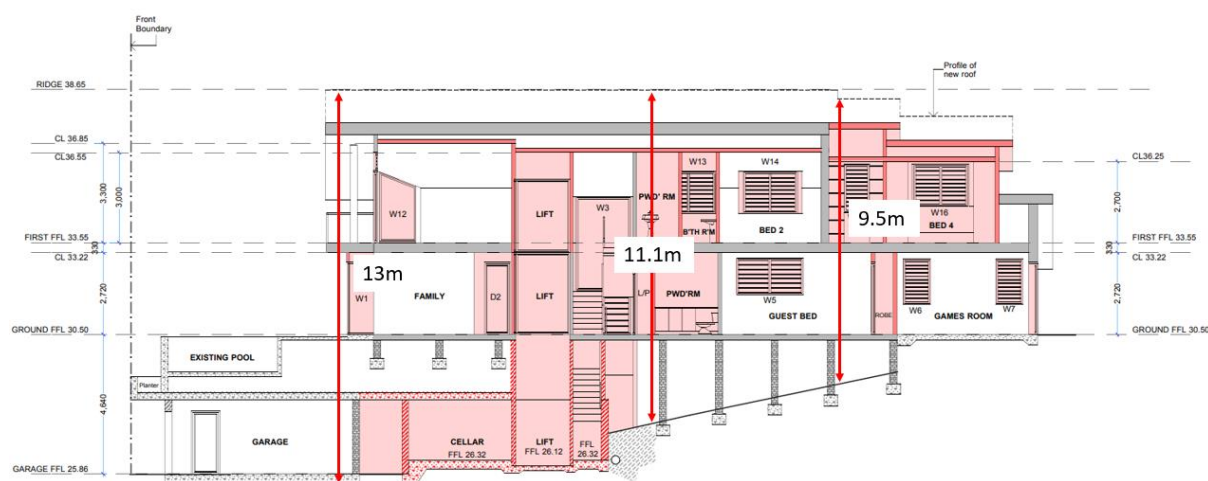


Figure 6 – Annotated Section AA (Sheet 9, Dated 22.11.2022) detailing the various height exceedances measured from the existing ground to the existing roof ridge and rear first floor addition

The proposed works would have a maximum height of 13m measured from the existing ground level to the existing roof ridge which is subject to alterations (replacement metal roof). The alterations to the existing building would constitute works that are above the permissible height limit of 8.5m stipulated in clause 4.3 in NSLEP 2013 (exceedance of 53%) necessitating the need for a clause 4.6 statement.

Under the delegations provided by NSLPP on 4 November 2020, works to replace the metal roof including internal alterations can be determined by the Manager of Development Assessment as these height exceedances relate to the existing building form which would have no further increase in the overall height of the building. However, a first floor addition is proposed to the rear of the dwelling which would have a maximum height of 9.5m (exceedance of 12%) above the existing ground level and this new addition does warrant the application being referred to the Panel.

Clause 4.6 – Exceptions to Development Standards.

A written request to justify a contravention of the development standard for height has been submitted and considered below.

Clause 4.6(3)(a) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

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

The existing dwelling is located on a steep site that has a topography which rises from Cowdroy Avenue to the rear boundary by approximately 7m. The existing building therefore exceeds the maximum building height of 8.5m, however, the development seeks to generally retain the steep gradient of the site by proposing mostly internal or external alterations to the dwelling and proposing a first floor addition to the rear which is subordinate in bulk and scale and located below the main roof ridge of the dwelling.

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

The proposed alterations to the roof above the height limit maintain the existing building height, bulk and massing and the first floor rear addition is subordinate in scale to the existing dwelling and located to the rear having no impact on views available from any surrounding dwellings or the public domain.

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

The proposed alterations to replace the roofing for the existing dwelling above the height limit maintains the existing building height, bulk and massing and would not have an additional impact on access to sunlight available to surrounding dwellings, public areas or potential future development.

The application includes shadow diagrams for 21 June (mid-winter) which are deliberated in detail within the NSDCP 2013 assessment table confirming that the development would cause minor additional overshadowing to adjoining properties and the subject site and would retain a minimum 3 hours solar access to the solar panels, the windows of internal living areas and principal private open space areas for adjoining properties including a minimum of 3 hours of solar access to the subject site.

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

Windows are located appropriately and designed to minimise overlooking to adjoining properties with predominant views directed to the streetscape or rear private open space of the subject site. The windows for the first floor addition are considered supportable because the first floor rear addition is appropriately designed with setbacks of 2.3 – 3m to the eastern side boundary and 2.3 – 3.7m to the western side boundary. The side windows are also offset directing views to the roof of adjoining properties and an added design modification is proposed for the western elevation with the windows having a sill height of 1.6m above the FFL to minimise any direct outlook to private open space including swimming pool of 15 Cowdroy Avenue.

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

The proposed development would remain compatible with the surrounding development maintaining a similar bulk and scale with adjoining properties located on the southern side of Cowdroy Avenue. No additional height is proposed apart from a rear addition set below the ridge height of the main dwelling considered to have a minor impact on the bulk and scale of the dwelling. The subject site does not share a zone boundary.



**Figure 7 – Photo of site and adjoining properties located on the southern side of Cowdroy Avenue
(North Sydney Council, 15 August 2022)**

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

The proposed works are predominantly contained within the existing building or comprise alterations to the materials and finishes of the dwelling elevations and roof therefore the scale and density of the development would remain consistent with the density of development within the surrounding C4 Environmental Living Zone. The first floor addition which is above the maximum 8.5m is designed to be subordinate in height to the main dwelling below the main ridge of the dwelling having a limited impact to the overall and density of the dwelling (refer to Figures 2 & 3).

Whether there are sufficient environmental planning grounds to justify contravening the development standard?

It is considered that there are sufficient environmental planning grounds in the circumstances of the case and Council has duly considered the written request from the applicant seeking to justify the contravention of the development standard.

The environmental grounds in support of the height variation prepared by DJSP Consulting Pty Ltd dated 15 February 2022 (amended 22 November 2022) states that the development including the rear first floor addition achieves the relevant zone objectives, with a proposal that is commensurate in bulk and scale with surrounding development and that the development has negligible residential amenity impacts or any impact on the public domain. Furthermore, the written request justifies the contravention of the development standard noting that the topography of the site prevents a reasonable compliance with the maximum building height.

Whether the proposed development will be in the public interest?

The proposed development would be in the public interest as it is consistent with the objectives of the zone and the objectives of the development standard as discussed above.

Concluding Remarks

The written request to vary the development standard provided by the applicant is considered to be well founded. The written request demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation. The proposed development is, therefore, considered to be in the public interest. It is recommended that the variation be supported in the site context.

6. Earthworks

The proposal involves some excavation below the dwelling to construct a lobby/lift and cellar, so an assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

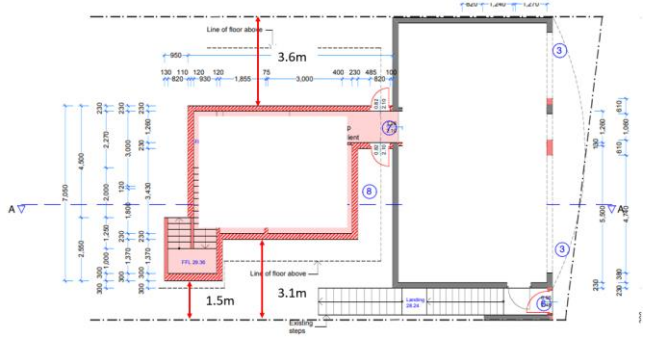
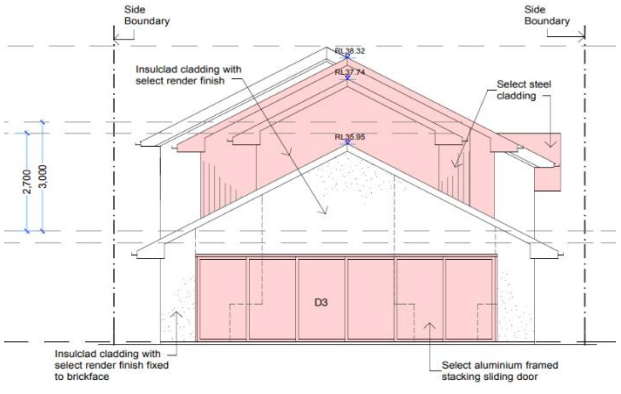
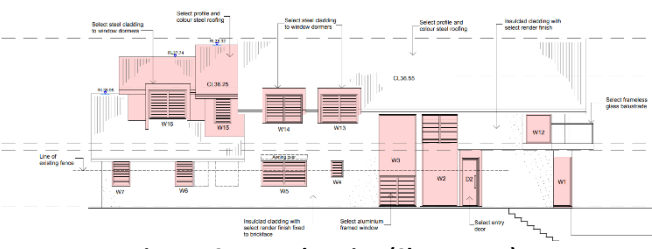
The earthworks to construct the lower ground floor area to the rear of the existing garage are below the dwelling footprint therefore having no impact on natural features of the site including vegetation. The excavated areas are sited centrally within the site not immediately adjoining the boundary of adjoining properties and subject to appropriate conditions of consent requiring a Geotechnical Report and a Structural Report to be prepared to ensure the structural integrity of the subject site and adjoining properties during excavation.

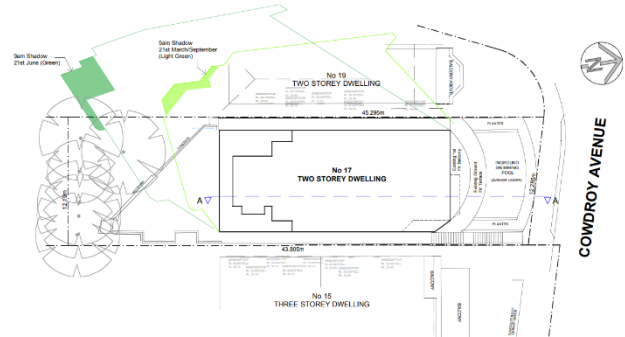
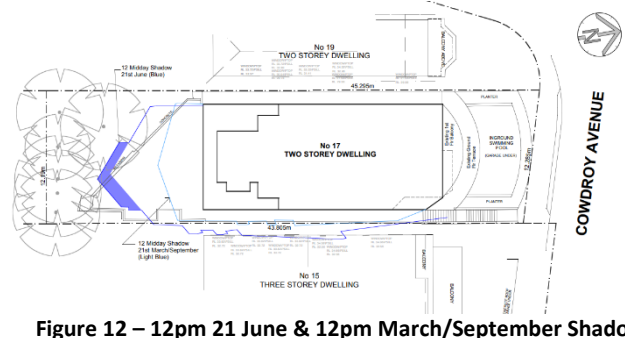
The development and associated earthworks are unlikely to have a detrimental impact on the site and surrounds meeting the objective and matters for consideration in Cl. 6.10 of NSLEP 2013.


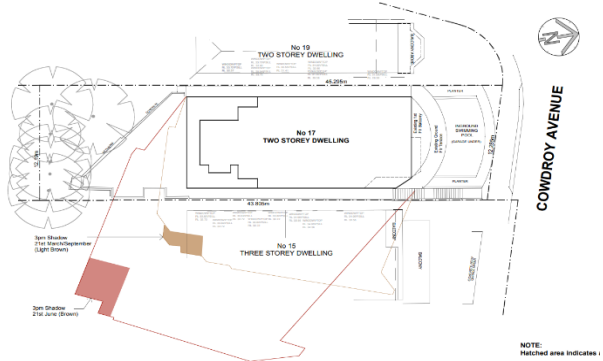
NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

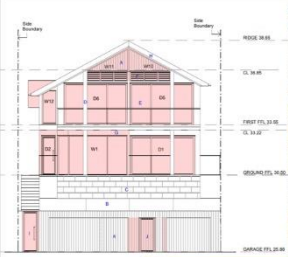


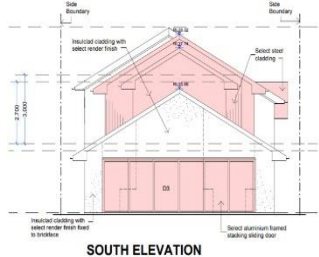

The proposal has been assessment under the following heading within NSDCP 2013:

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3 Environmental Criteria		
1.3.1 Topography	Yes	<p>The excavation required to the rear of the existing garage below the existing building footprint would not affect natural features such as rock outcrops and sandstone platforms and excavation will have no impact to landscaping within the subject site.</p> <p>The use of the lower ground floor/basement is primarily for storage and accessibility (stairs/lift) and is not intended to provide additional habitable rooms such as bedrooms which would not be supported as outlined in Provision P4, s1.3.1 of NSDCP 2013.</p> <p>Excavation for the lower ground floor/basement will not occur within 1m of a property boundary as shown in the below annotated floor plan. Nonetheless, appropriate conditions of consent will require preparation of a dilapidation report/structural report by a structural/geotechnical engineer and Geotechnical Report to ensure protection of the structural integrity of the subject site and adjoining sites (C2 Dilapidation Report Private Property – Excavation, C3 Structural Adequacy of Adjoining Properties – Excavation Works & C5 Geotechnical Report).</p>

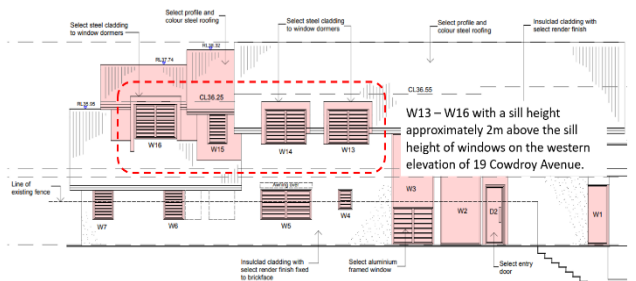

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
		
		<p>Figure 8 – Annotated Proposed Sub Floor Plan (Sheet No. 5)</p>
1.3.2 Bushland	Yes	The site is located in a bushland buffer (buffer B) within 300m of bushland. The works sought affect the existing dwelling only having no impact to existing landscaping. The development generally complies with the objectives for Bushland stipulated in Section 15 of the NSDCP 2013 maintaining the contribution of landscaping within the site to nearby bushland.
1.3.3 Bush Fire Prone Land	Yes	The site is not classified as Bush Fire Prone Land.
1.3.4 Foreshore Frontage	Yes	The site is not land that is adjacent to the foreshore.
1.3.6 Views	Yes	<p>The works to the dwelling are primarily internal or affect the external elevations with the addition of windows and doors. The only additional bulk to the dwelling is related to a first floor rear addition. The rear first floor addition has no impact on views from adjoining properties being subordinate in scale to the main dwelling and noting properties located either side of the subject site retain water views from the front of their properties.</p> <p>Below are elevations confirming the subordinate bulk and scale of the first floor addition compared to the existing dwelling.</p>
		
		<p>Figure 9 - South Elevation (Sheet No. 6)</p>
		
		<p>Figure 10 - East Elevation (Sheet No. 7)</p>

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
		The alterations and additions including first floor rear addition are designed to maintain view sharing and equitable access to views from adjoining dwellings generally compliant with the Objectives and Provisions in s1.3.6 of the NSDCP 2013.
1.3.7 Solar Access	Yes	<p>The development application includes shadow diagrams for mid-winter at 9am, 12pm and 3pm to assist in determining the shadow impact on the adjoining properties including the subject site. Below is an assessment of the impact on access to sunlight to neighbouring properties and the subject site.</p> <p>9am</p> <p>Additional shadow would be cast from the proposed first floor rear addition affecting the rear private open space of the western neighbour at 15 Cowdroy Avenue. It is noted that the existing dwelling already overshadows the pool of 15 Cowdroy Avenue with additional overshadowing affecting the rear garden of the neighbouring property. Below is the shadow diagram confirming the modest additional shadows cast from the first floor addition compared to the existing shadows cast.</p>  <p style="text-align: center;">Figure 11 – 9am 21 June & 9am March/September Shadow Diagram (Sheet 1a)</p> <p>12pm</p> <p>At midday no additional shadow would be cast on the adjoining sites with only a modest increase in shadows to the rear of the subject site. However, a sufficient portion of the private open space will continue to receive adequate sunlight.</p>  <p style="text-align: center;">Figure 12 – 12pm 21 June & 12pm March/September Shadow Diagram (Sheet 1b)</p> <p>It is also important to note that the alterations and additions would cast no additional shadows over the solar panels on the western roof slope of 15 Cowdroy Avenue at midday and at 3pm to ensure a minimum 3 hours of sunlight to the solar panels in mid-winter.</p>

