

**NSLPP MEETING HELD ON 06/12/23****Attachments:**

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

ADDRESS/WARD: 54A Cowdroy Avenue, Cammeray**APPLICATION NO:** D345/22

PROPOSAL: Alterations and additions to an existing four (4) storey dwelling house including internal alterations, external changes to the Level 4 bedroom, a new internal lift, a new external staircase, and a pergola over the existing double garage.

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
AD-02	C	Existing & Proposed Site Plans Area Calculations	David Hunt Architect	30/08/2023
AD-03	C	Existing & Proposed Floor Plans Level 1	David Hunt Architect	30/08/2023
AD-04	D	Existing & Proposed Floor Plans Level 2	David Hunt Architect	16/11/2023
AD-05	C	Existing & Proposed Floor Plans Level 3	David Hunt Architect	30/08/2023
AD-06	C	Existing & Proposed Floor Plans Level 4	David Hunt Architect	30/08/2023
AD-07	C	Existing & Proposed Roof Plans	David Hunt Architect	30/08/2023
AD-08	C	Existing & Proposed North Elevation South Elevation	David Hunt Architect	30/08/2023
AD-09	C	Existing & Proposed West Elevation	David Hunt Architect	30/08/2023
AD-10	E	Existing & Proposed Long Section Short Section	David Hunt Architect	17/11/2023
AD-15	C	Existing & Proposed Entry Long Section Entry Images	David Hunt Architect	17/11/2023

OWNER: Jason Li**APPLICANT:** Jason Li**AUTHOR:** Report of Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 23 November 2023**DATE LODGED:** 8 November 2022**DATE AMENDED:** 15 September 2023**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing four (4) storey dwelling including internal alterations, external changes to the Level 4 bedroom, a new external staircase, and a pergola over the existing double garage.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to the LEP maximum building height development standard by more than 10% and the notification of the proposal has attracted a total of ten (10) submissions in accordance with the Minister's Direction.

The notification of the original and amended proposal has attracted a total of ten (10) submission raising concerns about non-compliance with the LEP building height control, excessive bulk and scale, view loss impacts and the loss of privacy for the adjoining/nearby properties.

The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The development application has been assessed against the relevant planning principles relating to existing uses rights, *North Sydney LEP 2013*, *North Sydney DCP 2013*, *SREP (Sydney Harbour Catchment) 2005* and *Sydney Harbour Foreshores and Waterways DCP* and was found to be generally satisfactory.

The written request made pursuant to Clause 4.6 *Departure to development standards* in *NSLEP 2013* demonstrates that compliance with the development standard is both unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation. The proposal would maintain the overall built form of the existing semi-detached dwelling and the proposed works would have no material impacts on the amenity of the adjoining properties in terms of the loss of significant views, privacy, and solar access subject to the imposition of appropriate conditions.

The matters raised in the submission have been addressed in the report.

The proposed development is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

DESCRIPTION OF PROPOSAL

The subject development application seeks consent for alterations and additions to an existing four (4) storey dwelling including internal alterations, external changes to the Level 4 bedroom, a new external staircase, and a pergola over the existing double garage. The proposed works are summarised as follows:

Level 1 (RL 7.84)

- Alterations to the existing window opening to storage area to install sliding doors (W1.1) and a new window (W1.2).
- Partial demolition of an internal wall separating the store room and the cellar to improve access of light and the removal of an internal spiral staircase; and
- Removal of existing paving in front of the storage and construction of a new deck in front of the storage room at RL 7.69.

Level 2 (RL10.99)

- Removal of existing glazed enclosure for the covered terrace and construction of a new replacement flat roof over the covered terrace;
- Infilling of an existing indoor swimming pool and a staircase within the covered terrace;
- Installation of a new spiral staircase at the north-west corner of the dwelling connecting Levels 2 and 3 and a new BBQ area on the southern end of the covered terrace;
- Infilling of an existing balcony on the western elevation as part of the Bedroom 2 extension with new windows (W2.2, W2.3 and W2.4); and
- Addition of a new bathroom, a walk-in wardrobe, a lift, and lift lobby at the rear (southern end) of the main dwelling.

Level 3 (RL14.89)

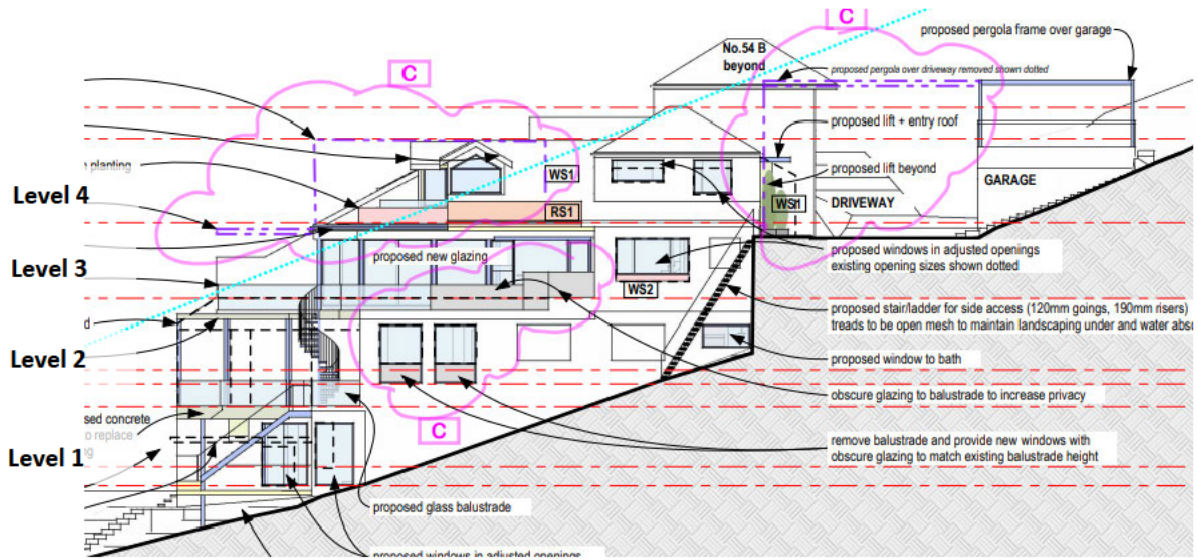
- Installation of a new spiral staircase connecting Level 3 and Level 2 below at the north-western corner of the dwelling;
- Internal alteration including demolition of partitioning walls to provide an open plan dining/kitchen areas;
- Demolition of the existing dwelling entrance and the installation of a new lift with a lobby;
- Demolition of the external kitchen walls on the western elevation and the installation of replacement new glazed panels and/or windows on the northern and western elevations (W3.1, W3.2, W3.3, W3.4, W3.5, W3.6, W3.7 and W3.8);
- Extension of the roof over the balcony on the western elevation; and
- Installation of new glazed balustrades along the edge of the northern balcony.

Level 4 (RL18.24)

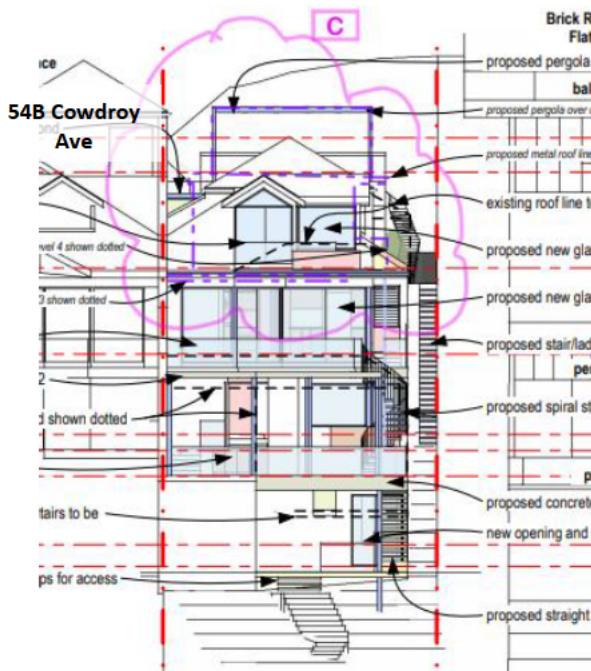
- Removal of the existing external walls and the roof skirting of the north-western corner of this level;
- Extension of the existing northern balcony with a new flat roof to the north and west of the revised balcony with obscured glazed balustrades along the western edge of the balcony;
- New glazing to the balcony (W4.1, W4.2, W4.3);
- Revised windows on the western elevation (W4.4, W4.5 and W4.6);
- Installation of a lift at the rear (southern) side of the dwelling; and
- A new dwelling entrance adjacent to the proposed lift with a new roof over.

Other works:

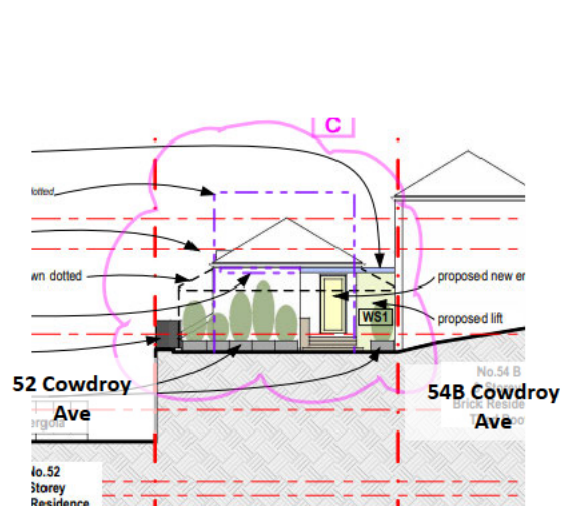
- Installation of a pergola frame over the existing double garage;
- Installation of new planters to the west of the new dwelling entrance; and
- Installation of a staircase/ladder within the western building setback to provide pedestrian access from the driveway to the side setback areas.



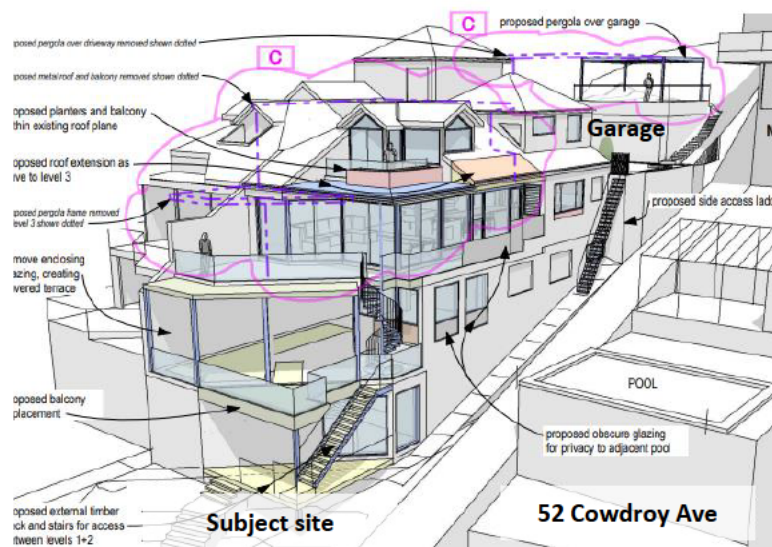
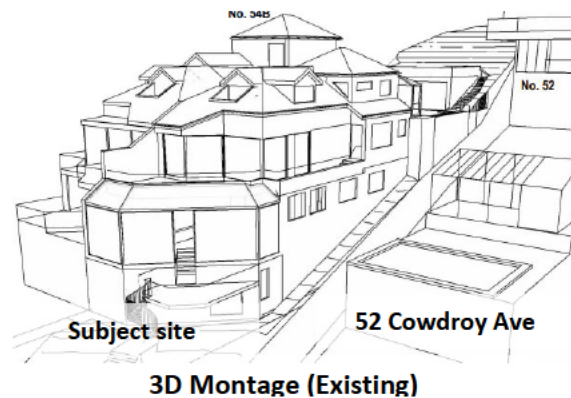
Western Elevation



Northern (Long Bay) Elevation



Southern Elevation



3D Montage (Proposed)
Figures 1 – 5: Proposed Development

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning C4 Environmental Living
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No
- Foreshore Building Line - Yes

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

SEPP (Housing) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Sustainable Buildings) 2022

Foreshore Development

Local Development

POLICY CONTROLS

NORTH SYDNEY DCP 2013
North Sydney Local Infrastructure Contributions Plan 2020
Sydney Harbour Foreshores & Waterways Area DCP 2005

DESCRIPTION OF LOCALITY

The street address of the site is No. 54A Cowdroy Avenue, Cammeray. The legal identification of the site is Lot 1 in DP 865650.

The site is located on the low (northern) side of Cowdroy Avenue along the low road near the intersection with Folly Point Road and Cammeray Road. The site extends between the waterway of Long Bay and the road frontage with Cowdroy Avenue. The site has an irregular shape with the side boundaries parallel. The foreshore boundary is partly defined by a seawall and waterfront structures, with timber deck and timber ramp into Long Bay.

The registered survey submitted with the development application indicates Lot 1 has an area of 537.5sqm. The front boundary is not perpendicular to the side boundaries and is 10.74m long. The eastern side boundary shared with No.54B Cowdroy Avenue is 53.3m. The western side boundary shared with No.52 Cowdroy Avenue is 60.03m. The site is 4.7m wide.

The site slopes steeply down from the road to the foreshore. The fall from street to shoreline is approximately 25m towards Long Bay. The site has been significantly altered from its natural surface contours. There are retaining walls and paths throughout the setbacks and on the site boundaries as well as significant cut and fill and retaining walls within the building footprint.

Currently occupying the subject site is a four (4) storey dwelling and is positioned at the western end of a group of four (4) semi-detached dwellings. The addresses of the other semi-detached dwelling in the group are Nos. 54B, 54C and 54D Cowdroy Avenue. Vehicular access for the subject site and the semi-detached dwellings in the same group and associated garages is via a driveway with a Right-of-Way (ROW) to all four properties. The detached double garage for the subject site has an open terrace on its roof and is located on the southern side of the driveway.

A jetty adjoins at the north-eastern corner of the property and the use is shared with the adjoining property at No. 54B Cowdroy Avenue.

Adjoining the subject site to the east is a four (4) storey semi-detached dwelling at No.54B Cowdroy Avenue. There are 2 x 4 storey semi-detached dwellings located further to the east of the subject site at Nos 54C and 54D Cowdroy Avenue respectively.

To the west of the subject site is a three (3) storey detached dwelling located at No. 52 Cowdroy Avenue. This property has a swimming pool located between the main dwelling and the foreshore.



Figure 6: Subject site and 54B Cowdroy Avenue as seen from Long Bay



Figure 7: Subject site and the locality

RELEVANT HISTORY

Previous applications

- **9 June 1992** - Development Consent (DA1019/1992) was granted by Council for subdivision of three lots into four lots and construction of four dwelling houses on land at 54 Cowdroy Avenue.
- **29 June 1992** - Subdivision Application S2004/92 was approved for the subdivision of 54 Cowdroy Avenue (Lots 29, 30 and 31) into 4 allotments.
- **1992** - Development Application DA152/1992 for two jetties, ramps, pontoons and 16 mooring piles on part of the bed of Long Bay near No. 54 Cowdroy Avenue was approved by Maritime Services Board of NSW.

Current Application

- **8 November 2022** – The subject application (**D345/22**) for alterations and additions to an existing semi-detached dwelling was lodged with Council via the NSW Planning Portal. The proposal involved internal and external works including a new Level 4 addition and a pergola over the driveway between the main dwelling and the garage.
- **15 November 2022** – A letter was sent to the applicant requesting the submission of additional information including a valid BASIX Certificate and a view loss analysis.
- **25 November to 9 December 2022** – The adjoining properties and the Bay Precinct Committee was notified about the subject application. The notification of the application has attracted a total of eight (8) submissions including two (2) submissions from a submitter.
- **31 January 2023** – The applicant submitted a view loss analysis as requested earlier by Council staff.
- **21 April 2023** – The applicant's architect was advised about the adequacy of the submitted view loss analysis and the need for information and inspections of various adjoining/nearby properties.
- **10 May 2023, 17 May 2023, and 16 June 2023** - Inspections were undertaken of the subject site and surrounds by Assessment Staff.
- **23 June 2023** – A teleconference was held with the applicant and the applicant's architect.
- **23 August 2023** – A letter was sent to the applicant detailing the information/documentation/plans required for the submission of an amended proposal.
- **15 September 2023** – The applicant submitted amended plans including a significant changes to the scope of new works on Level 4 and the deletion of the pergola over the driveway proposed in the original proposal.
- **6 to 20 October 2023** - The adjoining properties and the Bay Precinct Committee was notified about the amended proposal. The notification of the amended proposal has attracted a total of two (2) submissions.

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 objection to the proposed development subject to the imposition of appropriate engineering conditions.

ABORIGINAL HERITAGE

No sites or places of Aboriginal heritage significance are recorded within 50m of the site on the NPWS Aboriginal Heritage Information Management System.

The site and surrounding area have been subject to long term disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.

Give the above, it is considered that there are no Aboriginal heritage constraints known for the proposed development.

Notwithstanding this, a standard condition is recommended requiring the reporting of the discovery of any historic and/or aboriginal relic on site during works on site (**Condition E20**).

SUBMISSIONS

Original proposal

The adjoining properties and the Bay Precinct Committee was notified about the subject application between 25 November and 9 December 2022. The notification of the application has attracted a total of eight (8) submissions including two (2) submissions from one individual.

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

Basis of Submission

- Excessive non-compliant building height.
- Excessive bulk and scale.
- Excessive size of the proposed Level 4 balcony.
- Overlooking of the neighbouring properties from the new balcony on the western elevation.
- Adverse view impacts from the new Level 4 structure.
- Uncharacteristic flat roof form for the Level 4 structure.
- Excessive glazing on the proposed Level 4 structure.
- The use of the proposed Level 3 pergola is questionable.
- The purpose for the proposed ladder to the western side building setback unclear.
- Excessive pergola cover over the garage and the driveway in the original scheme.
- Concerns relating to the level of reflectivity from the proposed metal roofing material.
- Objection to the proposed pergola over the driveway due to adverse visual impacts
- The proposed Level 4 extension would adversely impact on the visual amenity of the neighbouring properties.
- Adverse visual privacy impacts due to overlooking of various outdoor areas of an adjoining property to the west.
- View loss as seen from the top floor home office of the adjoining property to the west.
- Unattractive design including the proposed pergola over the driveway and the proposed metal roofing materials.
- Overshadowing of the adjoining property to the west.
- Non-compliance with LEP development standard and other planning controls.
- Adverse overlooking impacts.
- Adverse visual impacts on the adjoining waterways and adjoining properties.
- The design of the proposed structure displays the lack of symmetry with the adjoining properties.
- Undesirable precedent for inappropriate development.
- Non-compliance with Council's building height limit.
- Excessive bulk and scale of the proposed structures.
- The loss of significant views.
- Overlooking of the adjoining properties.
- Adverse visual impacts caused by the proposed pergola over the driveway

- Non-compliance with the Council's building height control.
- Adverse visual privacy impacts caused by overlooking from the new Level 4 addition.
- Excessive bulk and scale of the proposed Level 4 extension.
- The loss of significant views resulting from the Level 4 extension.
- Uncharacteristic flat roof form and associated adverse visual impacts.
- Undesirable precedent for inappropriate development.
- Excessive pergola proposed over the driveway and adverse impacts on access to the subject for larger vehicles, access to building services and utility services under/adjacent to the affected driveway.
- Excessive bulk and unsightly design of the proposed pergola over the driveway.
- Excessive height of the proposed structure above Council's building height control.
- The design of new structure must be in-keeping with surrounding developments.
- The view analysis submitted by the applicant dated 27 January 2023 was incorrect and inadequate.
- The view analysis has not appropriately addressed the planning principle for view sharing as established by the L&E court Tenacity Test.