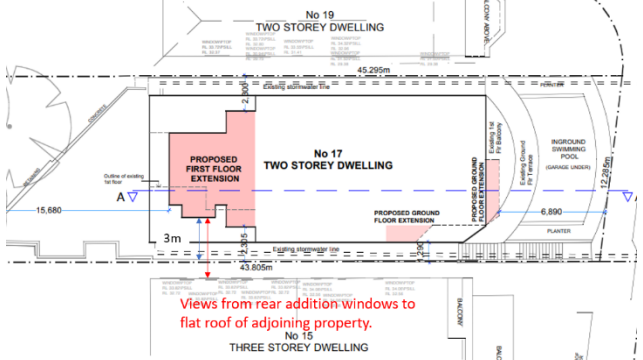

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
		 <p>Figure 13 – Aerial photo with site hatched in red and adjoining 15 Cowdroy Avenue edged in yellow</p> <p>3pm</p> <p>Additional shadow would be cast from the proposed first floor rear addition affecting the rear private open space of the eastern neighbour at 19 Cowdroy Avenue. It is noted that the existing dwelling already overshadows part of the dwelling and the rear garden of 19 Cowdroy Avenue with additional overshadowing affecting the rear garden of the neighbouring property. Below is the shadow diagram confirming the modest additional shadows cast from the first floor addition compared to the existing shadows cast. However, usable portions of the garden would still retain access to sunlight and 19 Cowdroy Avenue is only affected at 3pm with access to sunlight maintained between 9am-12pm.</p>  <p>Figure 14 – 3pm 21 June & 3pm March/September Shadow Diagram (Sheet 1c)</p> <p>In summary, the development would have a modest shadow impact on adjoining properties and the subject site would retain a minimum of 3 hours of solar access to solar panels, the windows of internal living areas and principal private open space of adjoining properties including the retention of a minimum 3 hours solar access to the subject site.</p>
1.3.8 Acoustic Privacy	Yes	<p>The works proposed involve alterations and additions to an existing dwelling not altering the existing noise levels from the subject site. The existing level of acoustic impact is likely to remain given the scale of works proposed not substantially increasing the density of the site, therefore no further consideration is required in this respect having regard to the noise intrusion criteria detailed in Table B-1.2 within NSDCP 2013.</p>

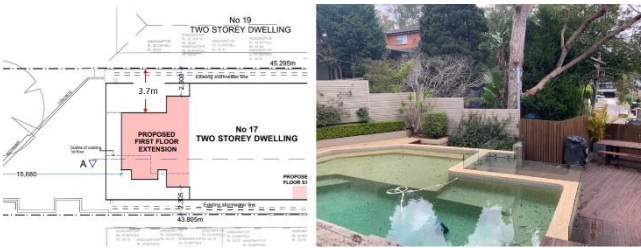
Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3.9 Vibration	Yes	The site is not adjacent to a railway corridor or adjacent to a road corridor capable of an annual average traffic volume of more than 20,000 vehicles therefore Clause 2.100 'Impact of rail noise or vibration on non-rail development' and Cl. 2.120 'Impact of road noise or vibration on non-road development' in the SEPP (Infrastructure) 2007 do not require consideration.
1.3.10 Visual Privacy	Yes	<p>The proposed works include new window/door openings to the existing dwelling therefore consideration of the visual privacy to adjoining properties is detailed below.</p> <p>Front (North) Elevation</p> <p>The development seeks replacement glazed windows and doors to the front façade. The front façade already has substantial glazing providing water views and a vegetated outlook. The alterations to the front façade comprising replacement glazing would retain these views with no impact to the privacy of adjoining residents.</p> <div style="display: flex; justify-content: space-around;">   </div> <div style="text-align: center;">  </div> <p>Figure 15 – Proposed North Elevation, Sheet 6 (left), Existing North Elevation (right) and water views from first floor (bottom)</p> <p>Rear (South) Elevation</p> <p>The development seeks glazed sliding doors for the ground level providing views to the rear private open space of the subject site as shown in the below figure.</p> <div style="display: flex; justify-content: space-around;">   </div> <p>Figure 16 – Proposed South Elevation (left) and existing landscaped rear boundary (right)</p> <p>Side (East) Elevation</p> <p>New glazed windows are proposed to the ground level of the eastern elevation, however, an existing 1.8m high boundary fence will prevent overlooking and a loss of privacy to residents at 19 Cowdroy Avenue.</p>

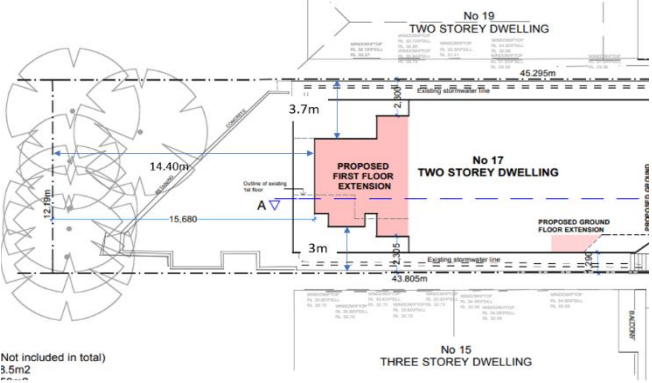
Part B Section 1- Residential Development

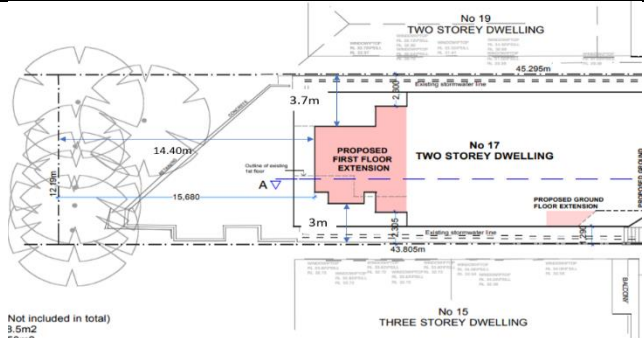

	<i>complies</i>	<i>Comments</i>
		<p>For the first floor level, four glass louvre windows (W13 – W16) are proposed as annotated below.</p>  <p>Figure 17 – Proposed annotated East Elevation</p> <p>The windows would not directly face the side windows of 19 Cowdroy Avenue. The windows for the western elevation of 19 Cowdroy Avenue are located on the ground floor offset from the first floor of 17 Cowdroy Avenue therefore the first floor windows will not have an adverse impact on the visual privacy of the adjoining property. Below is a photo detailing the existing western elevation of 19 Cowdroy Avenue with windows restricted to the ground floor only.</p>  <p>Figure 18 – Existing side setback and windows on the western elevation of 19 Cowdroy Avenue</p> <p>It is noted that the first floor rear addition comprises two windows on the eastern elevation facing 19 Cowdroy Avenue (refer to below).</p> <p>Window W15 has an approximate 2.3m side setback to the boundary adjoining 19 Cowdroy Avenue and window W16 is setback approximately 3m from the side boundary. The proposed separation distance and views from these existing windows to the flat roof of the adjoining site confirms a reasonable level of visual privacy to the residents of 19 Cowdroy Avenue.</p>

Part B Section 1- Residential Development

	<i>complies</i>	<i>Comments</i>
		 <p>Figure 19 – Annotated Site Plan detailing the separation between the first floor addition and outlook to 19 Cowdroy Avenue</p> <p>Note: the submitted plans as shown in Figure 19 incorrectly names the adjoining properties with 15 Cowdroy Avenue on the western side and with 19 Cowdroy Avenue located on the eastern side of the subject site.</p> <p>Side (West) Elevation</p> <p>Windows and a glazed door are proposed on the western elevation of the dwelling facing 15 Cowdroy Avenue.</p> <p>Glazed Door (D4)</p> <p>The door will be offset not directing views to the windows of 15 Cowdroy Avenue. The existing screen planting further assists in ensuring sufficient privacy between the two properties.</p>  <p>Figure 20 – Photograph of existing setback between 15 7 17 Cowdroy Avenue and area highlighted purple detailing location of glazed door</p> <p>Window W8 & W9 – Ground Level</p> <p>W8 and W9 seek to replace existing windows which are offset from windows located on the eastern elevation of 19 Cowdroy Avenue. The alterations to the existing window openings are acceptable having no direct or close views of the windows of the adjoining dwelling (15 Cowdroy Avenue).</p>

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
		<p>Window W19 – W21 - First Floor</p> <p>Windows W19 and W20 seek to replace two existing windows and provide no direct or close views to the windows of the adjoining dwelling (15 Cowdroy Avenue). Furthermore, W20 is sited with a sill height 1.9m above the finished floor level preventing views or an outlook to the adjoining property (19 Cowdroy Avenue).</p> <p>Window W17 and W18</p> <p>Windows W17 and W18 propose a sill height of 1.6m above the finished floor level. The windows are also sufficiently offset not providing direct views to the principal private open space or swimming pool at the rear of 19 Cowdroy Avenue as highlighted in the below annotated plan.</p> <div style="text-align: center;">  <p>The figure consists of two parts. On the left is an annotated site plan showing two adjacent lots. Lot 19 is a 'TWO STOREY DWELLING' with a width of 45.200m. Lot 17 is another 'TWO STOREY DWELLING' with a width of 43.800m. A 'PROPOSED FIRST FLOOR EXTENSION' is shown on Lot 17, with a 3.7m offset from the rear boundary. A swimming pool is located in the rear garden of Lot 15. On the right is a photograph of the swimming pool area, showing a rectangular pool with a wooden deck and surrounding landscaping.</p> </div> <p>Figure 21 – Annotated Site Plan detailing the separation between the first floor addition and offset from the rear addition from the swimming pool located in the rear garden of 15 Cowdroy Avenue</p> <p>It is considered the general siting of windows and doors to the side elevations will retain a reasonable level of privacy to occupants of adjoining properties in accordance with Objective O1, s1.3.10 of the NSDCP 2013.</p>
1.4 Quality built form		
1.4.1 Context	Yes	The proposal is generally compatible with the context, noting the addition is located at the rear of the dwelling and not highly visible from the public domain. The design of the rear addition is subordinate in size to the main dwelling ensuring the density of the development remains and ensuring no obstruction of views.
1.4.2 Subdivision Pattern	Yes	The proposed work would not alter the existing lot size, shape or orientation of the site.
1.4.3 Streetscape	Yes	<p>No works are proposed within the road reserve. However, there is potential for damage to public infrastructure through the course of construction, therefore it is recommended that a dilapidation report of public infrastructure (refer to C1) is prepared via condition of consent and a corresponding bond for damage and completion of infrastructure works (refer to C13) is recommended.</p> <p>An existing street tree (<i>Lagerstroemia indica</i>) is located within the Cowdroy Avenue footpath in front of 19 Cowdroy Avenue and in close to proximity to the subject site. To ensure protection of the tree during construction work, conditions of consent are recommended (refer to E8 - No Removal of Trees on Public Property), including a Tree Bond Condition for Public Trees (refer to C14 - Tree Bond for Public Trees).</p>
1.4.5 Siting	Yes	The existing siting and orientation of the dwelling would remain with external walls parallel to corresponding boundaries and the siting of the existing dwelling remains generally compatible with the immediate surrounding area.

Part B Section 1- Residential Development																								
	<i>complies</i>	<i>Comments</i>																						
1.4.6 Setback – Front	Yes	The front setback for the dwelling will be retained apart from a modest ground floor front addition within the dwellings ground floor terrace. However, the general front setback for the dwelling will remain generally consistent with the front setbacks of adjoining properties.																						
1.4.6 Setback – Side <i>Environmental Living</i> 1st storey (up to 4m) – 900mm 2nd storey (up to 7m) – 1.5m	Yes	<p>C4 Environmental Living</p> <table border="1"> <thead> <tr> <th colspan="4">Proposed Side Setbacks</th> </tr> <tr> <th></th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Ground floor</td> <td>1.2m (e)</td> <td>1.2m (e)</td> <td>Yes</td> </tr> <tr> <td>1.2m (w)</td> <td>1.2m (w)</td> <td>Yes</td> </tr> <tr> <td rowspan="2">First floor</td> <td>1.2m (e)</td> <td>1.2m – 3.0m (e)</td> <td>Merit</td> </tr> <tr> <td>1.2m (w)</td> <td>1.2m – 3.7m (w)</td> <td>Merit</td> </tr> </tbody> </table> <p>The existing dwelling has a 1.2m setback to the side boundaries for both the ground and first floors. No reduction in the dwellings side setback is proposed and the first floor rear addition is designed with side setbacks that exceed the minimum setback requirements stipulated in Table B-1.5 in s1.4.6 of the NSDCP 2013 (refer to annotated Site Plan below).</p>  <p>Figure 22 – Annotated Site Plan (Sheet 1) detailing the side setbacks for the rear first floor addition</p>	Proposed Side Setbacks					Existing	Proposed	Complies	Ground floor	1.2m (e)	1.2m (e)	Yes	1.2m (w)	1.2m (w)	Yes	First floor	1.2m (e)	1.2m – 3.0m (e)	Merit	1.2m (w)	1.2m – 3.7m (w)	Merit
Proposed Side Setbacks																								
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Ground floor	1.2m (e)	1.2m (e)	Yes																					
	1.2m (w)	1.2m (w)	Yes																					
First floor	1.2m (e)	1.2m – 3.0m (e)	Merit																					
	1.2m (w)	1.2m – 3.7m (w)	Merit																					
P5 Setback – Rear	Yes	<p>Rear Setback Existing – 14.40m Proposed (Ground Floor) – 14.40m Proposed (First Floor) – 15.68m</p> <p>The proposed ground floor rear setback remains and is consistent with the rear boundary line of the adjoining properties. The first floor addition is considered a sympathetic addition retaining the dwelling rear setback controlling the bulk and scale of the dwelling and is therefore considered to be acceptable in this regard.</p>																						

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
		 <p>Figure 23 – Annotated Site Plan (Sheet 1) detailing the rear setback for 17 Cowdroy Avenue</p>
1.4.7 Form Massing Scale	Yes	<p>The existing front façade is subject to alterations with new glazed windows and doors for the Ground and First Floor Levels and the existing glazed gable end facing Cowdroy Avenue will be altered to be replaced with less glazing and vertical hardwood timber battened cladding (refer to below figure).</p>  <p>Figure 24 – Photo of Front Façade of the dwelling (left) and image of Front (North) Elevation detailing replacement windows and doors (right)</p> <p>The proposed alterations to the front façade seek less glazing, which is a positive outcome. Although the principal façade is predominantly glazed contrary to the requirements of Provision P5, s1.4.7 of the NSDCP 2013 the principal elevation facing the street has a northern orientation and the glazed front façade is characteristic of neighbouring buildings and is a design response to water and bushland views to the north.</p>
1.4.8 Built Form Character	Yes	<p>The resulting development is generally in keeping with the built form character of the area comprising a street level garage and upper levels with terraces and glazing on the principal façade directing views to water and bushland. The dwelling subject to alterations and additions satisfies Objective O1, s1.4.8 of NSDCP 2013.</p>
1.4.9 Dwelling Entry	Yes	<p>The dwelling proposes a modest addition to the ground floor comprising of a foyer revising the dwelling entry so that it is orientated to the street. The new dwelling entry is tagged as D2, and shown on the Proposed North (Front) Elevation confirming the door is identifiable from the street.</p> <p>The proposed dwelling entry is a positive outcome improving the dwellings sense of address and is generally concordant with the Objectives and Provisions in s1.4.9 of the NSDCP 2013.</p>
1.4.10 Roofs	Yes	<p>The development retained the pitched (gable) roof form of the dwelling, and the rear first floor addition similarly proposes pitched gable roofs.</p> <p>The proposed retention of the dwelling pitched roof is supportable complying with Provision P1, s1.4.10 of the NSDCP 2013.</p>

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.4.11 Dormers	Yes	<p>Three (3) window dormers (W13, W14 & W16) are proposed on the side (East) Elevation. The proposed window dormers generally comply with the provisions in s1.4.11 of the NSDCP 2013.</p> <p>The dormers have no significant impact on the visual privacy of 19 Cowdroy Avenue. The site is not a heritage item nor is it located in a conservation area and the existing dwelling ridge line will remain.</p> <p>The dormer is not located on the street elevation of the building and the sides of the dormers do not contain glass.</p> <p>In summary, the dormers are acceptable in the site context.</p>
1.4.12 Colours and Materials	Yes	<p>Substantial alterations are proposed to the materials and colours of the dwelling therefore the provisions in s1.4.12 of the NSDCP 2013 apply. Provision P2 of s1.4.12 requires natural colours and muted/earthy tones for major areas of a building such as walls and roof.</p> <p>The existing dwelling comprises a painted brick (white), render (white) and weatherboard (white) dwelling with a predominantly glazed front façade contrary to Provision P2, s1.4.12. The schedule of materials and colours detailed below are considered to have a more positive outcome.</p> <p>External Walls – Render painted Albescent White (Pale Beige)</p> <p>This colour for the external elevations of the dwelling is supportable being a beige or crème colour (not stark white) and is considered generally muted in colour and compatible with the colour of external facades of properties within Cowdroy Avenue.</p> <p>Roof Cladding – Steel Clad Roofing (Wallaby)</p> <p>This material is appropriate replacing an existing metal roof and the colour for the roof cladding (Wallaby) is an appropriate colour being a muted and earthy colour appropriate for the site’s location within a bushland buffer and compliant with Provision P2, s1.4.12 of the NSDCP 2013.</p> <p>Stone Cladding for face of pool – Natural Stone Tiger Skin Grey</p> <p>The stone cladding is supportable providing a differing material and adding visual interest to the front façade and the stone cladding (Grey) has a natural and earthy tone.</p> <p>Lower Ground Garage Doors – Weathered Hardwood vertical cladding (Spotted Gum)</p> <p>The replacement of the existing crème/beige metal roller shutter doors for new cladding which is timber and has a natural weathered appearance is a positive development outcome reducing the extent of metal visible from the street and improving the earthy and natural appearance of the building compliant with the requirements of Provision P2, s1.4.12 of the NSDCP 2013.</p> <p>Windows & Doors – Aluminium Framed (Weathered Copper)</p> <p>The aluminium framed windows and doors will have a weathered copper finish which is supportable noting stronger colours for window frames/doors are supported by Provision P2, s1.4.12 of the NSDCP 2013.</p>

Part B Section 1- Residential Development		
	complies	Comments
		The colours and materials for the external façade of the building are generally compliant with the Objective and Provisions in s1.4.12 of the NSDCP 2013.
1.5 Quality Urban Environment		
1.5.4 Vehicle Access and Parking	Merit	The site contains an existing garage facing Cowdroy Avenue. The garage contains three vehicular parking spaces with roller shutter doors serving each respective parking space.
		The development seeks to retain the use of the three car parking spaces that exceeds the maximum of 2 spaces stipulated in Table B-10.1 of NSDCP 2013. However, the continued use of the three parking spaces is permitted in this instance noting this is an existing non-compliance and the development does not seek to exacerbate the non-compliance.
1.5.5 Site Coverage <i>Attached/ detached/ semi-detached dwelling</i> <i>Site area = 543.3m²</i>	Merit	The existing total site coverage is 55% (298m ²) inclusive of the existing garage, dwelling and the in-ground swimming pool. A maximum site coverage of 40% applies to the proposed development in accordance with exclusions expressed in P2 to s1.5.5 of DCP 2013. The proposed works would affect the existing building footprint only with works including either a first floor addition or a basement cellar/storage located under the existing dwelling not adding to site coverage. Although there is a current site coverage exceedance, the works do not increase the site coverage and are primarily internalized or comprise works below the footprint of the building. Furthermore, the rear first floor addition is sympathetic in bulk and scale to the existing dwelling and not visible from the public domain therefore the works are permissible in this instance.