Amended Proposal

The adjoining properties and the Bay Precinct Committee was notified about the amended proposal between 6 and 20 October 2023. The notification of the amended proposal has attracted a total of two (2) submissions and the matters raised in submissions are listed below:

Basis of Submissions

- The proposed pergola over the existing garage would cause the loss of views for the adjoining property to the west.
- Any screening provided by trees would not be permanent and would not protect the visual privacy of the outdoor entertainment area of the adjoining property to the west.
- Overlooking from the proposed full height glazed window and the extended windows on the western elevation of Level 3 to the outdoor entertainment/BBQ area and swimming pool of the adjoining property to the west. The effectiveness and application of forested glass are potentially questionable.
- Overlooking and privacy impacts from the proposed Level 4 balcony.
- The need for taller boundary fencing to provide screening from the new external staircase within the western side building setback.
- No objection to the amended proposal but request Council to consider the imposition of conditions relating to operating noise levels from the lift; the pergola is to an open construction and the height of the Level 4 planter to be no more than 1m.

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposal meets the objectives of the SEPP because the proposal does not involve the clearance of native vegetation, or any materials impacts on bushland (if any) in the vicinity of the subject site.

Chapter 6 - Water Catchments

Having regard to the *SEPP (Biodiversity and Conservation) 2021*, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given that the proposal, as amended by the applicant, would not change overall form of the existing semi-detached dwelling. As such, the development is acceptable having regard to the provisions contained within the above SEPP 2021 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of *SEPP (Resilience and Hazards)* require 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 of the above SEPP have been satisfactorily addressed.

SEPP (Sustainable Buildings) 2022

The SEPP does not apply to the subject application because the application was lodged prior to the commencement of the SEPP in accordance with Clause 4.2 of the SEPP.

Notwithstanding this, consideration has been given to the repealed *SEPP (Building Sustainability Index: BASIX) 2004*.

The applicant has submitted a valid BASIX Certificate for the amended proposal to satisfy the requirements of the SEPP.

Environmental Planning and Assessment Act 1979

Existing Use Rights (Sections 4.65 - 4.70)

The subject site is zoned C4 (Environmental Living) in accordance with Clause 2.2 and the Land Use Table in North Sydney LEP 2013. Semi-detached dwelling is not a form of development permissible within the zone. Therefore, the proposed alterations and additions to the semi-detached dwelling at No.54A Cowdroy Avenue is prohibited within the C4 (Environmental Living) zone.

Notwithstanding such prohibition, if 'existing use' rights can be satisfactorily established for the land affected by the proposed development, then the consent authority may approve a development application (subject to meeting the relevant requirements applying to existing uses under Sections 4.65 - 4.70 of the EP & A Act 1979, the Regulation under the Act, and considering the impacts of the proposal).

Comment:

A search of Council's records has revealed the following development history relating to the subject site:

- Subdivision Application **S2004/92** for the subdivision of 54 Cowdroy Avenue (Lots 29, 30 and 31) into 4 allotments was approved on 29 June 1992.
- Development Application **DA152/1992** for two jetties, ramps, pontoons and 16 mooring piles on part of the bed of Long Bay near No. 54 Cowdroy Avenue was approved by Maritime Services Board of NSW.
- The existing dwelling was approved under **DA1019/1992** which granted consent to subdivide three lots into four and constructed four dwellings with the dwellings on Lots A and B, and C and D, being attached respectively. The approval was granted under NSLEP 1989 and characterised the dwellings as 'dwelling-houses'.

Furthermore, it is noted that the subject property has continually been used for residential purpose.

In light of the above, it is considered that the existing development satisfies the definition and the relevant provisions relating to an existing use under Sections 4.65 – 4.70 of the EP&A Act 1979.

Environmental Planning and Assessment Regulations 2021

The proposed development engages Section 165 of the Regulations for the proposed alterations and additions. Under the provision, alteration of a building or work for an existing use may be permitted with development consent.

Furthermore, it is noted from the judgment of Commissioner Chilcott in *Saffioti v Kiama Municipal Council (2018)* NSW LEC 1426 that confirmed any development standard would still apply to the effect that they do not derogate or have the effect of derogating from the incorporated provisions. The incorporated provisions, being those that dictate provision for or with respect to existing uses with respect to section 4.67 of the Act. In addition, the provisions of a DCP cannot derogate from the incorporated provisions because when applied flexibility in accordance with subsection 4.15(3) of the Act cannot prevent a development application being made.

The development standard in NSLEP 2013 and controls in NSDCP 2013 are therefore assessed below.

Objectives of the Zone

The proposal, as amended by the applicant, is generally consistent with the objectives of the C4 (Environmental Living) zone as indicated throughout this report.

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013				
Site Area – 537.5m ²	Existing	Proposed	Control	Complies
Clause 4.3 – Heights of Building	12.5m	11.2m	8.5m	NO (Clause 4.6 variation received)

3. Height of Building

The proposed works on Level 4 would reach a maximum building height of 10.2m resulting in a breach of the LEP maximum height limit by 1.7m (20%) (Figure 7).

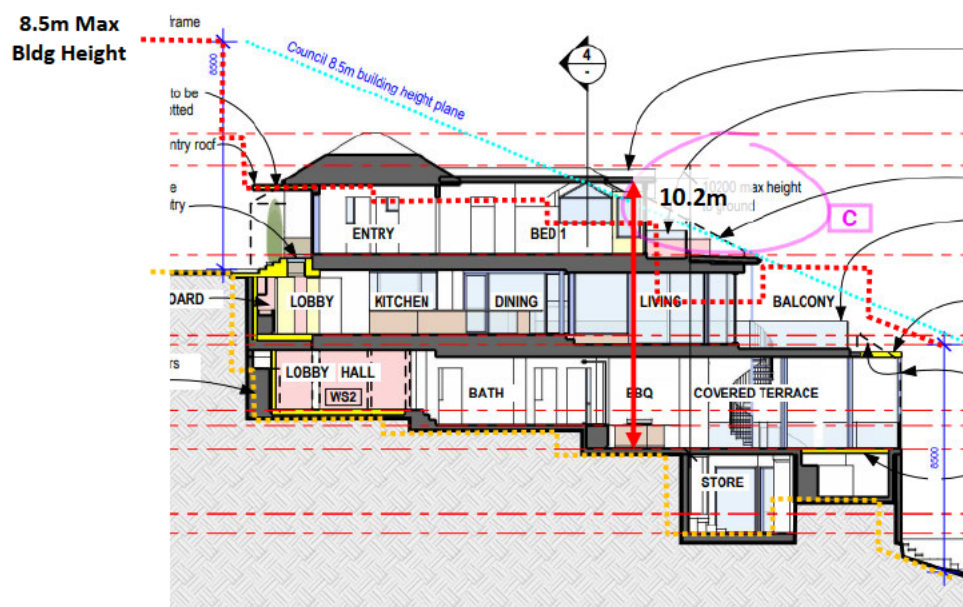


Figure 8: Maximum building height

The applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013. The written request has adequately addressed sub clause (3) and is considered to be in the public interest because it is consistent with the relevant development standard and the objectives of the zone.

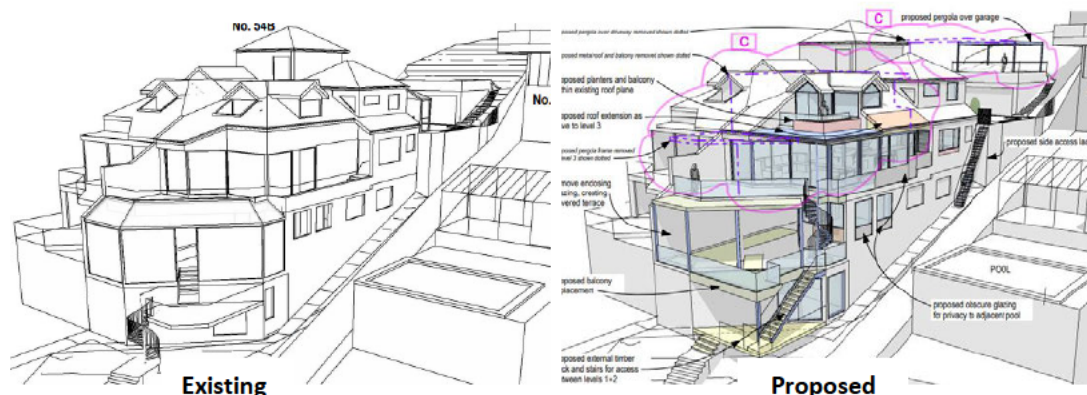
The applicant has submitted a written request to justify the proposed variation to the building height control. The proposed breach has been assessed in accordance with the requirements of Clause 4.6 (3) and (4), the objectives of the control and the zone. These matters have been considered below:

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

The proposal, as amended by the applicant, would maintain a stepped built form, and respects the sloping landform of the subject site.

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

As indicated in the 3D montages of the existing and proposed development below, the proposal, particularly the changes on Level 4 and the proposed northern balcony extension would not significantly change the building envelope of the existing semi-detached dwelling.



Figures 9 – 10: Existing and proposed development

Whilst the proposed balcony extension and the dormers are above the 8.5m LEP height limit, there would be no material changes to significant views as seen from the adjoining properties to the east and west of the subject site (being Nos.54B and 52 Cowdroy Avenue).

This is further illustrated by a photograph of the subject site as seen from No.52 Cowdroy Avenue. The proposed changes are unlikely to have a material impact on the significant water views as seen from this adjoining property.



Figure 10: View from No.52 Cowdroy Avenue

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

The proposed works, as amended by the applicant, would generally maintain the envelope of the existing semi-detached dwelling. Therefore, the additional shadows caused by the new elements, between 9am and approximately 10.30am during mid-winter, would have no material impacts on solar to the adjoining properties, particularly the adjoining property to the west at No.52 Cowdroy Avenue as shown in Figure 11 below. It is also noted that the windows/openings on the northern elevation of No.52 Cowdroy Avenue would receive the required 3 hours of sunlight mid-winter.

There would be no material shadowing impacts on the adjoining semi-detached dwelling to the east (i.e., No.54B Cowdroy Avenue) because of the location of the new works on the western side of the subject dwelling away from the adjoining property to the east.

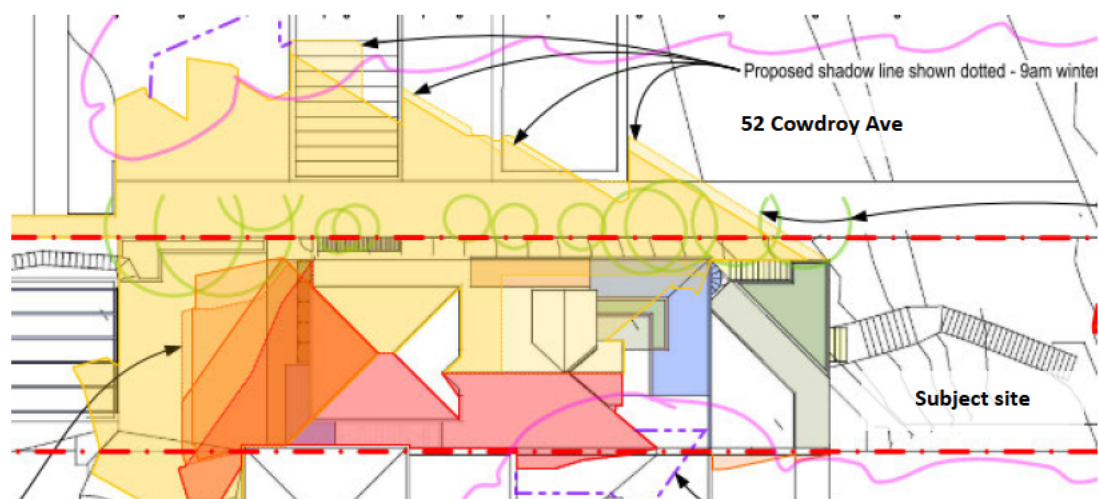


Figure 11: Shadow Diagram (mid-winter)

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

The proposed extended northern balcony on level 4 is unlikely to cause adverse privacy impacts for the main dwelling of No.52 Cowdroy Avenue because of the proposed balcony would be in excess of 20m away from the northern building line of No.52 Cowdroy Avenue.

In addition, the applicant has proposed planter boxes along the northern and western edge of the extended balcony to minimise visual privacy impacts for No.52 Cowdroy Avenue.

The proposed balcony extension is unlikely to cause unreasonable noise impacts for the adjoining properties due to its size and the use as a balcony for a bedroom.

- (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, as amended by the applicant, would not materially change the character and the overall appearance of the existing building as a semi-detached dwelling. There would be no change to the density of the existing development as a result of the proposed works.

The proposed materials and colours are considered to be acceptable having regard to the diversity in terms of architectural design and the use of materials for development within the locality.

The building elements in breach of the LEP building height limit would not cause any material loss of solar access, adverse privacy loss and/or view loss as detailed throughout this report.

Consequently, the variation to the LEP maximum building height limit is supported given that it would be unreasonable for Council to insist upon strict compliance when the objectives of the development standard are satisfied by the proposal.

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

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

The building elements above the LEP height limit would not result in any unacceptable loss of significant views, overshadowing or privacy impacts.

The built form of the existing apartment building would be maintained, and the proposed works are considered to be acceptable given the diversity in terms of building design and built forms within the locality.

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

The proposal relates to building upgrade works that would result in minimal changes to the building height, built form and building envelope of the existing building. Furthermore, the non-complying building elements are unlikely to cause material impacts on the amenity of the adjoining properties as discussed throughout this report.

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

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

Part 6 – Additional local Provisions

4. Limited development on foreshore area (Clause 6.9)

The subject site is located on the foreshores of Long Harbour where a foreshore building line applies.

The proposal involves the construction of structures within the foreshore building area including a timber deck on Level 1 and a concrete slab over the Level 1 timber deck for use as a replacement of the existing Level 2 timber deck and as a balcony off the Level 2 covered terrace (see shaded area below in **Figure 12**).

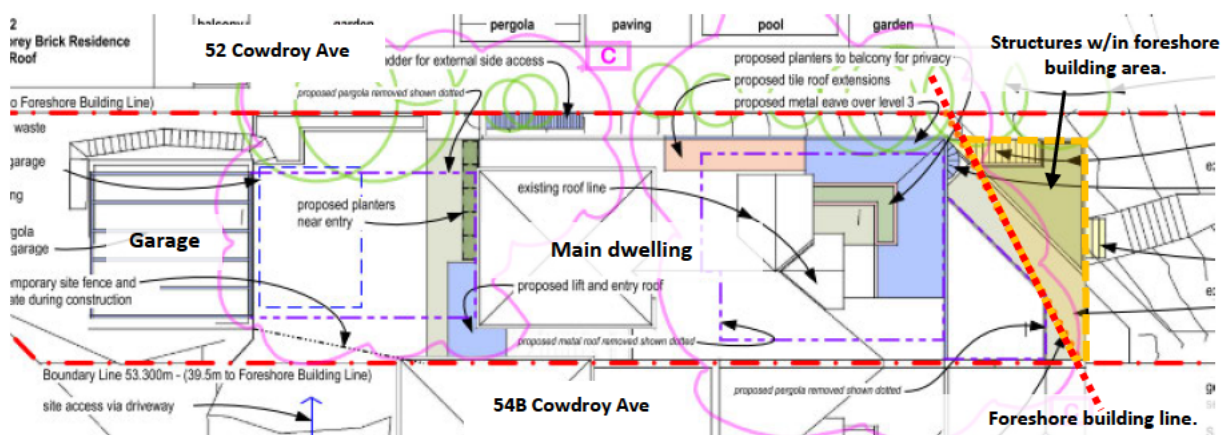


Figure 12: Proposed works within Foreshore Building Area

Pursuant to Clause 9.6(2)(c), development consent may be granted for development on land in the foreshore area for the following purposes:

- *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

Consideration has also been given to the provisions under Clause 6.9 (3) (a) to (h) of *North Sydney LEP 2013* and considered that the proposed decks (being structures replacing existing structures associated with outdoor recreation) are satisfactory. While the deck on level 2 increases in height by 1.2 metres, the majority of the decks will replace existing structures, and in any case would have no material impacts on the amenity or aesthetic appearance of the foreshore as indicated throughout this report.

5. Earthworks

The proposal, as amended by the applicant, does not involve significant earthworks with the exception of the removal of some internal fabric at the rear of Level 2 to facilitate the installation of the new lift. All works are to be carried out within the existing building footprint and are unlikely to affect the structural integrity of the subject semi-detached dwelling and the adjoining property to the east.

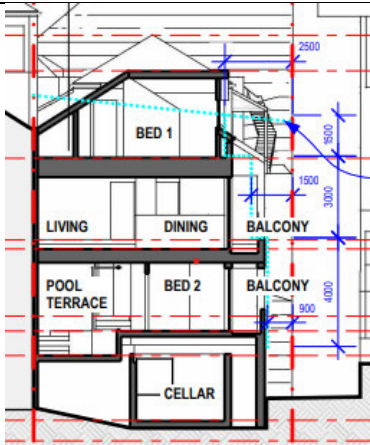
A condition is recommended requiring all works are to be carried out within the subject site and no encroachment onto the adjoining semi-detached dwelling to the east (**Condition C###**).