Lot Size	Cover (max)
0-229	60%
230-499	50%
500-749	40%
750-999	35%
1000+	30%

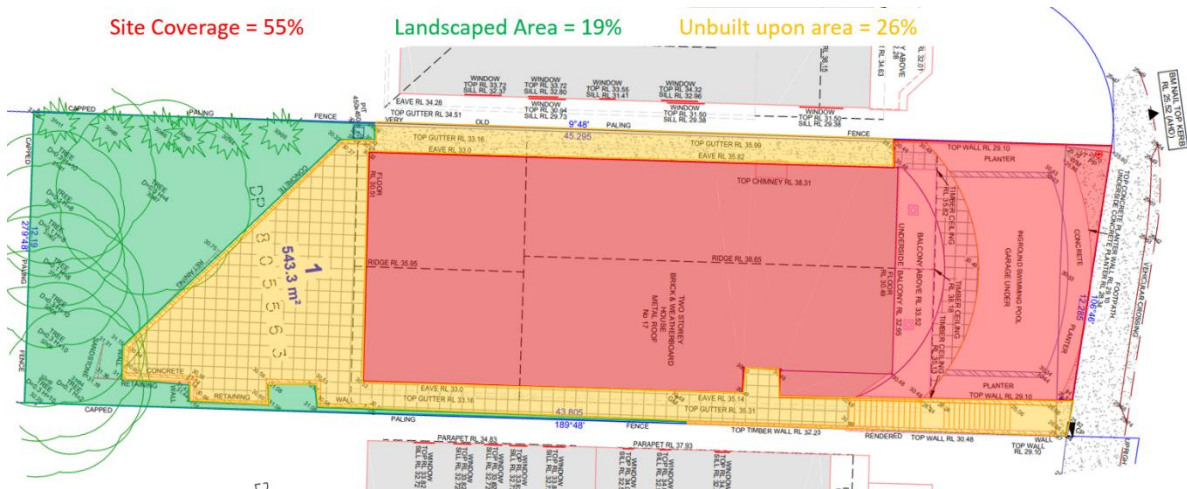


Figure 25 – Annotated Survey Plan (Ref: 40270 / D-MGA Dated 08.07.2021) detailing the Site Coverage, Landscaped Area and Un-built upon area

Part B Section 1- Residential Development																																							
	<i>complies</i>	<i>Comments</i>																																					
<p>1.5.6 Landscape Area (min) & Un-built upon area (max)</p> <p><i>Attached/ detached/ semi-detached dwelling</i> Site area = m²</p> <table border="1"> <caption>Table B-1.7: Landscape requirements</caption> <thead> <tr> <th>Lot size</th> <th>Landscape (min)</th> <th>UBA (max)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>30%</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>40%</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>45%</td> <td>20%</td> </tr> <tr> <td>1000+</td> <td>50%</td> <td>20%</td> </tr> <tr> <td>All</td> <td>40%</td> <td>15%</td> </tr> </tbody> </table>	Lot size	Landscape (min)	UBA (max)	0-229	20%	20%	230-499	30%	20%	500-749	40%	20%	750-999	45%	20%	1000+	50%	20%	All	40%	15%	Merit	<p>The proposed development has been assessed and the landscape area and un-built upon area requirements are as follows:</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage Max 40%</td> <td>298m² (55%)</td> <td>298m² (55%)</td> <td>No</td> </tr> <tr> <td>Landscaped area Min 40%</td> <td>102m² (19%)</td> <td>102m² (19%)</td> <td>No</td> </tr> <tr> <td>Unbuilt-upon area Max 20%</td> <td>143.3m² (26%)</td> <td>143.3m² (26%)</td> <td>No</td> </tr> </tbody> </table> <p>Landscape area (40% min required)</p> <p>The existing/proposed landscape area of 102m² (19%) does not comply with DCP 2013 requirements. The existing landscaping within the rear of the site would remain with works primarily affecting the existing building footprint.</p> <p>It is noted that the works do not diminish or affect existing landscaping, so the proposal is considered acceptable given the limited opportunity for the provision of additional landscaping.</p> <p>Un-built upon area (20% (max) permitted)</p> <p>The site has an existing/proposed un-built upon area (UBA) of 143.3m² (26%) inclusive of paths and un-enclosed paved areas The site currently does comply with NSDCP 2013.</p> <p>Although the site does not comply with un-built upon area requirements the development does not exacerbate the non-compliance and the paths provide an important practical requirement to ensure ease of access to the dwelling and to the rear of the dwelling. The existing triangular shaped paved area provides an important means of usable private open space and the existing rear and side boundaries will remain landscaped.</p>	Control	Existing	Proposed	Compliance	Site coverage Max 40%	298m ² (55%)	298m ² (55%)	No	Landscaped area Min 40%	102m ² (19%)	102m ² (19%)	No	Unbuilt-upon area Max 20%	143.3m ² (26%)	143.3m ² (26%)	No
Lot size	Landscape (min)	UBA (max)																																					
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1.5.7 Landscaping	Yes	The development would not cause a loss of tree canopy so the development complies with Provision P2, s1.5.7 of NSDCP 2013.																																					
1.5.8 Front Gardens	Merit	The existing front setback comprises an existing garage, swimming pool and steps providing access to the site. There is limited opportunity for landscaping within the front setback apart from on structure planting. The site currently has a concrete planter above the garage providing some landscaping within the front setback (refer to Figure 7).																																					
1.5.9 Private and Communal Open Space	Yes	<table border="1"> <thead> <tr> <th>Control – lot size</th> <th>Existing/Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td></td> <td></td> </tr> <tr> <td>500m² – 749m² – 50m²</td> <td>170m²</td> <td>Yes</td> </tr> </tbody> </table> <p>The site has an existing rear garden with functional paved areas, garden beds and trees adjacent to the rear boundary. The size of the rear garden complies with the minimum private open space requirements as stipulated in Table B-1.8 of s1.5.9 ‘Private Open Space’ of the NSDCP 2013.</p>	Control – lot size	Existing/Proposed	Compliance	Dwellings			500m ² – 749m ² – 50m ²	170m ²	Yes																												
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500m ² – 749m ² – 50m ²	170m ²	Yes																																					
1.5.10 Swimming Pools	N/A	An existing swimming pool is located within the front setback above the garage. No alterations and additions are proposed to the swimming pool therefore assessment of the pool against swimming pool provisions in the DCP is not required.																																					

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.5.12 Garbage Storage	Yes	The existing garbage storage and arrangements for collection of garbage/recycling will remain unaffected by the proposed works.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX Certification has been submitted as part of the development application documentation.

Cammeray Planning Area (Cammeray Neighbourhood) – Part C of NSDCP 2013

The application has been assessed against the relevant controls in the Character Statements in Part C in NSDCP 2013 below:

4.2.2 Desired Future Character - Diversity

P1 Primarily low density residential development consisting of dwelling houses, semi-detached houses concentrated along the foreshore areas.

No change of use is proposed with the property remaining a detached dwelling house. Although the existing dwelling has a site coverage of 298m² (55%) the bulk and scale of the dwelling will be primarily retained and the rear first floor addition is designed to be a subordinate addition having limited impact on the existing density of the dwelling.

4.2.3 Desired Built Form - Siting

P2 Building should not obstruct views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.

The works to the dwelling are primarily internal with the addition of appropriate windows and doors. The only additional bulk to the dwelling is related to a first floor rear addition that will have no impact on views from adjoining properties. Properties either side of the subject site have water views from the front of the respective properties which will remain unobstructed.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows:

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 988,620.00
(payment amount subject to indexing at time of payment)	Contribution:	\$ 9,886.00

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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 S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located in a C4 Environmental Living Zone where dwelling houses are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

SUBMITTERS CONCERNS

The concerns raised during the notification of the application have been reviewed and addressed in detail under the relevant headings above. However, the proposed amended development largely deals with the concerns raised in the submissions and are addressed, where relevant, below:

- The proposed second storey extension may overlook windows to habitable rooms, swimming pool and backyard. Our privacy should be maintained, and the extension must not overlook our entertainment areas.

Response: the first floor rear addition is appropriately designed with setbacks of 2.3 – 3m to the eastern side boundary and 2.3 – 3.7m to the western side boundary. The side windows are offset directing views to the roof of the adjoining properties and additionally have high sill heights 1.6m above the floor level to minimise further any direct outlook to private open space of adjoining properties.

CONCLUSION

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

The application proposes alterations and additions to a dwelling house that is a permissible form of development in the C4 Environmental Living Zone.

The proposal is consistent with the relevant objectives of the zone providing a development that is considered to have a low impact on the ecological, scientific and aesthetic values of the surrounding Environmental Living Zone.

The proposed first floor rear addition is designed with side setbacks that comply with the minimum side setbacks stipulated in the DCP and the first floor addition is subordinate in height to the main dwelling house below the main ridge of the dwelling having a limited impact on the bulk and scale of the dwelling and no visual impact on the public domain.

The materials and finishes proposed to the elevations and roof of the dwelling comprise muted or earthy tones for the walls and roof of the dwelling and amendments replacing the existing metal roller shutter doors with timber doors is a positive outcome reducing the extent of metal visible from the street.

The alterations and additions including first floor rear addition have been designed to maintain view sharing and equitable access to views from adjoining dwellings. The development would maintain a minimum 3 hours solar access to the solar panels, the windows of internal living areas and principal private open space of adjoining properties. The windows to the side elevations of the dwelling are designed to prevent a direct outlook to windows or private open space of the adjoining properties and where appropriate additional privacy measures are proposed.

The written request to vary the development standard provided by the applicant is considered well founded. The written request demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation. The proposed development is considered to be in the public interest. On balance, the proposal is satisfactory and recommended for approval.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Bay Precinct for 14 days where comments were raised regarding privacy for adjoining properties. The comments from the submitters have been addressed in the architectural plans and in this report. Where appropriate conditions of consent have been recommended to maintain the character of the streetscape.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 38/22 for alterations and additions to a detached dwelling on land at 17 Cowdroy Avenue, Cammeray subject to the attached standard conditions of consent.

Thomas Holman
ASSESSMENT OFFICER

Robyn Pearson
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
17 COWDROY AVENUE, CAMMERAY
DEVELOPMENT APPLICATION NO. 38/22

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.

Plan No.	Issue Date	Title	Drawn by	Received
1	19.1.2022	Site Plan	DJSP Consulting Pty Ltd	31/01/2022
3	19.1.2022	Proposed Ground Floor Plan	DJSP Consulting Pty Ltd	31/01/2022
4	19.1.2022	Proposed First Floor Plan	DJSP Consulting Pty Ltd	31/01/2022
5	19.1.2022	Proposed Sub Floor Plan & BASIX	DJSP Consulting Pty Ltd	31/01/2022
6	19.1.2022	North & South Elevations	DJSP Consulting Pty Ltd	31/01/2022
7	19.1.2022	East Elevation	DJSP Consulting Pty Ltd	31/01/2022
8	19.1.2022	West Elevation	DJSP Consulting Pty Ltd	31/01/2022
9	22.11.2022	Section AA	DJSP Consulting Pty Ltd	22/11/2022
10	19.1.2022	Roof Plan	DJSP Consulting Pty Ltd	31/01/2022

(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)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule prepared by DJSP Consulting and received by Council on 07 November 2022 unless otherwise modified by Council in writing.

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

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Dilapidation Report Damage to Public Infrastructure**

- C1. 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)

Dilapidation Report Private Property (Excavation)

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/i.e., prior to the commencement of construction)

Structural Adequacy of Adjoining Properties - Excavation Works

- C3. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties Nos. 15 & 19 Cowdroy Avenue, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

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)

Geotechnical Report

- C5. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) withstanding the proposed loads to be imposed;
 - b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
 - c) providing protection and support of adjoining properties; and
 - d) the provision of appropriate subsoil drainage during and upon completion of construction works

must be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with any construction certificate application must comply with (a), (b), (c) and (d) above and the certified report, including any recommendations made in the said certified report.

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 structural integrity of the subject site and adjoining sites during the excavation process)

Sediment Control

- C6. 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 and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

- C7. 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)

External Finishes and Materials

- C8. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 quality built form of development)

Reflectivity Index of Glazing

- C9. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. 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.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

Roofing Materials - Reflectivity

- C10. 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

- C11. 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. Work 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 Work 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.

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)

Stormwater Management and Disposal Design Plan - Construction Issue Detail

- C12. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) compliance with BCA drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/lt 23500.3.2 2003, National Plumbing and Drainage Code;
 - b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the existing stormwater outlet;
 - c) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.