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix 1.2.2 Maintaining Residential Accommodation 1.2.3 Affordable Housing 1.2.4 Housing for Seniors/Persons with disability	No change	The proposal would not change the population mix, the supply of residential accommodation, including affordable housing and housing for seniors/people with disabilities, within the locality.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposed works would not change the existing landform within the subject site. The proposal, as amended by the applicant, would maintain a stepped built form, and respects the sloping landform of the subject site.
1.3.2 Bushland	Yes	<p>The subject site is located in Bushland Buffer Zone A as it is located within 100m from nearby bushland zoned C2 Environmental Conservation.</p> <p>The proposal, as amended by the applicant, are generally contained within the existing building footprint, and would not require the removal of or impact to any trees or bushland areas. The proposed alterations are consistent with the existing bulk and scale and appearance of the existing dwelling and would not adversely impact the bushland character of the area.</p>
1.3.4 Foreshore Frontage	Yes	<p>The proposal, as amended by the applicant, has been assessed against the relevant provisions of the SEPP (Sydney Harbour Catchment) and is considered to be satisfactory as indicated earlier in this report.</p> <p>Furthermore, the proposal would have no significant impacts on vegetation, landform and natural features along the foreshore given that the proposed works would not require any major excavation and significant changes to the existing vegetative treatments.</p>
1.3.6 Views	Yes	The proposal, as amended by the applicant, would have no material impacts on significant views as seen from the adjoining properties as indicated earlier in this report.
1.3.7 Solar Access	Yes	The proposal, as amended by the applicant, would have no material impacts on solar access to the adjoining properties as indicated earlier in this report.
1.3.8 Acoustic Privacy	Yes	<p>The proposal, as amended by the applicant, would have no material noise impacts on the adjoining properties give that the proposed works would not result in a significant increase in outdoor areas.</p> <p>The proposed northern balcony extension on Level 4 is modest in size and the use of this new building element is unlikely to cause noise nuisance for the surrounding properties.</p> <p>The proposed external ladder along the western property boundary is unlikely to cause noise nuisance given that this would be for occasional uses for maintenance/services only.</p>

<p>1.3,10 Visual Privacy</p>	<p>Yes (via condition)</p>	<p>The applicant has proposed a number of measures to minimise visual privacy impacts for the adjoining property to the west at No.52 Cowdroy Avenue including:</p> <ul style="list-style-type: none"> • Bedroom 2 windows on Level 2 (W2.3 and W2.4) be partially obscured; • Obscure glazing be applied to a section of the balustrade along the western edge of the Level 3 balcony; and • A 600mm wide planter be installed along the northern and western edges of the new Level 4 balcony extension. <p>In addition to the above measure the following additional measures are recommended to ensure visual privacy protection for the residents of No.52 Cowdroy Avenue:</p> <p>(a) Obscure glazing be applied to balustrade along the entire western edge of the Level 3 balcony; and (b) The height of the obscure glazing for W2.3 and W2.4 shall be increased to 1.5m; and (c) Taller boundary fencing along the western property boundary to provide screening for the proposed ladder.</p> <p>A condition requiring the above visual privacy measure is imposed accordingly (Condition C1).</p>
<p>1.4 Quality built form</p>		
<p>1.4.1 Context</p>	<p>Yes</p>	<p>The design of the proposed development, as amended by the applicant, is generally consistent with the existing residential development of the site and adjoining properties.</p> <p>The proposed development would modify the appearance of the existing semi-detached dwelling, particularly Level 4, however, it is considered that the modified structure would have no material impacts on the overall context of the locality including the Harbour or its foreshores.</p>
<p>1.4.2 Subdivision Pattern</p>	<p>No change</p>	<p>The proposal would not change the subdivision pattern of the subject site and the neighbouring properties.</p>
<p>1.4.3 Streetscape</p>	<p>N/A</p>	<p>The subject site is not highly visible from Cowdroy Avenue due to the landscape buffer along the southern property boundary and the sloping landform of the subject site.</p> <p>Furthermore, access to the subject site is provided by a shared driveway and the proposal would not change this existing arrangement.</p>
<p>1.4.5 Siting</p>	<p>No change</p>	<p>The proposal would not change the siting and building orientation of the existing semi-detached dwelling and its relationship with the group of semi-detached dwellings located at Nos 54B, 56A and 56 Cowdroy Avenue as well as the properties to the west of the subject site.</p>
<p>1.4.6 Setback – Side</p>		<p>It is noted that the DCP does not specify side boundary setback controls for semi-detached dwellings located within C4 (Environmental Living) zone.</p> <p>It is also noted that the subject semi-detached dwelling provides a minimum of 900mm setback from the western (side) property boundary from Levels 1 and 4.</p> <p>The applicant has provided the following diagram showing the DCP setback requirements (for dwelling house) in blue dotted line below (Figure 13).</p>

		 <p style="text-align: center;">Figure 13: Side Boundary Setback</p> <p>It is noted the majority of the proposed new works would not encroach beyond the existing building envelope. The proposed northern balcony extension on Level 4 would provide a complying 2.5m setback from the western property boundary.</p> <p>In addition, the eastern wall of the subject semi-detached dwelling adjoins the property to the east at No.54B Cowdroy Avenue. There are no works proposed along the eastern wall. The applicant has advised that the proposed lift shaft for the new lift at the south-eastern corner of the subject site is designed to be structurally independent and would have no impact on the adjoining wall. A condition is recommended that no encroachment of any works on the wall along the common property boundary (Condition C3).</p>
<p>P1 Front setback P5 Rear Setback</p>	<p>Yes</p>	<p>The proposal would not change the existing setbacks from the front and rear property boundaries.</p>
<p>1.4.7 Form Massing Scale 1.4.8 Built Form Character</p>	<p>Yes</p>	<p>As indicated earlier in this report, the proposed development would modify the appearance of the existing semi-detached dwelling, particularly Level 4, however, it is considered that the modified structure would have no material impacts on the overall context of the locality including the Harbour or its foreshores given that the proposal would generally maintain the overall design of the existing building.</p> <p>In addition, no objection is raised to the installation of a pergola over the existing garage. The open construction of the pergola would not result in unacceptable bulk and scale for this structure, and this will add amenity to the user of this area.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>Whilst the dwelling entrance is provided via the driveway and not visible from the street. The proposed dwelling entrance on Level 4 would be provide a strong sense of address for the subject semi-detached dwelling because the existing dwelling entrance on Level 3 is not visible from the driveway.</p>
<p>1.4.10 Roofs</p>	<p>Yes</p>	<p>The proposal would generally maintain a pitched roof form and is considered to be acceptable given the diversity in roof forms of nearby dwellings.</p>
<p>1.4.12 Materials</p>	<p>Yes (via condition)</p>	<p>A condition is recommended requiring the submission of a schedule of finishes, materials, and colours to ensure compatibility with those applied to surrounding developments.</p>

1.5 Quality Urban Environment																		
1.5.4 Vehicle Access and Parking	No change	<p>The would be no change to the provision of 2 x car spaces on site in accordance with the maximum parking requirement for a development within the subject site.</p> <p>Furthermore, vehicular access to the subject site via a ROW would be maintained.</p>																
1.5.5 Site Coverage 1.5.6 Landscape Area	No (acceptable on merit)	<p>The proposal has been assessed against DCP's site coverage /unbuilt upon area/landscaped area requirements as shown below:</p> <table border="1" data-bbox="790 577 1404 965"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage 40% Max</td> <td>248sqm (46.1%)</td> <td>248.5sqm (46.2%)</td> <td>NO</td> </tr> <tr> <td>Unbuilt-upon area 20% Max</td> <td>89.5sqm (16.7%)</td> <td>91.4sqm (17%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped area 40% Min</td> <td>200sqm (37.2%)</td> <td>197.6sqm (36.8%)</td> <td>NO</td> </tr> </tbody> </table> <p>As indicated from the above compliance table, the proposal would result in minor changes to site coverage /unbuilt upon area/landscaped area within the subject site due to the new staircase within the western building setback and the new paving associated with the new dwelling entry.</p> <p>It is also noted that the proposal would not significantly change the footprint of the existing building and the existing landscape arrangements within the subject site.</p> <p>In this regard, the proposal is considered to be acceptable.</p>	Control	Existing	Proposed	Compliance	Site coverage 40% Max	248sqm (46.1%)	248.5sqm (46.2%)	NO	Unbuilt-upon area 20% Max	89.5sqm (16.7%)	91.4sqm (17%)	Yes	Landscaped area 40% Min	200sqm (37.2%)	197.6sqm (36.8%)	NO
Control	Existing	Proposed	Compliance															
Site coverage 40% Max	248sqm (46.1%)	248.5sqm (46.2%)	NO															
Unbuilt-upon area 20% Max	89.5sqm (16.7%)	91.4sqm (17%)	Yes															
Landscaped area 40% Min	200sqm (37.2%)	197.6sqm (36.8%)	NO															
1.5.8 Landscaping	Yes (via condition)	A condition is recommended for the submission of a landscape plan for any outdoor areas affected by the proposed works to ensure that the landscape quality of the subject site is maintained (Condition C2).																
1.5.13 Garbage Storage	Yes (via condition)	It is recommended that a standard condition be imposed requiring the provision of adequate storage for general and recyclable waste materials (Condition C17).																
1.6 Efficient Use of Resources																		
1.6.1 Energy Efficiency	Yes	The applicant has submitted a valid BASIX Certificate.																

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

The proposal, as amended by the applicant is consistent with the DCP Character Statement for Cammeray Neighbourhood in Part C section 4.2 of North Sydney DCP 2013.

The proposed development would be generally consistent with the desired built form for developments within the neighbourhood by maintaining the stepped built form.

NORTH SYDNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contribution payable has been calculated in accordance with Council's Contributions Plan as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$998,958.00
<i>(Payment amount subject to indexing at time of payment)</i>	Contribution: (1% of the development cost)	\$9,998.95

Accordingly, a condition requiring the payment of contributions at the appropriate time is recommended (**Condition C21**).

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 <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

SUBMITTERS CONCERNS

The adjoining properties and the Bay Precinct Committee was notified about the original proposal between 25 November and 9 December 2022. The notification of the application has attracted a total of eight (8) submissions including two (2) submissions from one submitter. Many matters raised in the submissions for the original proposal have been addressed by way of the amended plans with the deletion of a number of significant elements such as a large Level 4 pergola/deck and the pergola over the driveway. The other matters relating to non-compliance with LEP height control, privacy and view impacts have also been further addressed by the amended proposal as well as in the assessment as detailed throughout this report.

The adjoining properties and the Bay Precinct Committee was notified about the amended proposal between 6 and 20 October 2023. The notification of the amended proposal has attracted a total of two (2) submissions and the matters raised in submissions are addressed below:

- ***Overlooking from the proposed full height glazed window and the extended windows on the western elevation of Level 3 to the outdoor entertainment/BBQ area and swimming pool of the adjoining property to the west. The effectiveness and application of forested glass are potentially questionable.***
- ***Overlooking and privacy impacts from the proposed Level 4 balcony.***
- ***Any screening provided by trees would not be permanent and would not protect the visual privacy of the outdoor entertainment area of the adjoining property to the west.***

Comment:

The applicant has proposed installation of forested balustrade to minimise visual privacy impacts caused by the proposed full height glazing on the western elevation on Level 3. A condition is recommended requiring obscure glazing be applied to balustrade along the entire western edge of the Level 3 balcony to provide additional privacy protection for No.52 Cowdroy Avenue (**Condition C3**).

The proposed Level 4 balcony would have a primary outlook to the north and west. It is also noted that the balcony is located further away to the north of the main dwelling of No.52 Cowdroy Avenue in excess of 20m. Furthermore, the applicant has proposed a 600mm planter on the western edge of the Level 4 balcony to provide additional visual privacy protection for the adjoining property. The proposal is considered to be acceptable.

The comments regarding screening trees are noted. Whilst trees are not considered to be elements that would provide permanent screening, it however provides amenity and improve landscape quality of a property.

- ***The proposed pergola over the existing garage would cause the loss of views for the adjoining property to the west.***

Comment:

The outlook from No.52 Cowdroy Avenue over the garage of the subject site comprise of the structure within the subject site and nearby buildings and vegetation. It is also noted that the outlook is across the side property boundary and the proposed pergola complies the LEP maximum building height limit. The impact is considered to be minor.

- ***The need for taller boundary fencing to provide screening from the new external staircase within the western side building setback.***

Comment:

A condition is recommended requiring taller boundary fencing be erected to ensure adequate screening would be provided for the adjoining property. (**Condition C1**).

- ***No objection to the amended proposal but request Council to consider the imposition of conditions relating to operating noise levels from the lift; the pergola is to an open construction and the height of the Level 4 planter to be no more than 1m.***

Comments:

Noted and agreed. Conditions recommended accordingly (**Conditions C1, C18 and C19**).

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) where semi-detached dwelling is not a form of development permissible within the zone. However, the subject site is benefit from 'existing use right' in accordance with 4.65 - 4.70 of the EP & A Act 1979.

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.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The adjoining properties and the Bay Precinct Committee were notified about the original proposal between 25 November and 9 December 2022. The notification of the application has attracted a total of eight (8) submissions including two (2) submissions from one submitter.

The adjoining properties and the Bay Precinct Committee were notified about the amended proposal between 6 and 20 October 2023. The notification of the amended proposal has attracted a total of two (2) submissions. The matters raised in submissions have been addressed throughout this assessment report.

CONCLUSION

The existing semi-detached dwelling located on the subject site is prohibited on land zoned C4 (Environmental Living), however, the building benefits from existing use rights pursuant to Sections 4.65 – 4.70 of the *Environmental Planning and Assessment Act 1979*.

The development application has been assessed against the relevant planning principles relating to existing uses rights, *North Sydney LEP 2013*, *North Sydney DCP 2013*, SREP (Sydney Harbour Catchment) 2005 and *Sydney Harbour Foreshores and Waterways DCP* and was found to be generally satisfactory.

The written request made pursuant to Clause 4.6 *Departure to development standards* in NSLEP 2013 demonstrates that compliance with the development standard is both unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation. The proposal would maintain the overall built form of the existing semi-detached dwelling and the proposed works would have no material impacts on the amenity of the adjoining properties in terms of the loss of significant views, privacy, and solar access subject to the imposition of appropriate conditions.

The matters raised in the submission have been address in the report.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions provided below.

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 Height of Buildings and grant consent to Development Application No. DA345/2022 for alterations and additions to existing semi-detached dwelling on land at No. 54A Cowdroy Avenue, Cammeray subject to the following site specific and standard conditions

Design Modifications/Requirements

- C1. The following design modifications shall apply to the proposed development:
- (a) Balustrade with obscure glazing panels shall be installed along the entire western edge of the Level 3 balcony to the west of W3.4, W3.5 and W3.6 to provide privacy protection for the adjoining property;
 - (b) The height of the obscure glazing for W2.3 and W2.4 shall be increased to 1.5m as measured from the finished floor level of bedroom 2 to provide privacy protection for the adjoining property;
 - (c) The height of boundary fencing along the proposed ladder within the western side setback shall be increased to provide a minimum of 1.5m above the level of the ladder to ensure visual privacy protection of the adjoining property;
 - (d) The height of the planter on the western and northern edge of the Level 4 northern balcony shall not exceed one (1) metre as measured from the finished floor level;

(e) The pergola above the existing garage must be of an open construction.

Plans showing the above design amendments must be submitted for approval by Council's Team Leader Assessment prior to the issue of a Construction Certificate.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To protect the amenity of adjoining properties)

Landscape Plan

C2. A landscape plan must be submitted showing the landscape treatments of the areas affected by the proposed works within the subjects.

The plan must include the layout of any new planting, the species, the number to be planted and plot size.

Plans showing information about the landscaping treatments to be applied must be submitted for approval by Council's Team Leader Assessment prior to the issue of a Construction Certificate.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure landscape quality)

No Encroachment of Works

C3. All works, including earthworks and construction works, must not encroach onto the adjoining property at No.54B Cowdroy Avenue.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

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

ROBIN TSE
SENIOR ASSESSMENT OFFICER

ISOBELLA LUCIC
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
54A COWDROY AVENUE, CAMMERAY
DEVELOPMENT APPLICATION NO. 345/22

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 endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
AD-02	C	Existing & Proposed Site Plans Area Calculations	David Hunt Architect	30/08/2023
AD-03	C	Existing & Proposed Floor Plans Level 1	David Hunt Architect	30/08/2023
AD-04	D	Existing & Proposed Floor Plans Level 2	David Hunt Architect	16/11/2023
AD-05	C	Existing & Proposed Floor Plans Level 3	David Hunt Architect	30/08/2023
AD-06	C	Existing & Proposed Floor Plans Level 4	David Hunt Architect	30/08/2023
AD-07	C	Existing & Proposed Roof Plans	David Hunt Architect	30/08/2023
AD-08	C	Existing & Proposed North Elevation South Elevation	David Hunt Architect	30/08/2023
AD-09	C	Existing & Proposed West Elevation	David Hunt Architect	30/08/2023
AD-10	E	Existing & Proposed Long Section Short Section	David Hunt Architect	17/11/2023
AD-15	C	Existing & Proposed Entry Long Section Entry Images	David Hunt Architect	17/11/2023

(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 plans endorsed with Council's approval stamp, 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 Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier 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)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Design Modifications/Requirements**

- C1. The following design modifications shall apply to the proposed development:
- (a) Balustrade with obscure glazing panels shall be installed along the entire western edge of the Level 3 balcony to the west of W3.4, W3.5 and W3.6 to provide privacy protection for the adjoining property;
 - (b) The height of the obscure glazing for W2.3 and W2.4 shall be increased to 1.5m as measured from the finished floor level of bedroom 2 to provide privacy protection for the adjoining property;
 - (c) The height of boundary fencing along the proposed ladder within the western side setback shall be increased to provide a minimum of 1.5m above the level of the ladder to ensure visual privacy protection of the adjoining property;
 - (d) The height of the planter on the western and northern edge of the Level 4 northern balcony shall not exceed one (1) metre as measured from the finished floor level;
 - (e) The pergola above the existing garage must be of an open construction.

Plans showing the above design amendments must be submitted for approval by Council's Team Leader Assessment prior to the issue of a Construction Certificate.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To protect the amenity of adjoining properties.)

Landscape Plan

- C2. A landscape plan must be submitted showing the landscape treatments of the areas affected by the proposed works within the subjects.

The plan must include the layout of any new planting, the species, the number to be planted and plot size.

Plans showing information about the landscaping treatments to be applied must be submitted for approval by Council's Team Leader Assessment prior to the issue of a Construction Certificate.

**54A COWDROY AVENUE, CAMMERAY
DEVELOPMENT APPLICATION NO. 345/22**

Page 3 of 28

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure landscape quality.)

No Encroachment of Works

- C3. All works, including earthworks and construction works, must not encroach onto the adjoining property at No.54B Cowdroy Avenue.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

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

Dilapidation Report Damage to Public Infrastructure

- C4. 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 Principal Certifier 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 Principal Certifier 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)

- C5. 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 Principal Certifier 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 and a copy to be given to 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 owners to assist in any action required to resolve dispute(s) 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/ies prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C6. A photographic survey and dilapidation report of adjoining property No. 54B Cowdroy Avenue, Cammeray detailing the physical condition of the property, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members, and other similar items, **MUST BE** submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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 photographic survey and dilapidation report 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 an applicant 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: Proper management of records)

Structural Adequacy (Semi Detached and Terrace Buildings)

- C7. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property No. 54 B Cowdroy Avenue, Cammeray which certifies the ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

(Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised)

Structural Adequacy of Existing Building

- C8. 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 Principal Certifier 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

- C9. 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 Principal Certifier 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 Principal Certifier 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

- C10. 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.

An Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Erosion and 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 Principal Certifier 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

- C11. A Waste Management Plan is to be submitted for approval by the Principal Certifier 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 Colours and Finishes

- C12. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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 the completed colours and finishes of the works are compatible with surrounding development)

Roofing Materials - Reflectivity

- C13. 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 Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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

- C14. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development, an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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

- C15. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must –be designed in accordance with the following criteria:

- a) compliance with NCC drainage requirements and current Australian Standards and guidelines;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to [INSERT];
- c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Drainage plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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: Proper disposal of stormwater)

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

- C16. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.
 - d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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 Development Engineers or Manager of Development Services.

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

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Principal Certifier 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)

Garbage and Recycling Facilities

C17. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Noise from Plant and Equipment

C18. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.