A site drainage management plan which complies 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 controlled stormwater management and disposal without nuisance)

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 \$2,500.00 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.
- c) remedying any defects in any such public work that arise within six 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 six 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

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- 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)

Tree Bond for Public Trees

- C14. Prior to the issue of any construction certificate, security in the sum of \$3,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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 but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

Tree Species (Height)	Location	Bond
1 x Lagerstroemia indica (4m)	Council verge in front of 19 Cowdroy Avenue	\$3,000.00

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Asbestos Material Survey

- C15. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

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

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Section 7.12 Contributions

- C16. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$9,886.00**.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

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 (\$)
Street Tree Bond (on Council Property)	3,000.00
Footpath Damage Bond	2,500.00
TOTAL BONDS	\$5,500.00

Note: The following fees applicable

Fees	
Section 7.12 Fees	9,886.00
TOTAL FEES	\$9,886.00

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 and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. a446626 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)

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

Public Liability Insurance - Works on Public Land

- D1. 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)

Sydney Water Approvals

- D2. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

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 two 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)

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)

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)

Dust Emission and Air Quality

E5. 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

E6. 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)

Developer's Cost of Work on Council Property

E7. 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

E8. 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)

Construction Hours

- E9. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
All Other Zones	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Installation and Maintenance of Sediment Control

- E10. 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 and 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

- E11. 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

- E12. 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 workplace 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)

Health and Safety

- E13. 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

- E14. 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 and Equipment Kept Within Site

- E15. 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

- E16. 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)

Asbestos Removal

- E17. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

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)

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)

Commencement of Works

F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) 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)

Protection of Public Places

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

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

Site Sign

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - 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)

Asbestos Clearance Certificate

- G4. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

- a) the building/land is free of asbestos; or
- b) the building/land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

(Reason: To ensure that building works involving asbestos-based products are safe for occupation and will pose no health risks to occupants)

BASIX Completion Certificate

- G5. In accordance with Clause 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

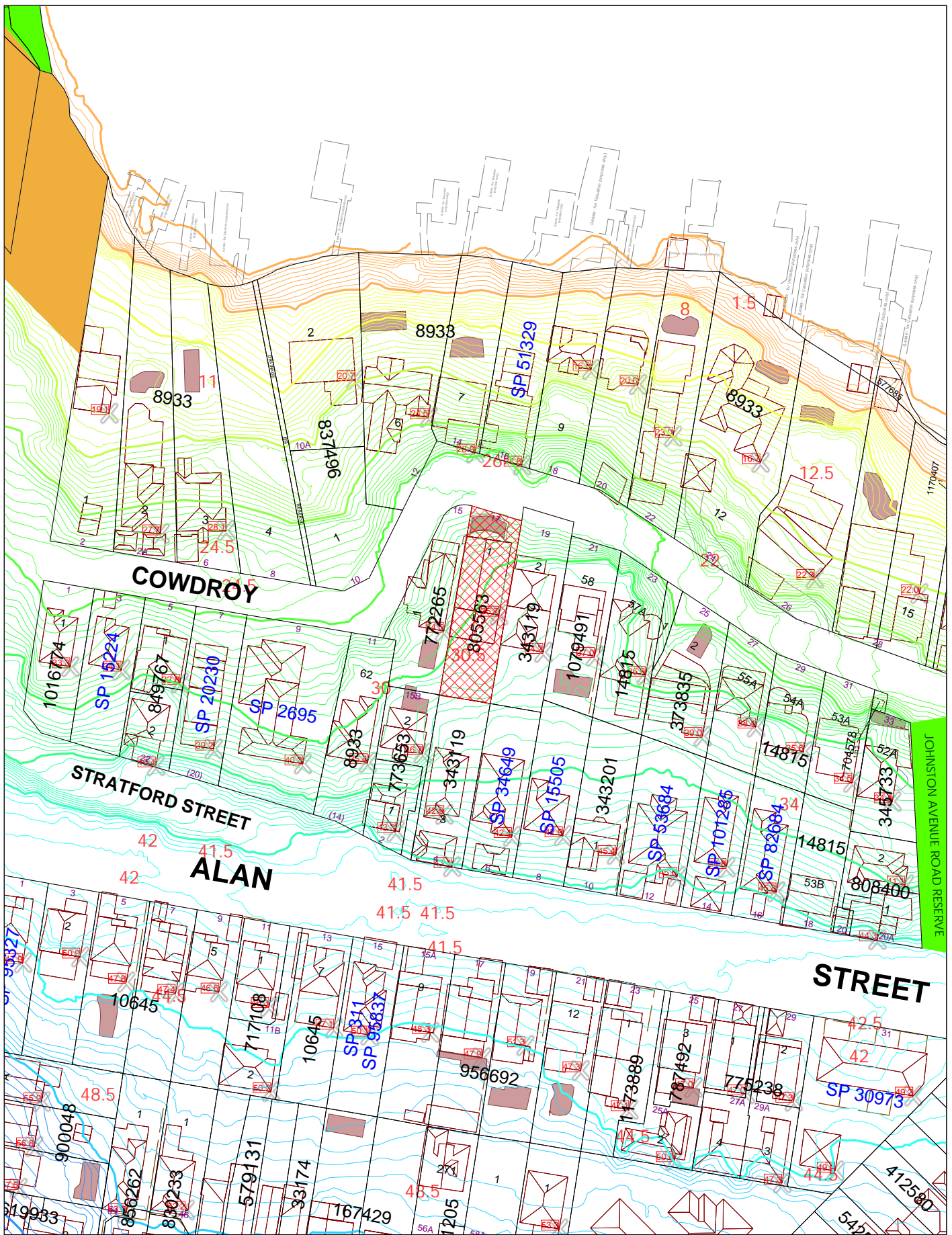
(Reason: To ensure compliance with the specified BASIX Certificate)

I. Ongoing/Operational Conditions

Single Occupancy

- I1. Nothing in this consent authorises the use of the premises other than for a single occupancy.

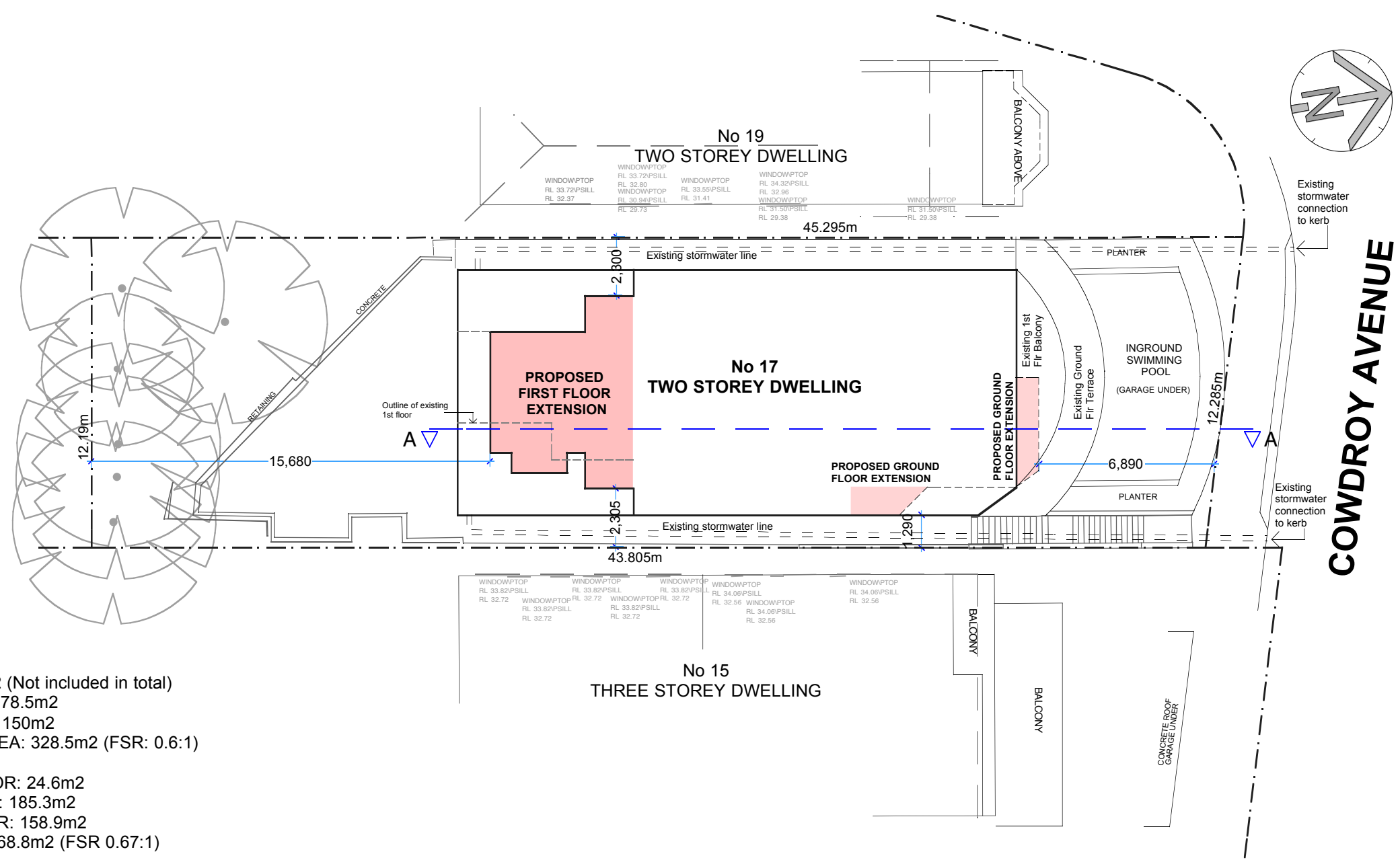
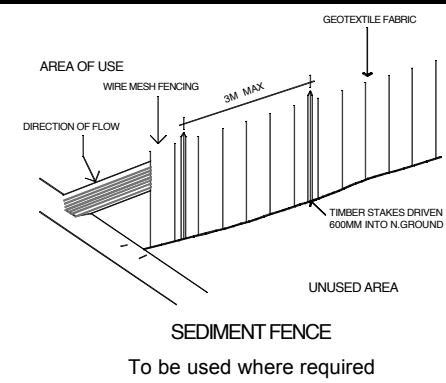
(Reason: To ensure compliance with the terms of this consent)



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.



SITE CALCULATIONS

Site Area : 543.3m²

EXISTING AREA SUBFLOOR: 94.7m² (Not included in total)
 EXISTING GROUND FLOOR AREA: 178.5m²
 EXISTING FLOOR AREA 1st FLOOR: 150m²
 TOTAL EXISTING TOTAL FLOOR AREA: 328.5m² (FSR: 0.6:1)

PROPOSED FLOOR AREA SUBFLOOR: 24.6m²
 PROPOSED GROUND FLOOR AREA: 185.3m²
 PROPOSED FLOOR AREA 1st FLOOR: 158.9m²
 TOTAL PROPOSED FLOOR AREA: 368.8m² (FSR 0.67:1)

SITE COVERAGE: 294.6m² (54.2%) (House & Garage). No Change

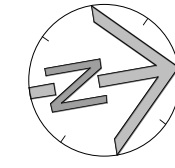
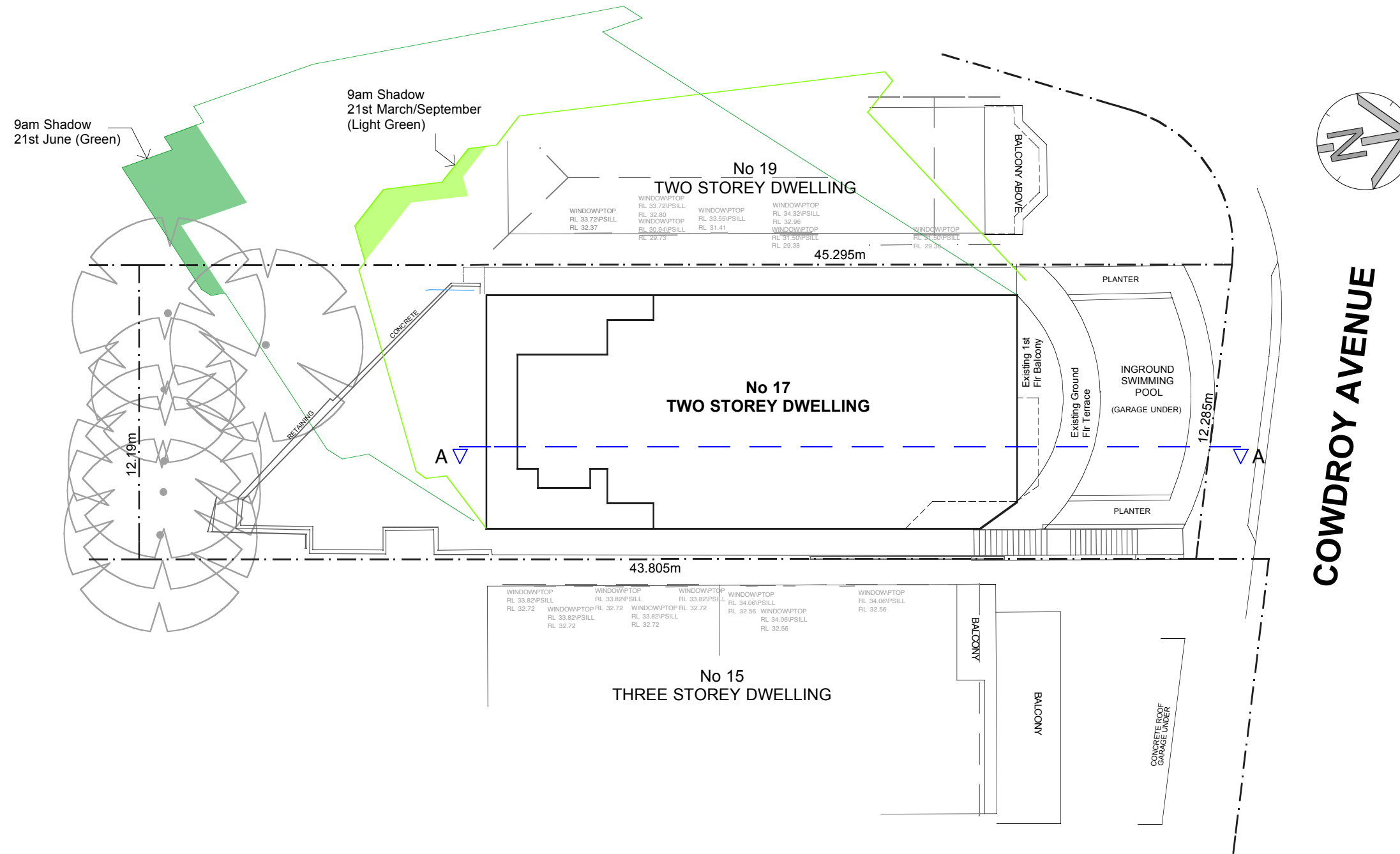
LANDSCAPED AREA: 103.2m² (19%) No Change
 Includes rear garden

UN-BUILT UPON AREA: 210.3m² (38.7%) No Change
 Front terrace, Paving, Pool)

NOTE:
 Stormwater for new work connected to existing system & drained to kerb.
 All landscaping remains unaltered.

NEW WORK SHOWN AS

<p>PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN</p>	Lot 1, DP805563 543.3m ²	DJSP Consulting Pty Ltd P.O. Box 5100 Greenwich 2065 ABN 21071 816 021 0414 805 077 djsp.2@bigpond.com	<p>SCALE 1:200</p> <p>Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction</p>	Plans are to be read with reference to building specifications and engineer's specifications.	<p>SITE PLAN + Sediment control plan + Stormwater Plan</p>	
	UBD Map ref. 212 G5				Date 19.1.2022 Sheet No	
					Rev. Date 1 OF 11	



COWDROY AVENUE

NOTE:
Hatched area indicates additional shadows created

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m2

UBD Map ref.
212 G5

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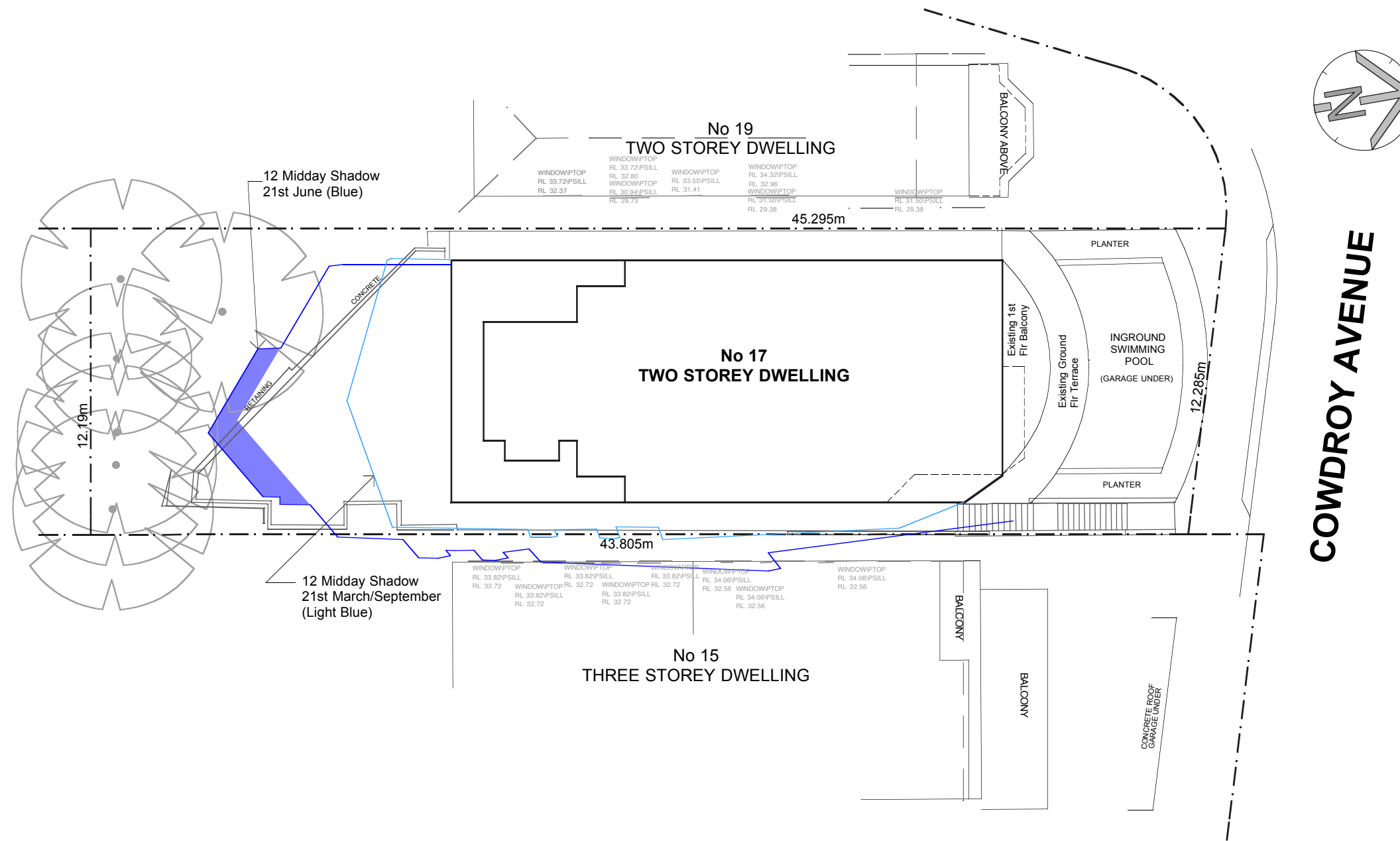
SCALE 1:200
0 1 2 3 4 5
Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction

Plans are to be read with reference to building specifications and engineer's specifications.

SHADOW DIAGRAM

9am 21 June &
9am 21 March/September

Date	19.1.2022	Sheet No
Rev. Date		1a OF 11



NOTE:
Hatched area indicates additional shadows created

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m²

UBD Map ref.
212 G5

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SCALE 1:200



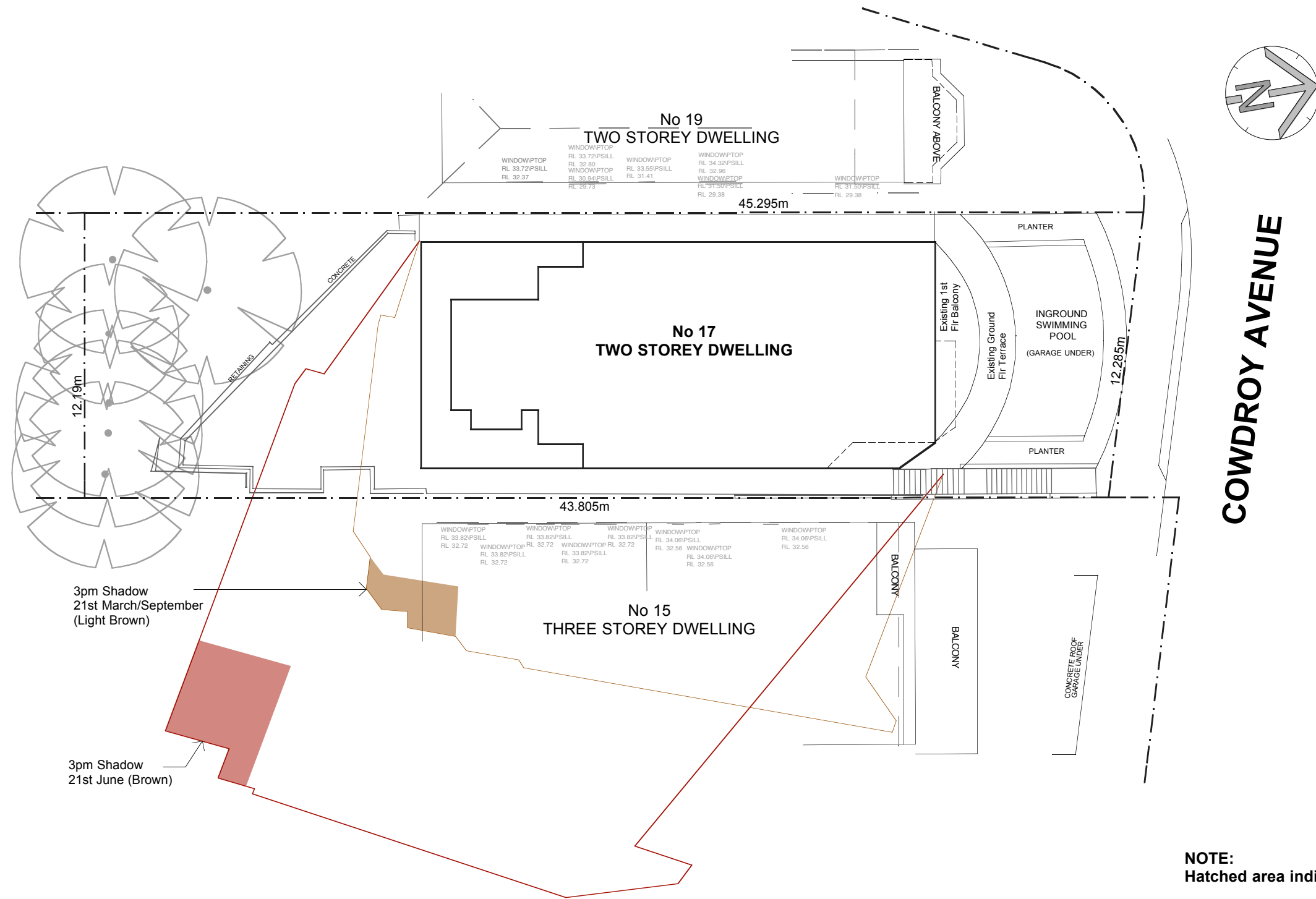
Site measurements always take precedence over plan dimensions.
Do not scale - use dimensions.
Check on site prior to construction

Plans are to be read with reference to building specifications and engineer's specifications.

SHADOW DIAGRAM

12 Midday 21 June &
12 Midday 21 March/September

Date	19.1.2022	Sheet No
Rev. Date		1b OF 11



NOTE:
Hatched area indicates additional shadows created

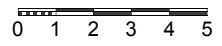
**PROPOSED ALTERATIONS AND EXTENSIONS
TO EXISTING DWELLING HOUSE at
17 COWDROY AVE, CAMMERAY for
MRS Q PAN**

Lot 1, DP805563
543.3m2

UBD Map ref.
212 G5

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SCALE 1:200



Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction

Plans are to be read with reference to building specifications and engineer's specifications.

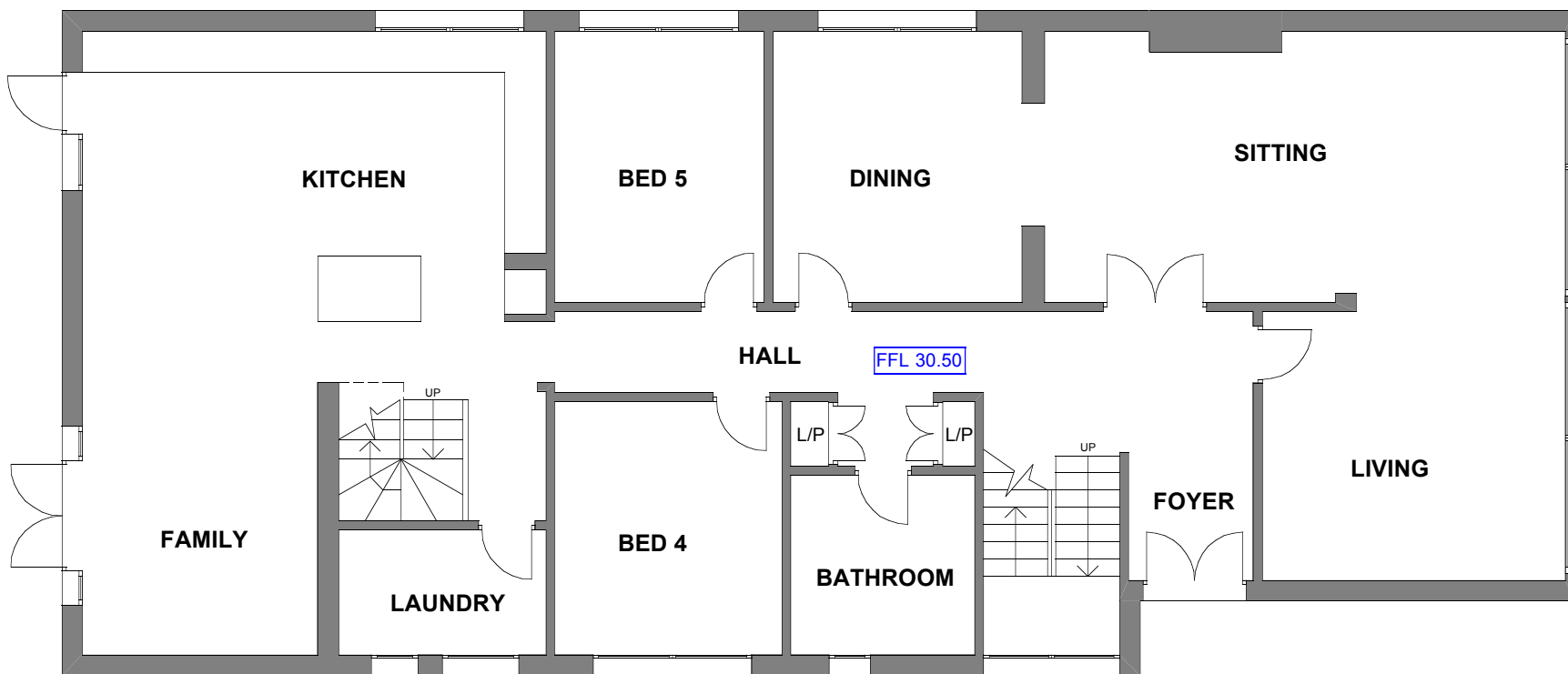
SHADOW DIAGRAM

3pm 21 June &
3pm 21 March/September

Date	19.1.2022	Sheet No
Rev. Date		1c OF 11

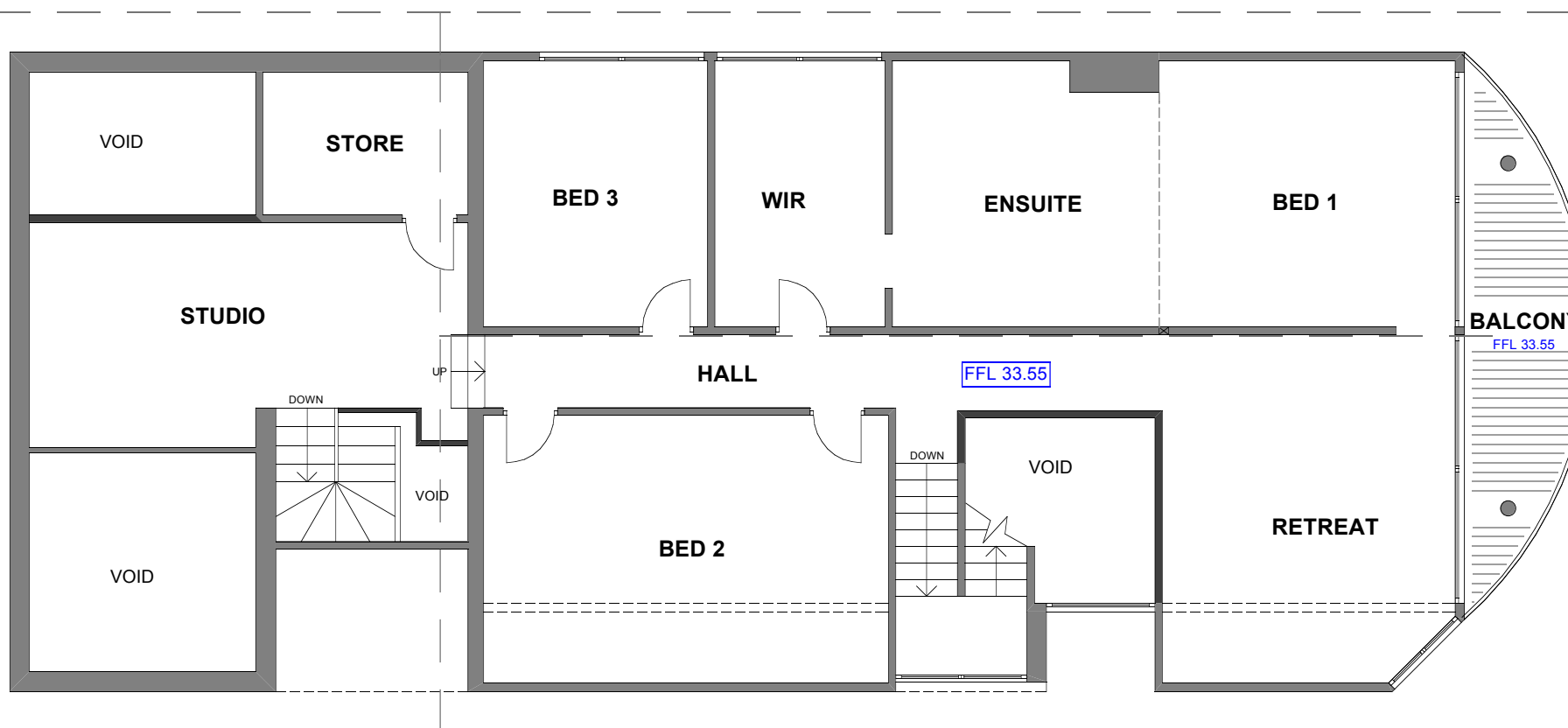
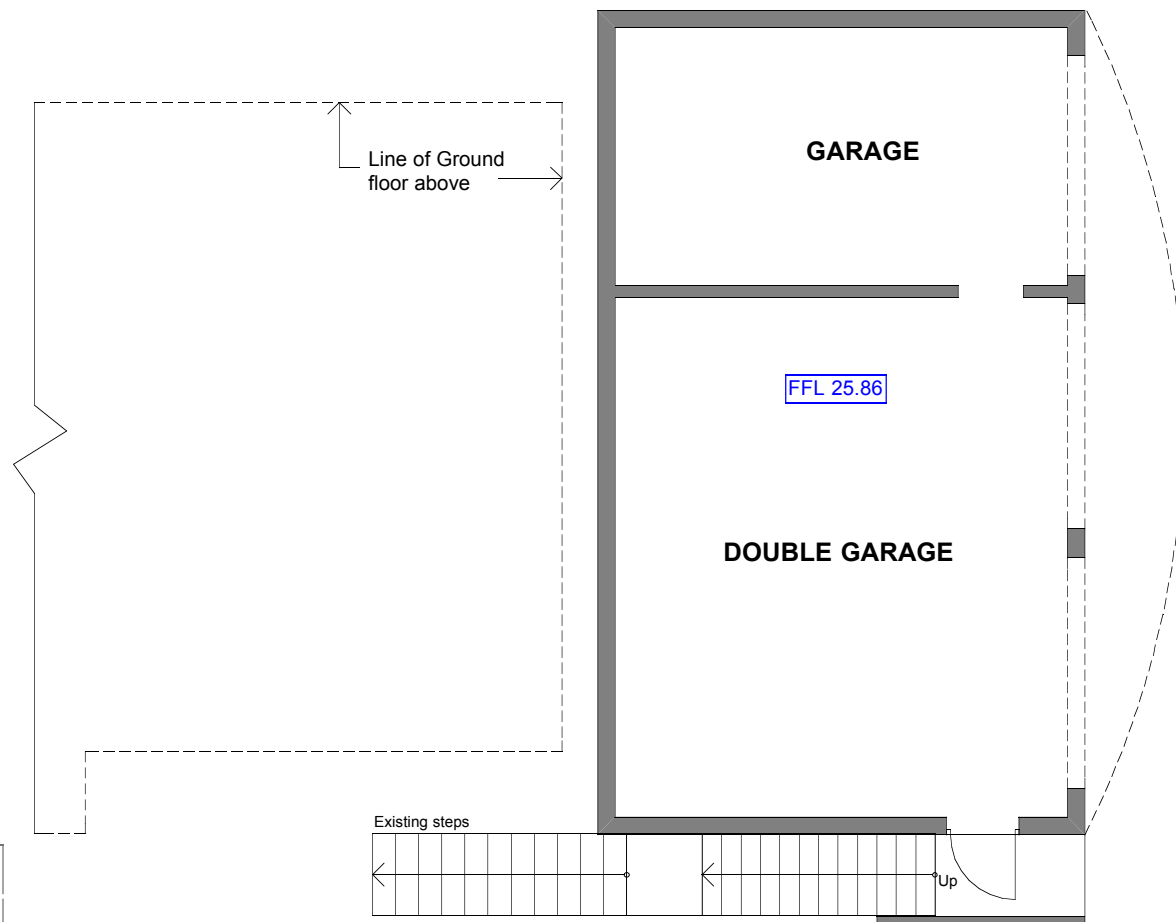
EXISTING GROUND FLOOR PLAN

FLOOR AREA: 178.5m2 (Excludes Stairs)



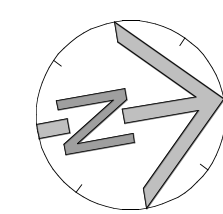
EXISTING SUBFLOOR PLAN

AREA: 94.7m2



EXISTING FIRST FLOOR PLAN

FLOOR AREA: 150m2 (Excludes Stairs, Voids)