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

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

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

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

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

Vibration from Plant and Equipment

- C19. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifier, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

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

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

“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

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

Air Conditioners in Residential Premises

- C20. The use of any air conditioner installed on the premises must comply with the requirements of the *Protection of the Environment Operations (Noise Control) Regulations 2017* and *State Environmental Planning Policy (Transport and Infrastructure) 2021* and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
- (i) before 8.00am and after 10.00pm on any Saturday, Sunday, or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

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

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

(Reason: To maintain residential amenity)

Section 7.12 Development Contributions

- C21. 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 \$9,998.95.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid 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.

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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

C22. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$9,998.95
TOTAL FEES	\$9,998.95

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

C23. Under clause 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A446901_04 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)**Protection of Trees**

- D1. All significant trees that are to be retained on site must be maintained and protected during demolition, excavation, and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

(Reason: To ensure compliance and tree retention)

Public Liability Insurance – Works on Public Land

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

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

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

Notification of New Addresses

- D3. Prior to the commencement of any building works, an application must be made, and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*'.

The approved numbering will be recorded in Council's Land & Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

Commencement of Works' Notice

D4. Building work, demolition, or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition, or excavation in accordance with this development consent.

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

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 Principal Certifier.

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical engineer and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

- E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- Silt arrestor pit construction.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Removal of Extra Fabric

- E6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E7. 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

- E8. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E9. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E10. The Applicant or the person, company or other entity that is acting upon this consent, 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

- E11. 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)

Protection of Trees

- E12. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Special Permits

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

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

- E14. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
All zones	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	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, the EPA Noise Policy for Industry 2017 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 & Enforcement Policy.

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

Service Adjustments

- E15. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas, and the like).

The council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Installation and Maintenance of Sediment Control

- E16. 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

- E17. 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

- E18. 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

- E19. 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)

Archaeological Discovery During Works

E20. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

Prohibition on Use of Pavements

E21. 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

E22. 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)

Imported Fill Material

E23. The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and

- b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

- (Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

Waste Disposal

- E24. 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)

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 Certifier 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 condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier 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 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 Certifier 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 Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

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 Certifier 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. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(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)

Disposal Information

- G4. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping docket); and
- (b) the disposal points and methods used.

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

BASIX Completion Certificate

- G5. In accordance with Section 45 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

House Numbering (Dwellings)

- G6. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.)

Compliance with Certain conditions

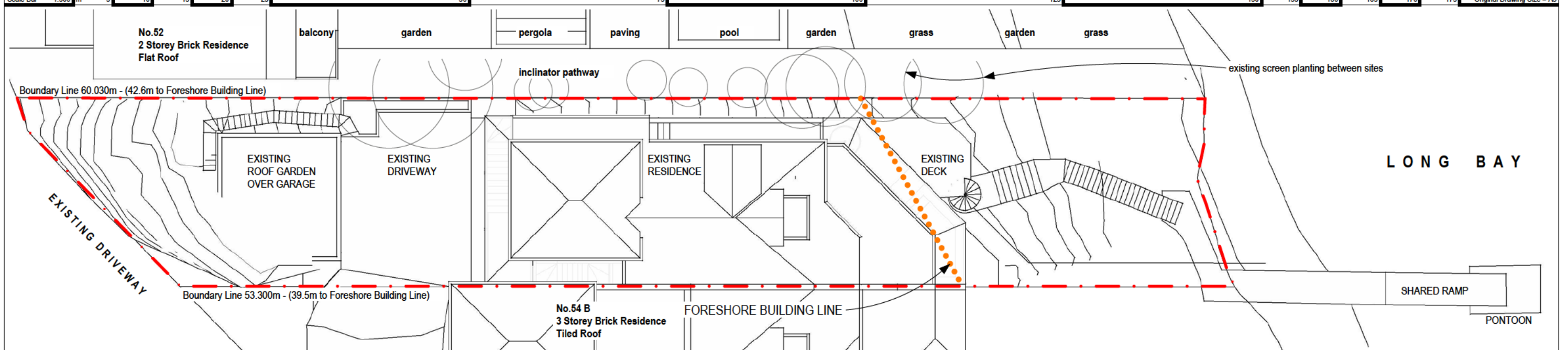
- G7. Prior to the issue of any Occupation Certificate, Conditions C1, C2 and C3 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. On-Going / 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)

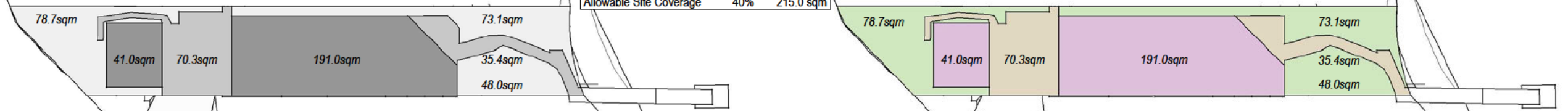


1 - EXISTING SITE & ROOF PLAN - 1:200

199.8sqm	37.2%	Existing Landscaped Area and Natural Features
105.7sqm	19.6%	Existing Unbuilt Upon Area
232.0sqm	43.2%	Existing Site Coverage

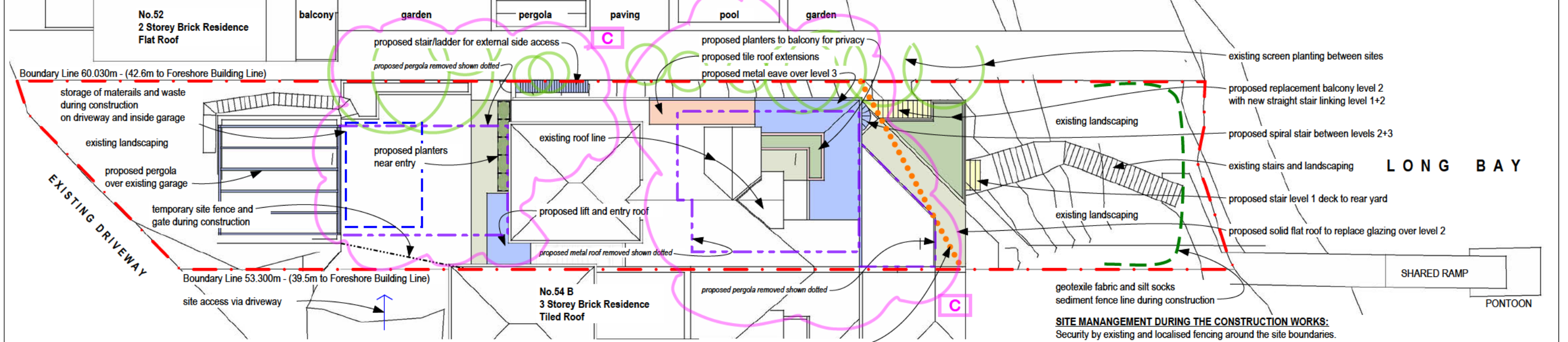
Site Area	100%	537.5 sqm
Allowable Landscaped Area	40%	215.0 sqm
Allowable Unbuilt Upon Area	20%	107.5 sqm
Allowable Site Coverage	40%	215.0 sqm

200.0sqm	37.2%	Proposed Landscaped Area and Natural Features
105.5sqm	19.6%	Proposed Unbuilt Upon Area
232.0sqm	43.2%	Proposed Site Coverage



2 - EXISTING SITE COVERAGE CALCULATIONS - 1:500

3 - PROPOSED SITE COVERAGE CALCULATIONS - 1:500



4 - PROPOSED SITE & ROOF PLAN - 1:200

- LANDSCAPING PLAN
- STORMWATER MANAGEMENT PLAN
- CONSTRUCTION MANAGEMENT PLAN
- EROSION AND SEDIMENT CONTROL PLAN

LANDSCAPING PROPOSAL:
 There is only minor works proposed beyond the existing building footprint including:
 - side access stair/ladder
 - level 1 replacement of balcony and spiral stair
 - level 3 extension of driveway over existing access stair
 Existing landscaping on the site is to be retained and made good following the construction works.

STORMWATER PROPOSAL:
 There is no increase in the building footprint with the proposal.
 There is an existing stormwater systems that connects all downpipes and driveway surface stormwater to and outlet into the foreshore.
 All new downpipes and surface pits are to be connected into the existing system which drains to the foreshore.

SITE MANAGEMENT DURING THE CONSTRUCTION WORKS:
 Security by existing and localised fencing around the site boundaries.
 Erosion and sediment control during construction by silt fences and movable silt socks.
 Site works not to start until the erosion and sediment control works are installed and functional.
 Storage of waste and materials on site as indicated.
 Approved bins for building waste, concrete and mortar slurries, paints, acid washings and litter to be provided and arrangements made for regular collection and disposal.
 Guttering to be connected to the stormwater system as soon as practicable.
 All erosion and sediment controls to be checked at least weekly and after rain to ensure they are maintained in a fully functional condition.