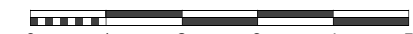


PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m2

SCALE 1:100

All dimensions in mm



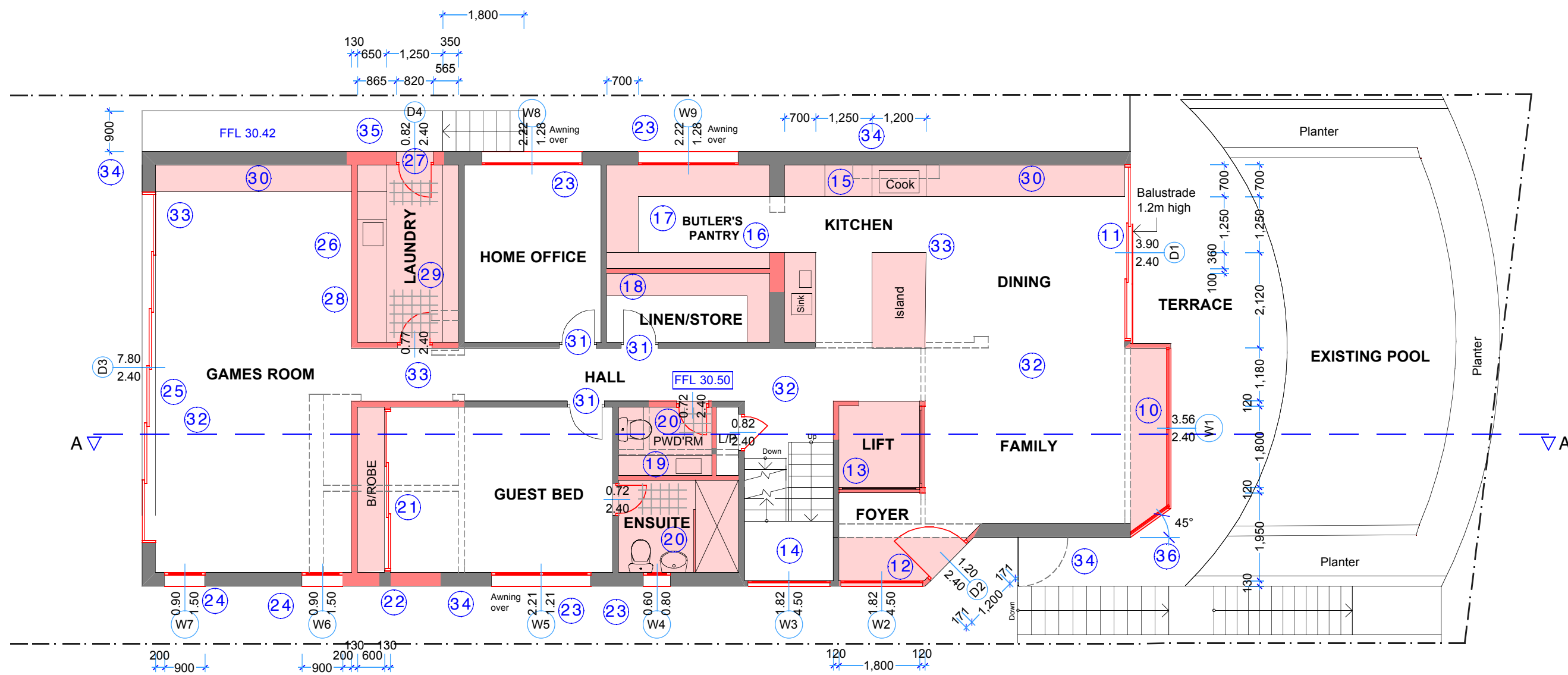
Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction.

EXISTING FLOOR PLANS

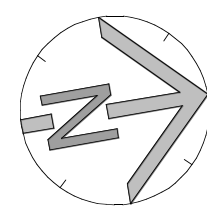
Plans are to be read with reference to building specifications and engineer's specifications.

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DATE	19.1.2022	SHEET No
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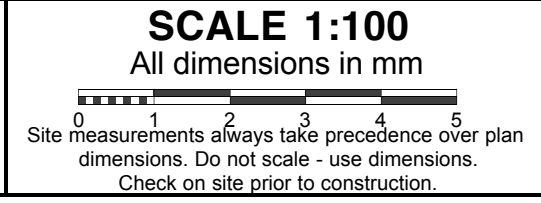


PROPOSED GROUND FLOOR PLAN
 FLOOR AREA: 185.3m² (Excludes Stairs)



PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
 543.3m²

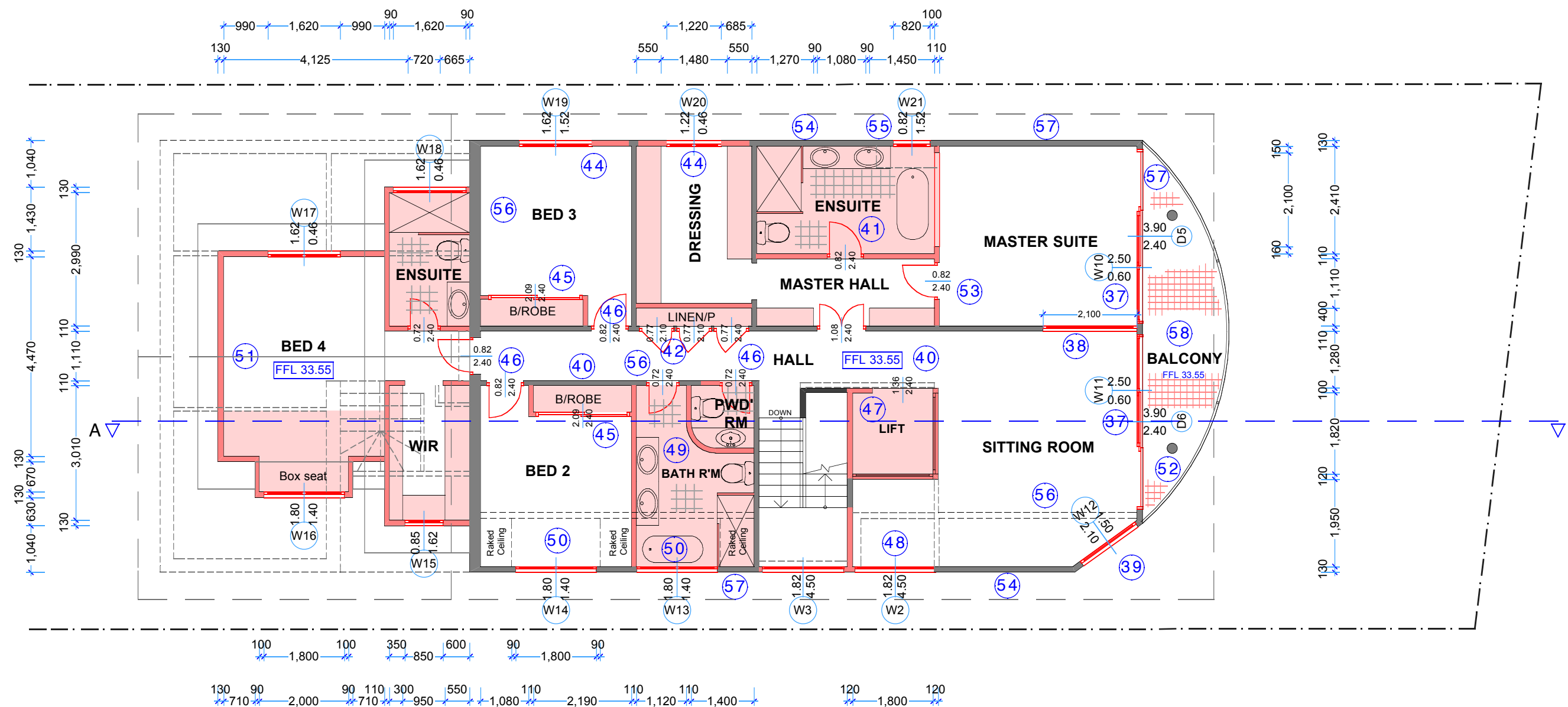


PROPOSED GROUND FLOOR PLAN

Plans are to be read with reference to building specifications and engineer's specifications.

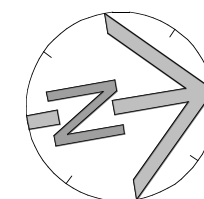
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DATE	19.1.2022	SHEET No
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PROPOSED FIRST FLOOR PLAN

FLOOR AREA: 158.9m2 (Excludes Stairs)



PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m2

SCALE 1:100

All dimensions in mm



Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction.

PROPOSED FIRST FLOOR PLAN

Plans are to be read with reference to building specifications and engineer's specifications.

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DATE	19.1.2022	SHEET No
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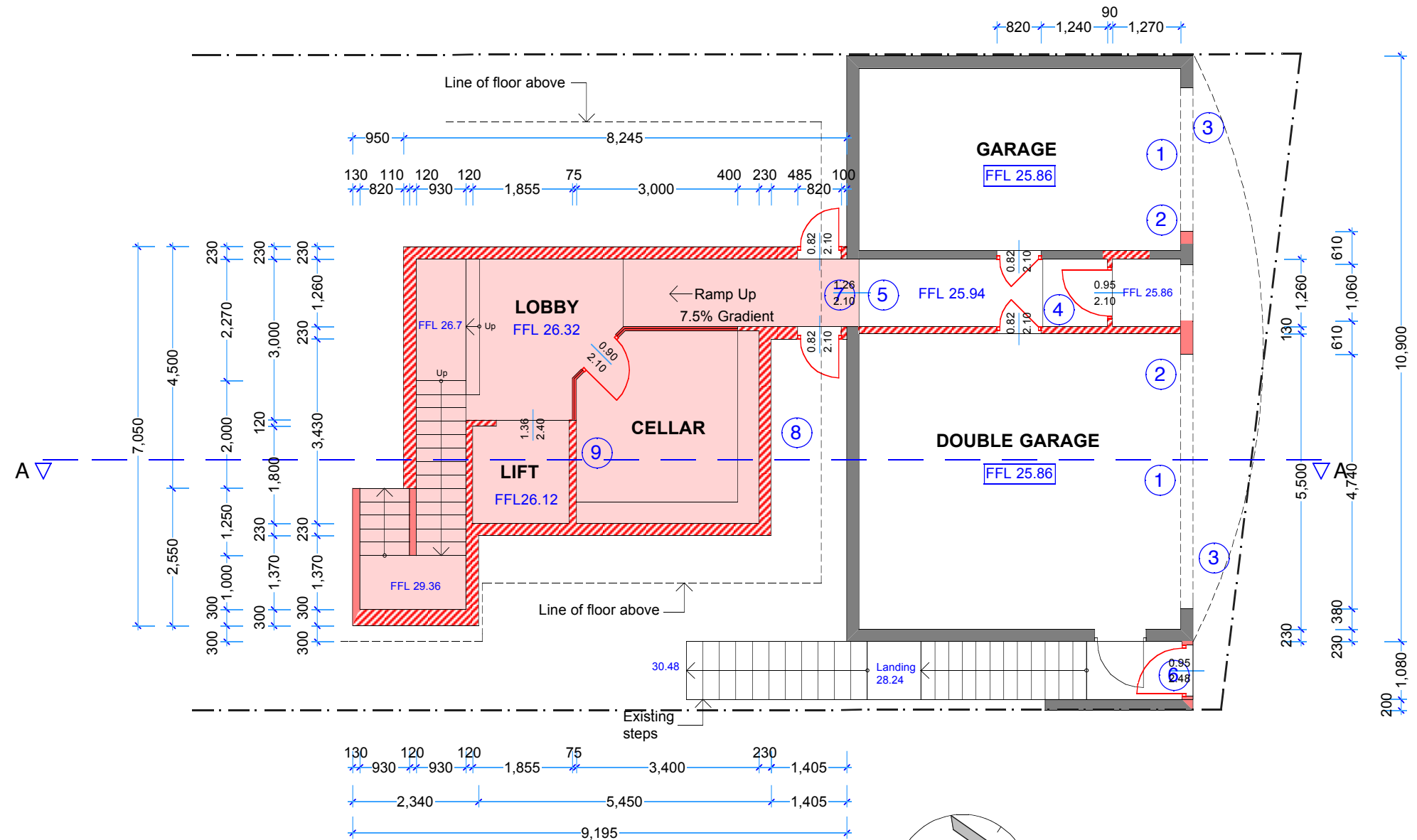
BASIX REQUIREMENTS

Construction	Additional insulation required (Ri-value)	Other specifications
floor above existing dwelling or building.	nil	
external wall: external insulated façade system (EIFS)(façade panel: 50 mm)	nil	
flat ceiling, pitched roof	ceiling: R1.75 (up), roof: foil/sarking	light (solar absorptance < 0.475)

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

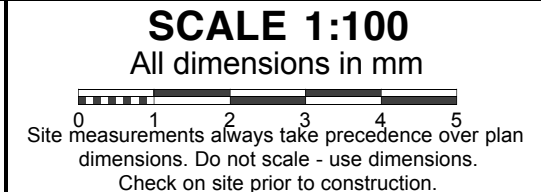
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	N	4.66	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
D1	N	9.3	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W2	E	8.1	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	E	8.1	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W4	E	0.4	0	0	none	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W5	E	2.6	0	0	awning (fixed) >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W6	E	1.3	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W7	E	1.3	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
D3	S	18.7	0	0	eave/verandah/ pergola/balcony >=450 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
D4	W	1.9	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W8	W	2.8	0	0	awning (fixed) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	W	2.8	0	0	awning (fixed) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
D5	N	9.3	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W10	N	1.5	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
D6	N	9.3	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W11	N	1.5	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W12	NE	3.1	0	0	eave/verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W13	E	2.5	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W14	E	2.5	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W15	E	1.3	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W16	E	2.5	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W17	W	0.7	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W18	W	0.7	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W19	W	2.4	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W20	W	0.5	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)
W21	W	1.2	0	0	eave/verandah/ pergola/balcony >=750 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)



PROPOSED SUB FLOOR PLAN

FLOOR AREA (Cellar, Lobby): 24.6m²
(Excludes Stairs, Lift, Garage)

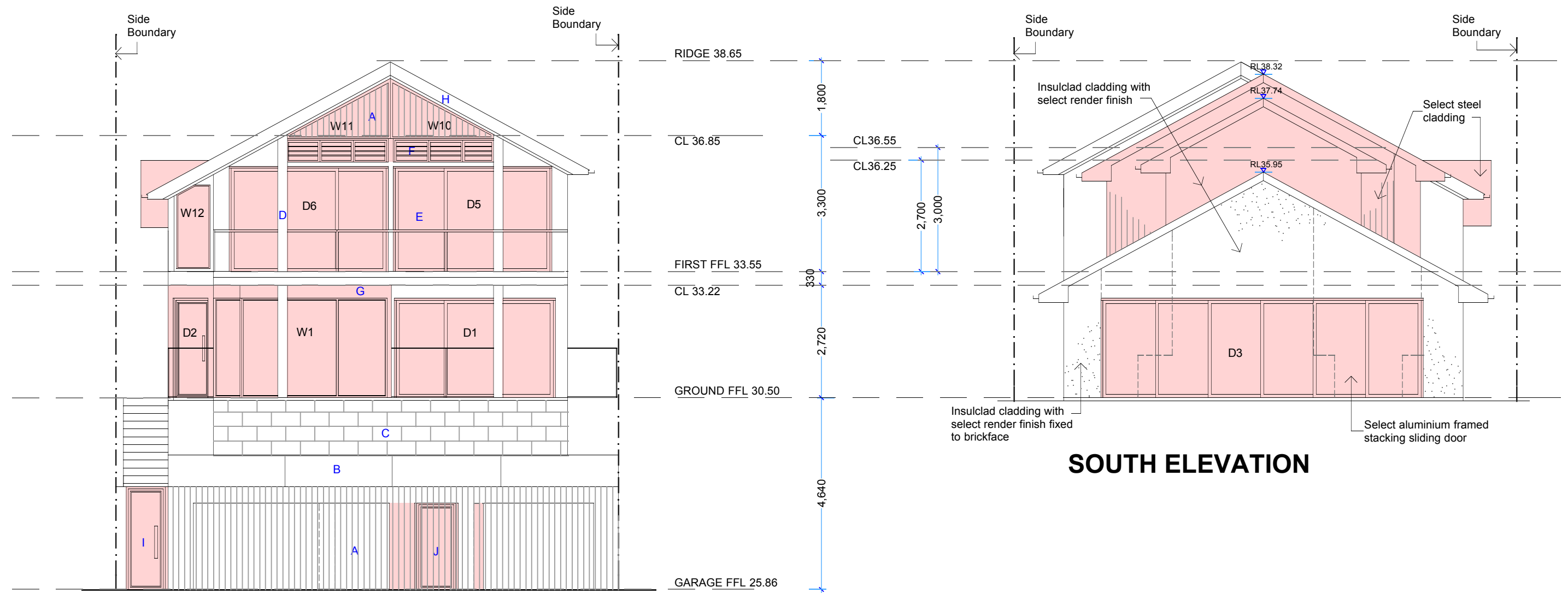
PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN
Lot 1, DP805563
543.3m²



PROPOSED SUB FLOOR PLAN & BASIX
Plans are to be read with reference to building specifications and engineer's specifications.

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DATE	19.1.2022	SHEET No	
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NORTH ELEVATION

LEGEND

- A - Select vertical hardwood timber battened cladding
- B - Select copper sheet cladding
- C - Select stone tile finish
- D - Existing cement render finish
- E - Select aluminium framed sliding doors
- F - Select aluminium framed louvre windows
- G - Select copper sheet cladding to face of Balcony
- H - Select copper sheet cladding to barge board
- I - Select Entry Gate / Door and intercom
- J - Select vertical hardwood timber battened door

SOUTH ELEVATION

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m2

SCALE 1:100

All dimensions in mm



Site measurements always take precedence over plan dimensions. Do not scale - use dimensions. Check on site prior to construction.

NORTH & SOUTH ELEVATIONS

Plans are to be read with reference to building specifications and engineer's specifications.

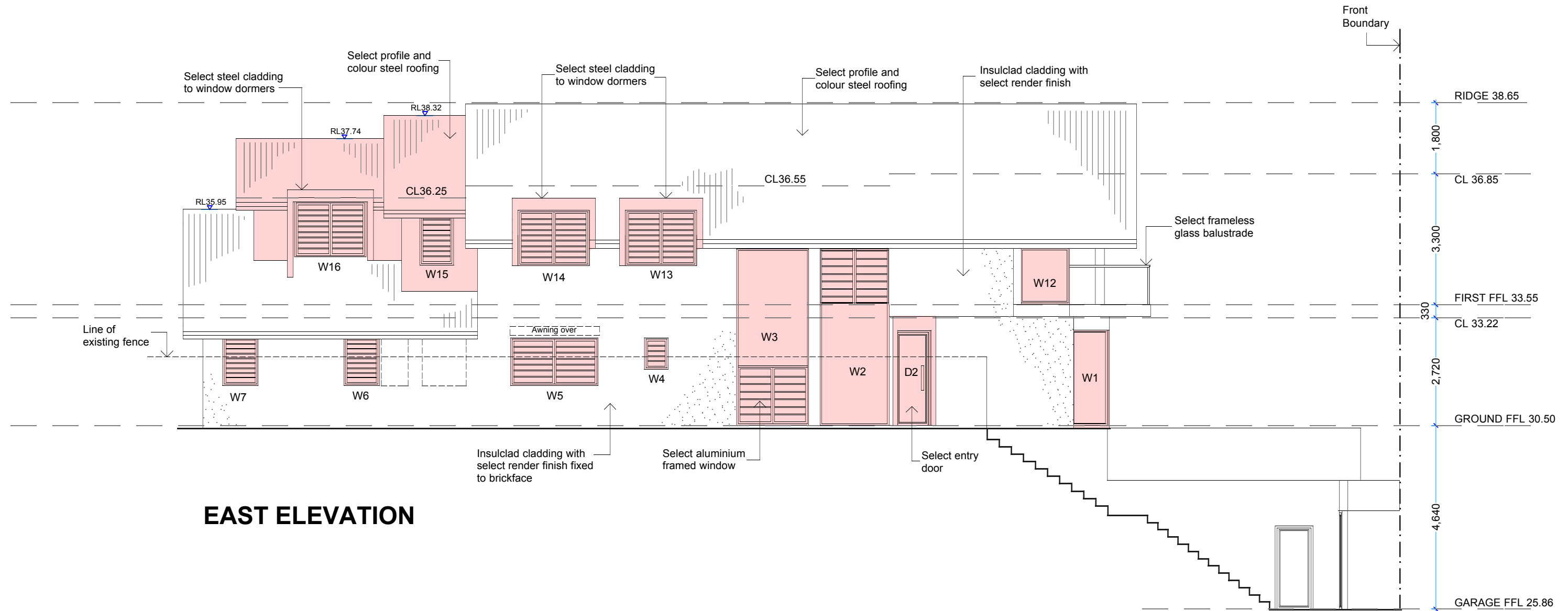
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DATE 19.1.2022

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SHEET No

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PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

Lot 1, DP805563
543.3m²

SCALE 1:100
All dimensions in mm

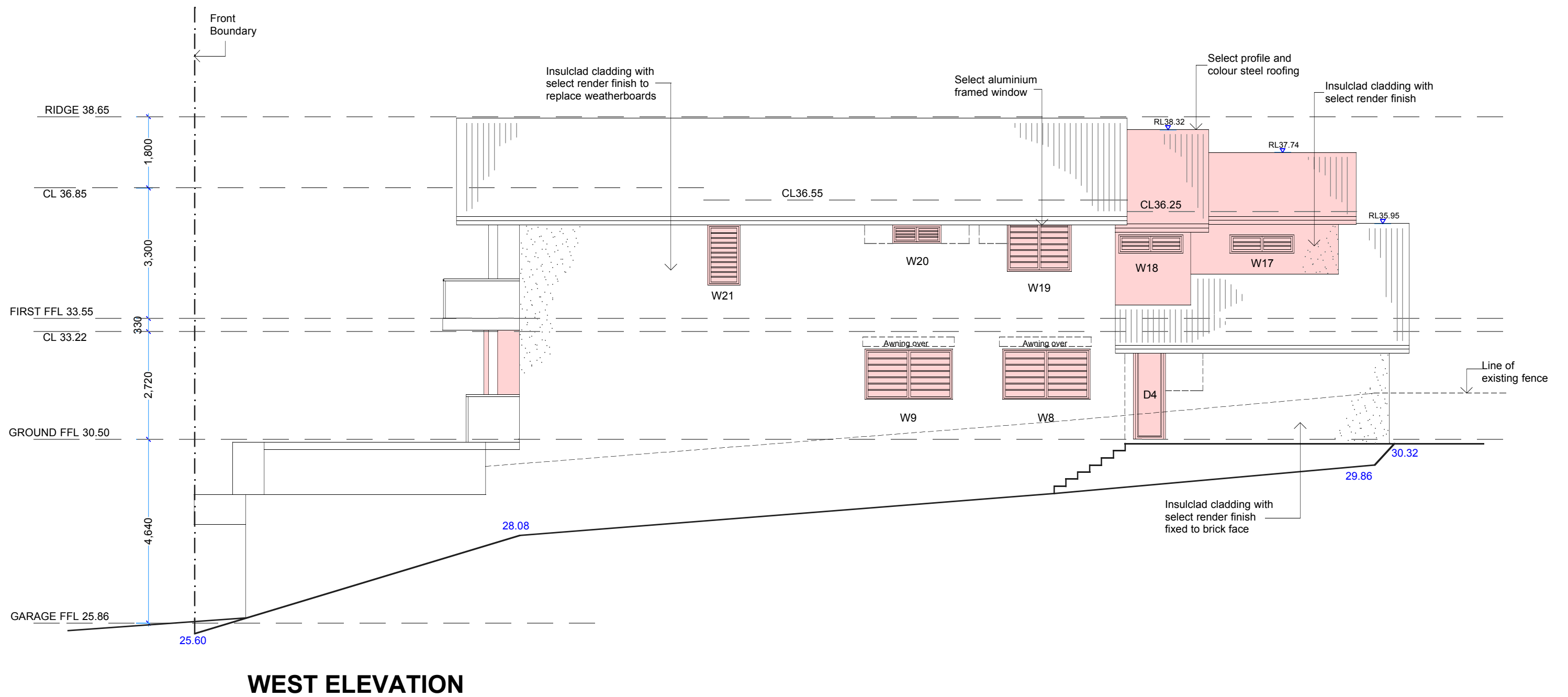
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EAST ELEVATION

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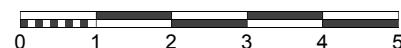
WEST ELEVATION

**PROPOSED ALTERATIONS AND EXTENSIONS
TO EXISTING DWELLING HOUSE at
17 COWDROY AVE, CAMMERAY for
MRS Q PAN**

Lot 1, DP805563
543.3m²

SCALE 1:100

All dimensions in mm



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WEST ELEVATION

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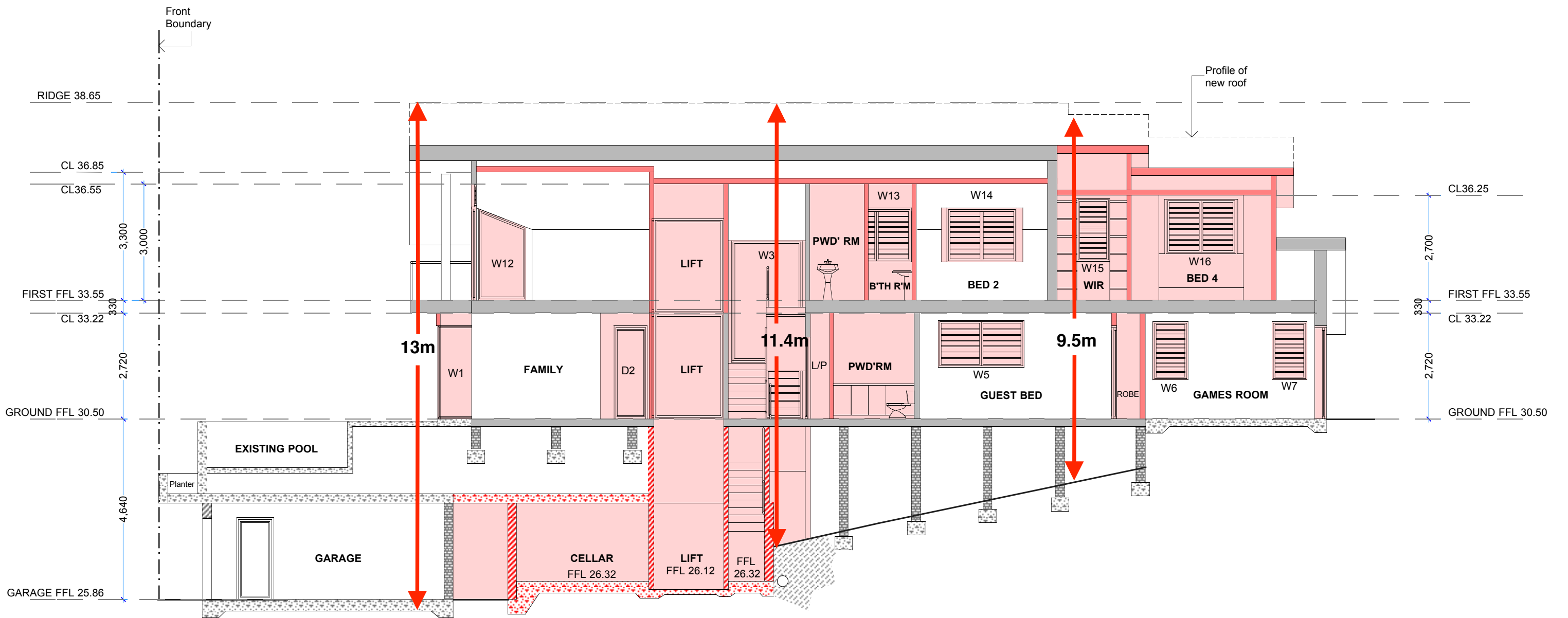
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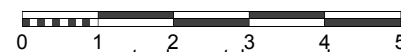


SECTION AA

**PROPOSED ALTERATIONS AND EXTENSIONS
TO EXISTING DWELLING HOUSE at
17 COWDROY AVE, CAMMERAY for
MRS Q PAN**

Lot 1, DP805563
543.3m2

SCALE 1:100
All dimensions in mm



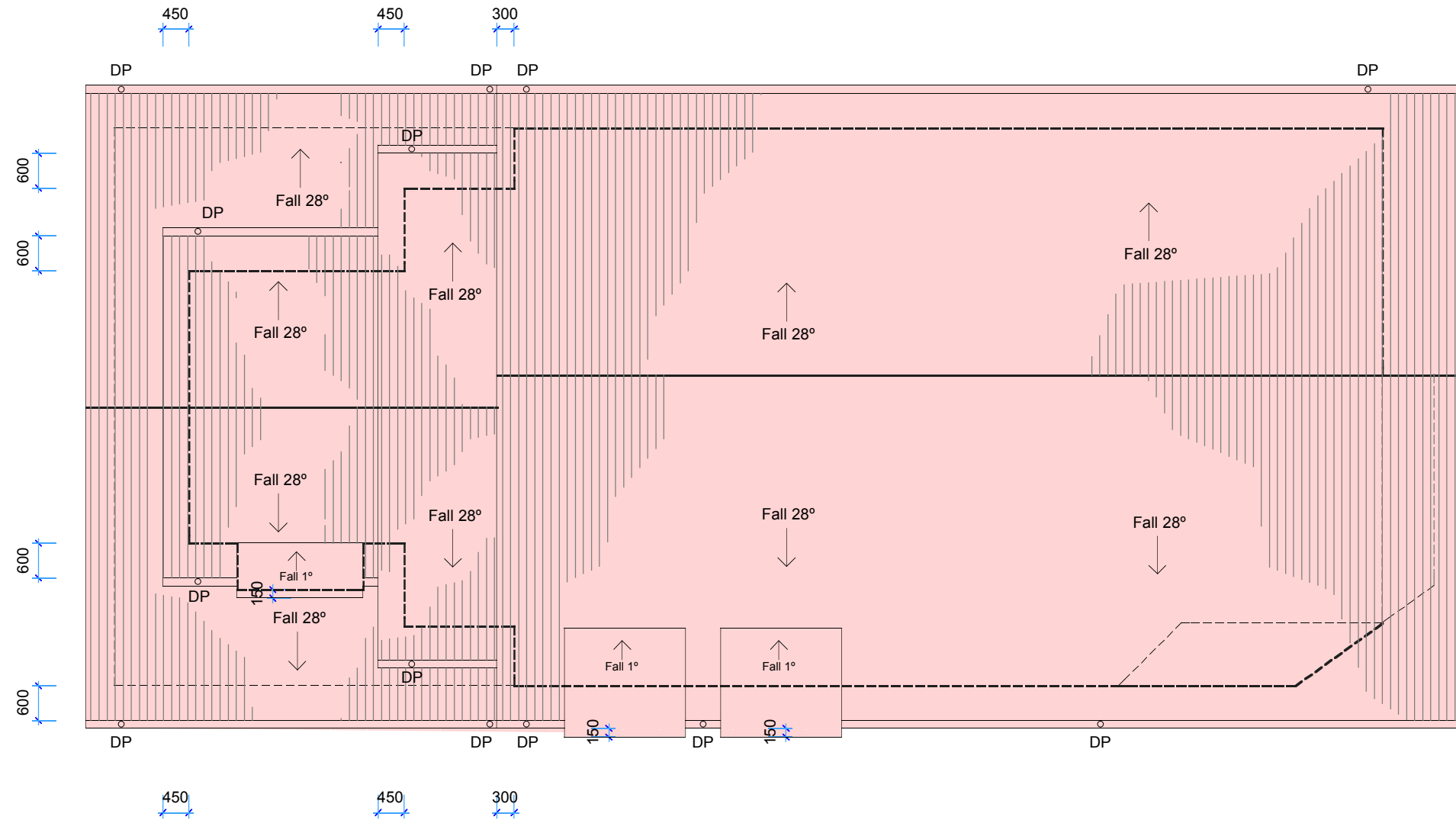
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SECTION AA

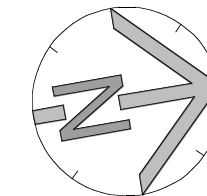
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NOTE:
All new roofing to match existing roof pitch 28° approx.



**PROPOSED ALTERATIONS AND EXTENSIONS
TO EXISTING DWELLING HOUSE at
17 COWDROY AVE, CAMMERAY for
MRS Q PAN**

Lot 1, DP805563
543.3m²

SCALE 1:100

All dimensions in mm



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Check on site prior to construction.

ROOF PLAN

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Rev.
DATE

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WINDOW SCHEDULE

WINDOW NUMBER	WINDOW SIZE Height x Width	WINDOW FRAME	WINDOW OPERATION	FLY SCREEN
W1	2400 x 1200/3300/800	Aluminium	Fixed / Custom glazed silicon joint	Nil
D1	2400 x 3900	Aluminium	Stacking Sliding Door / 3 x Right	Aluminium
D2	2400 x 1200		Timber Hinged	Nil
W2	4500 x 1820	Aluminium	Upper 1500 Louvre / Louvre Lower 3000 Fixed	Aluminium
W3	4500 x 1820	Aluminium	Upper 3300 Fixed Lower 1200 Louvre / Louvre	Aluminium
W4	800 x 600	Aluminium	Louvre	Aluminium
W5	1280 x 2220	Aluminium	Louvre/ Louvre / Louvre	Aluminium
W6	1500 x 900	Aluminium	Louvre	Aluminium
W7	1500 x 900	Aluminium	Louvre	Aluminium
D3	2400 x 7800	Aluminium	Stacking Sliding Door 3 x Door Left / 3 x Door Right	Aluminium
D4	2400 x 820	Aluminium	Hinged / Opening Inwards	Nil
W8	1280 x 2220	Aluminium	Louvre/ Louvre / Louvre	Aluminium
W9	1280 x 2220	Aluminium	Louvre/ Louvre / Louvre	Aluminium
D5	2400 x 3900	Aluminium	Stacking Sliding Door 3 x Door / Right	Aluminium
D6	2400 x 3900	Aluminium	Stacking Sliding Door / Left	Aluminium
W10	600 x 2500	Aluminium	Electric - Louvre / Louvre / Louvre	Aluminium
W11	600 x 2500	Aluminium	Electric - Louvre / Louvre / Louvre	Aluminium
W12	2100 x 1500	Aluminium	Fixed / Rake Head	Nil
W13 *	1420 x 1820	Aluminium	Louvre / Louvre	Aluminium
W14 *	1420 x 1820	Aluminium	Louvre / Louvre	Aluminium
W15 *	1620 x 850	Aluminium	Louvre	Aluminium
W16 *	1420 x 1820	Aluminium	Louvre / Louvre	Aluminium
W17	460 x 1620	Aluminium	Louvre / Louvre	Aluminium
W18	460 x 1620	Aluminium	Louvre / Louvre	Aluminium
W19 *	1520 X 1620	Aluminium	Louvre / Louvre	Aluminium
W20	460 x 1220	Aluminium	Louvre / Louvre	Aluminium
W21 *	1520 x 820	Aluminium	Louvre	Aluminium

NOTES:

Semi Commercial Aluminium Frames. Windows / Door viewed externally.
 Colour - Dulux Bronze
 Louvres - Black Galleries, Clips and Levers
 Door Hardware/ Furniture - Black
 * Window Height Restrictors

Lot 1, DP805563
543.3m2

SCALE 1:100

All dimensions in mm



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SCOPE OF WORKS

SUBFLOOR

- Remove garage doors. Demolish brick pier and construct brick nib and provide structural beams as per engineer's details to support pool above.
- Extend brick nib. Install nominated garage doors to new openings and connect to automatic operation. Patch render, front façade where opening have been altered and make good.
- Provide select vertical timber cladding to front façade including garage door. Black out wall and batten as required.
- Construct brick wall and form door openings as per plan. Demolish part brick wall to form opening and brick in existing opening as required. Provide render finish to internal walls of Hall. Install select doors and door furniture to same.
- Construct and form top slab over existing concrete slab and in between brick walls. Provide polished finish to same.
- Install select entry gate and intercom.
- Demolish part masonry wall as per plan.
- Alter pool sump as required to clear new works and to maintain operation of pool. Confirm on site, the removal of the operation and need of the pool spill over.
- Excavate site as required to allow for the forming of a concrete slab as plan and provision for subfloor drainage as required as per engineer's detail. Provide ramped up section at Hall and provide polished finish to slab where exposed and ramp. Construct masonry walls and provide select cement rendered finish internally. Form door access opening and install select doors and door furniture to same. Provide fit-out of stairs, lift and Cellar as nominated.

GROUND FLOOR

- Remove aluminium framed sliding doors unit. Construct and extend timber framed flooring Install nominated site glazed aluminium framed silicon joined window unit. Provide structural support as required and line ceiling in gyprock to match existing and provide bulk-head as required. Provide flashing to underside of balcony above as required.
- Remove aluminium framed sliding doors unit. Install nominated aluminium framed stacking sliding door to suit existing opening. Install select frameless glass pool balustrade to meet pool compliance.
- Form concrete slab to extended area. Demolish and construct walls as per plan and provide structural support as per engineer's detail. Form door opening and install select door and door furniture to same. Form window opening and install nominated window to same.
- Construct structural steel support wall dividing staircase and lift well. Construct frameless butt glazed silicone join glass floor to ceiling. Provide services and install lift to service between subfloor, ground floor and first floor.
- Remove glass brick window and install nominated window to same to suit existing opening.
- Remove marble fire place mantle with care and store on site. Demolish fire place and chimney ground to first floor and roof.
- Demolish and brick in part wall to form opening between Kitchen and Butler's pantry. Construct timber framed and gyprock lined stud wall dividing Linen Store and Butler's Pantry.
- Provide plumbing service points and install select cabinetry, bench tops and appliances to Kitchen and Butler's Pantry.
- Install select fit-out to Linen Room.
- Strip out Bathroom fittings and fixtures and terminate plumbing service points. Demolish brick wall and construct timber framed and villaboard line stud wall as plan. Demolish part wall and form door opening from Bedroom, supply and install select door and door furniture to same. Form door opening and supply and install select door and door furniture to same.
- Cut down floor joist to Ensuite and Powder Room as required so that, finished floor of wet areas align flush to adjacent rooms. Provide plumbing service points and fc sheet flooring. Screed and waterproof floor. Lay select floor and wall tiles and install nominated fittings and fixtures.
- Strip out Laundry fittings and fixtures and terminate plumbing service points. Demolish and remove timber staircase. Demolish brick walls and construct timber framed and gyprock lined stud walls as plan. Patch and make good floorings where walls have been demolished. Form door openings and supply and install select door and door furniture to same and provide internal fit-out of built in Robe.
- Remove window units, brick in openings and make good render to walls.
- Remove existing timber framed window unit and install nominated aluminium framed window to suit existing brick opening.
- Demolish part wall and form opening to suit installation of nominated aluminium framed window units.
- Remove timber window and door units and demolish part brick wall as per plan. Provide structural support as per engineer's detail and install nominated aluminium framed stacking sliding door to suit opening.
- Strip out kitchen cabinets and appliances and terminate service points. Demolish brick walls as per plan.
- Remove window unit and demolish and brick in wall to form door opening. Install nominated door and door furniture to same.
- Construct timber framed and gyprock / villaboard line stud wall. Form door opening and install select door and door furniture to same.
- Strip up slate floor tiles and break through part concrete slab to provide plumbing service points. Provide termite barrier and water proofing to floor. Lay selected floor tiles and install select cabinetry, bench tops and appliances and fixtures as nominated.
- Install select, custom cabinetry as nominated.
- Replace unaltered doors with select doors and door furniture.
- Remove carpet and install select, engineered timber flooring to all floor area's including stair treads. Excludes all wet area's. Provide adequate floor preparation as required. Engineered Flooring to finish flush to with finished floor of wet area's.
- Where walls have been demolished patch and make good ceilings. Remove all cornices and install select Boral Linea cornice or similar to same. Select cornice must have same coverage to cover existing wall finish.
- Batten external walls as required to suit, installation of select cladding.
- Construct timber framed landing and steps fixed to steel posts sited on concrete footings. Finish with select composite timber decking.
- Provide renovation of pool concourse area. Replace existing paving and pool fencing as selected and as nominated.

FIRST FLOOR

- Remove existing aluminium framed sliding doors and demolish wall above. Provide structural support as per engineer's detail and install select replacement doors and windows to suit.
- Demolish part wall and form opening to suit installation of select switch glazing. Provide electrical supply as required.
- Remove aluminium framed window and install nominated window unit to suit existing opening.
- Remove glazing atop existing stud walls and build up stud walls as required to suit installation of horizontal gyprock lined ceiling to height as nominated. Balance of timber raked ceiling to be lined in gyprock.
- Strip out Ensuite fittings and fixtures, floor and wall tiles and terminate and adjust plumbing service points as required. Demolish chimney stack Construct timber framed and villaboard / gyprock lined stud wall, form opening and install select door and door furniture to same. Demolish part wall to form window opening and install select window to same as nominated. Cut down floor joist to Ensuite as required so that, finished floor of wet areas align flush to adjacent rooms. Provide plumbing service points and fc sheet flooring. Screed and waterproof floor. Lay select floor and wall tiles and install nominated fittings and fixtures.
- Demolish part wall and form door openings to suit installation of nominated doors and door furniture. Fit-out select shelving to Linen Press as nominated.
- Construct timber framed and gyprock lined stud wall diving Linen Press and Dressing. Fit-out Dressing as selected and nominated.
- Remove window unit and demolish and block up wall to form opening to suit nominated window.
- Construct timber framed and gyprock lined stud wall and form door openings to suit installation of select doors and door furniture. Provide internal fit-out of Built in Robe as selected.
- Replace unaltered doors with select doors and door furniture.
- Demolish part timber framed dado wall. Construct structural steel support wall dividing staircase and liftwell. Construct frameless butt glazed silicone join glass floor to ceiling. Provide services and install lift to service between subfloor, ground floor and first floor.

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE at 17 COWDROY AVE, CAMMERAY for MRS Q PAN

SCALE 1:100

All dimensions in mm



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WINDOW SCHEDULE & BASIX

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15 February 2022

Amended 2 November 2022

Amended 22 November 2022

VARIATION TO DEVELOPMENT STANDARD

Clause 4.6 (Height Control) and

View Loss Analysis

At

17 Cowdroy Avenue, Cammeray

Ground Floor and First Floor Extensions and Alterations

To Existing Two Storey Dwelling Home

SITE DETAILS

The site, being Lot 1, DP805563, is an existing two level above garage dwelling located on the southern side of Cowdroy Avenue.

The site is located on the high side of the road having a significant rise and elevation in natural topography.

The site has an area of 543.3 square metres and has a C4 Environment Living zoning.

DESIGN STATEMENT

Objection to the development standard is made as the intentions of the development standard have been met and addressed and thereby request to vary the development standard and justification of the height compliance for the reasons of:

The proposed first floor extension to the rear of the existing two-storey dwelling at RL 38.32 is 9.5m in height at the most critical point and has been conservatively calculated based on estimates between the RL's provided on the Survey and reference points made available.

The proposed height of the rear extension based on the steep topography is considered to be reasonable.

The proposed extended roofline to the rear is 330mm below that of the existing roofline of RL 38.65.

The objection in height relates also to the existing northern part of the dwelling roof form. The existing dwelling at the northern façade and street frontage is 13.0m high at the apex above existing ground due to the significant natural steep site gradient from south to north.

This existing area above the building line is predominantly an existing gabled roof form that is not changing in height, structure or bulk.

The request for a change of materials to update the dwelling within this area is proposed. Changing from a tiled roof to steel sheeting, replacement windows, guttering and replacement cladding at the gable end and does not impact on height or bulk. This is reasonable and justified.

Materials and colour palettes have been carefully considered and selected to harmoniously blend in with the surrounding natural environment.

The proposed development relative to height, successfully meets the intentions and objectives of the control policy North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013).

The objection to the height control of the existing built form does not impact local and adjoining residents and is reasonable and justified as the built form is existing.

The proposed rear first floor extension height control relative to the existing built form cannot be viewed from the street and does not obstruct views from neighboring properties and will not obstruct views and vistas from public places to the waterway.

The proposed extensions and alterations to the dwelling home are typical of the area due to the significant elevation in gradient and natural topography.

The breach in height and objection is reasonable as the proposed development results in minimal, if any impact on its surrounds and does not adversely impact on overshadowing of adjacent properties.

The objection in breach in height does not impact on the amenity of the adjoining and local residents.

The proposed development allows for a reasonable and just variation to the height control as the proposed height is consistent with surrounding properties and that of the local area and is not out of character with its surrounds.

The proposed rear extensions to the existing two storey dwelling has been designed to allow to sit within the existing building envelope and below the existing roof ridge line thereby presenting no negative impact to adjoining residents relating to loss of views or overshadowing.

The proposed extended roof area to the rear of the existing built form, is of the same roof pitch of the existing roof and sits behind and below the existing built form.

The proposed development does not negatively impact on the visual bulk, as it is not a visual element from the streetscape as the proposed roof sits behind the existing built form.

Compliance with the existing height of building development standard is not necessary and unreasonable.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the LEP addresses a development where there is a proposed departure of a development standard. The objectives of cl. 4.6 of the LEP are:

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

SUMMARY

I believe the objectives and intentions of the NSLEP 2013 and NSDCP2013 have been met and that, the proposed development achieves a desirable result in regards to streetscape, acceptable bulk and scale, view sharing and amenity of that of the local residents.

Compliance based on merit in relation to the height of the buildings development standard, is not necessary and a request to change of materials is not unreasonable and justified.

A request, to object to the height control is reasonable and justified and seek a favourable outcome as the proposed development meets with the intentions and objectives of the height control policy and that of NSLEP 2013 and NSDCP2013.

VIEW LOSS ANALYSIS

Relevant case law on the application of the standard Local Environmental Plan Clause 4.6 provisions has established the following principles:

Tenacity Consulting v Warringah Council [2004] NSWLEC 140, which did emphasis that the proponent must address the following:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify contravening the development standard;
- The development is in the public interest;
- The development is consistent with the objectives of the particular standard; and
- The development is consistent with the objectives for development within the zone;

Tenacity Consulting v Warringah Council [2004] NSWLEC 140, which emphasised the need to demonstrate that the objectives of the relevant development standard are nevertheless achieved, despite the numerical standard being exceeded. Justification is then to be provided on environmental planning grounds.

Tenacity demonstrated the following numerical compliance where a development standard may be considered unreasonable or unnecessary as follows:

- The objectives of the standard are achieved notwithstanding the non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Variation to the Development Standard is unreasonable or unnecessary

A key determination of the appropriateness of a Clause 4.6 Variation to a development standard is the proposed development's compliance with the underlying objectives and purpose of that development standard. Tenacity Consulting v Warringah Council [2004] NSWLEC 140 resulted as one of the ways in which a variation to development standards might be justification and found that the proponent must demonstrate compliance with these objectives.

Therefore, while the site is subject to a specified numerical control for building height, the objectives and underlying purpose behind the development standard is a simple issue for consideration in the development assessment process.

The objectives of Clause 4.3 under the WLEP 2011 are as follows:

- (a) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (b) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (c) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The height of the proposed development would be in keeping with the surrounding built form elements for the following reasons:

- (a) The site has a significant west to east gradient fall of around 15% resulting in an elevated residence to the eastern side of the site typical for the area.
- (b) The proposed roof pitch to the first floor matches that of the roof pitch to the existing residence thereby maintaining the character and design elements of the original residence.
- (c) The existing residence is located on the lower side of the street thereby further minimising perceived height and scale in reference to streetscape and visual overall height.
- (d) The natural topography of the area allows for a reasonable and just variation to the height control as the proposed height is consistent with surrounding homes and that of the local area and is not out of character with it's surrounds.
- (e) The request to vary the proposed height by only a very small portion of the total façade is justified, as there is no impact to the streetscape or that of the local residents.

Establishment if the Development Standard is unreasonable or unnecessary

Tenacity Consulting v Warringah Council [2004] NSWLEC 140

To emphasise the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances.

As the area exceeding the building height only occurs at the apex of the roof for a small portion of the total façade, the proposal would generally maintain the maximum permitted building height under WLEP 2011 and the requested variance in height control does not negatively impact on amenity of local residents.

The proposal would not result in adverse impacts in terms of solar access, visual privacy or overshadowing.

The abovementioned justifications are considered valid and in this instance the proposed Clause 4.6 Variation is considered to be acceptable. The proposed development represents a positive addition for the site and the controls and objectives have been met.

Sufficient Environmental planning grounds to justify contravening the development standards

There are sufficient environmental planning grounds to justify contravening the development standard and considered to be well founded in this proposal as:

- (a) The proposed development is consistent with the underlying objective or purpose of the standard
- (b) The proposed development fully achieves the objectives of WLEP 2011 for the subject zoning
- (c) Compliance with the standard would be unreasonable and unnecessary for the reasons as outlined
- (d) Compliance with the remaining development standards applicable to the site is achieved.
- (e) The proposed development is consistent with the underlying objective or purpose of the standard
- (f) The proposed development fully achieves the objectives of WLEP 2011 for the subject zoning
- (g) Compliance with the standard would be unreasonable and unnecessary for the reasons as outlined
- (h) Compliance with the remaining development standards applicable to the site is achieved.

SUMMARY

1. For the reasons outlined above, it is considered that the variation to Clause 4.3 of WLEP 2011 is well founded in this instance and is appropriate in the circumstances. Overall, the Variation request is considered minor and to be reasonable.

The request to vary on merit is well founded for reasons as outlined in 4.6 of the WLEP2011, *Tenacity Consulting v Warringah Council*

- Compliance with the development standard is unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify contravening the development standard;
- The development is consistent with the objectives of the particular standard;
- The development is consistent with the objectives for development within the zone;
- The objectives of the standard are achieved notwithstanding the non-compliance with the standard; and
- The public benefit in maintaining strict compliance with the development standard would be negligible. Accordingly, it is considered that the proposed Clause 4.6 Variation to the maximum building height control is entirely appropriate and can be clearly justified having regard to the matters listed within WLEP 2011 Clause 4.6.

I believe the objectives and intentions of the NSLEP 2013 and NSDCP2013 have been met and that, the proposed development does not negatively impact on views by residents to the waterway as primarily the extensions to the dwelling are to the rear of the existing two storey dwelling and are within the existing envelope and built form.

The proposed development meets with the desired outcome resulting from *Tenacity Consulting v Warringah Council* [2004] and therefore, Compliance with the development standard is unreasonable and unnecessary in the circumstances is not unreasonable.

PREPARED BY:

DJSP Consulting Pty Ltd

PO Box 5100 Greenwich NSW 2065

FOR:

Mrs Q. Pan