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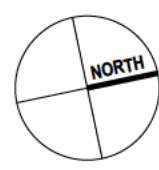
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B	24/05/22	DA Submission Issue
A	27/01/22	DA Review Issue
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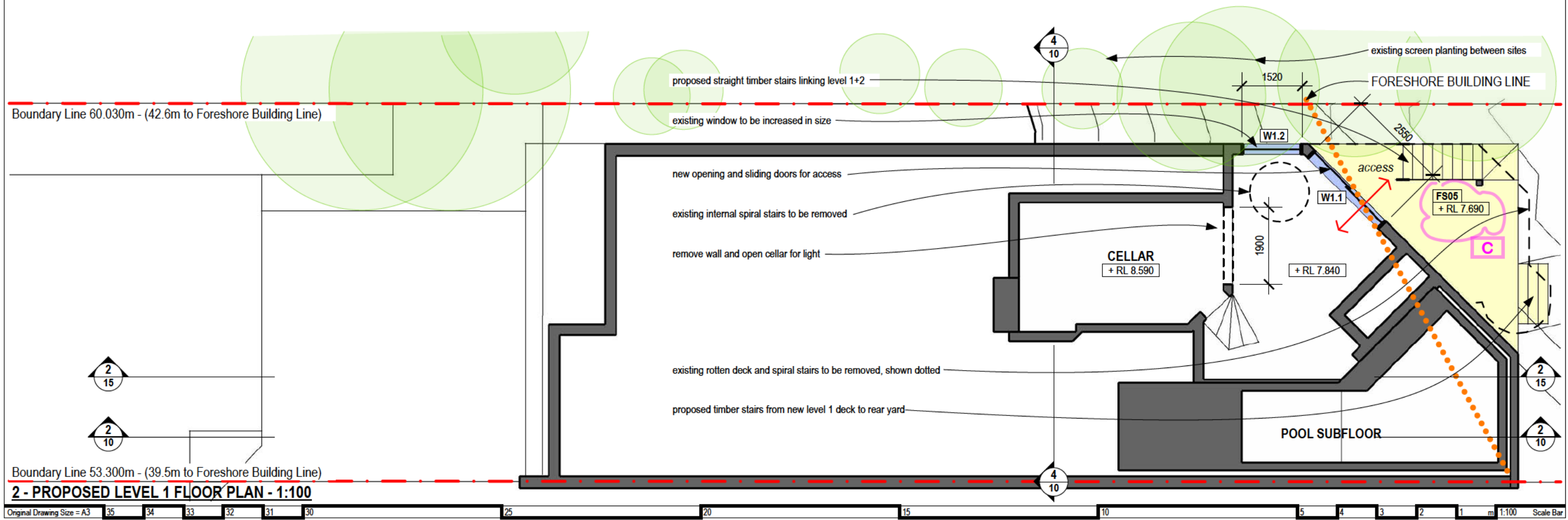
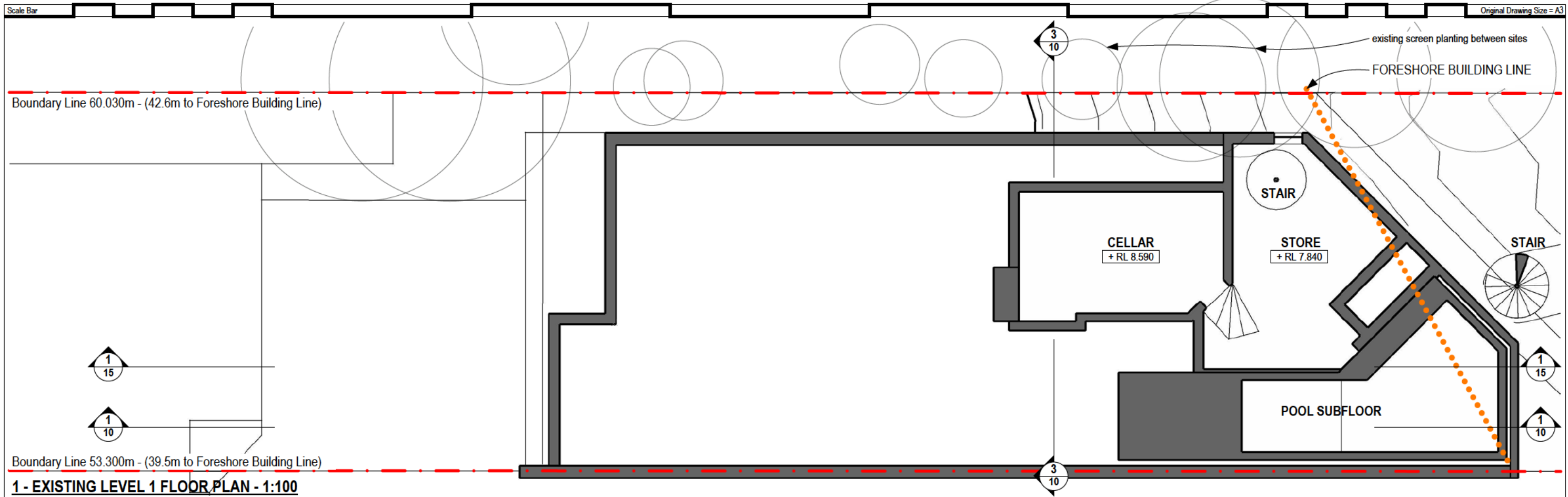
Project: **Alterations and Additions**
54A Cowdroy Avenue, Cammeray
Lot 1 in DP 865650

Client: **Jason Li**

Title: **EXISTING & PROPOSED SITE PLANS**
AREA CALCULATIONS

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AD-02-C
 Date: **30/08/2022**
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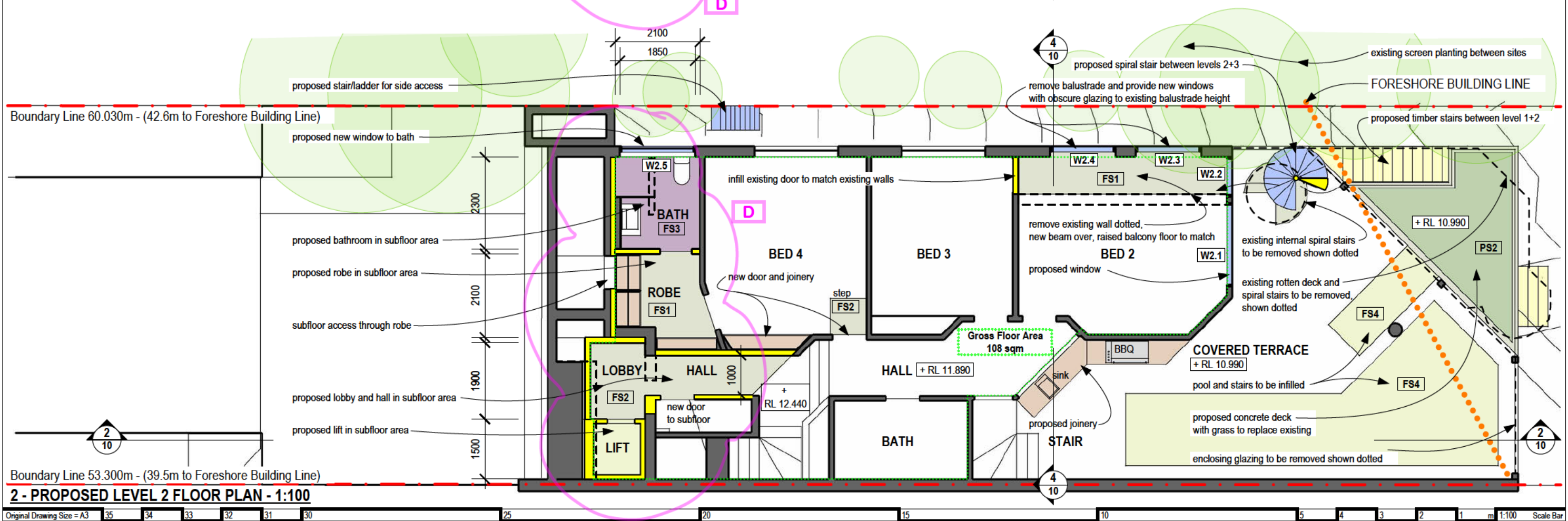
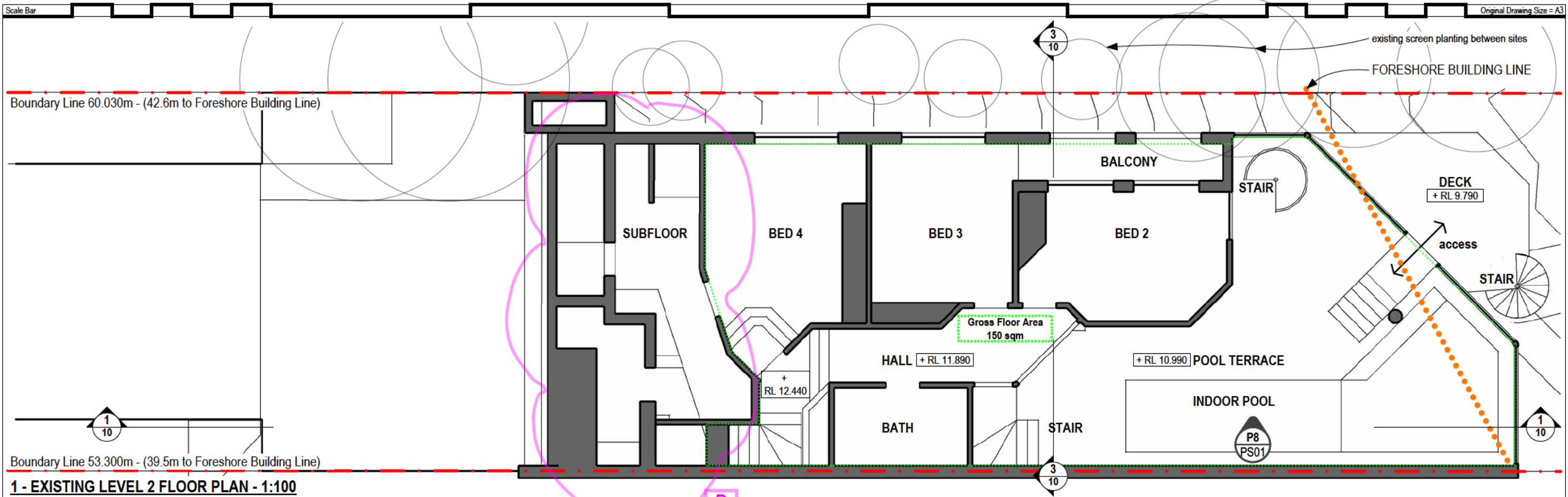




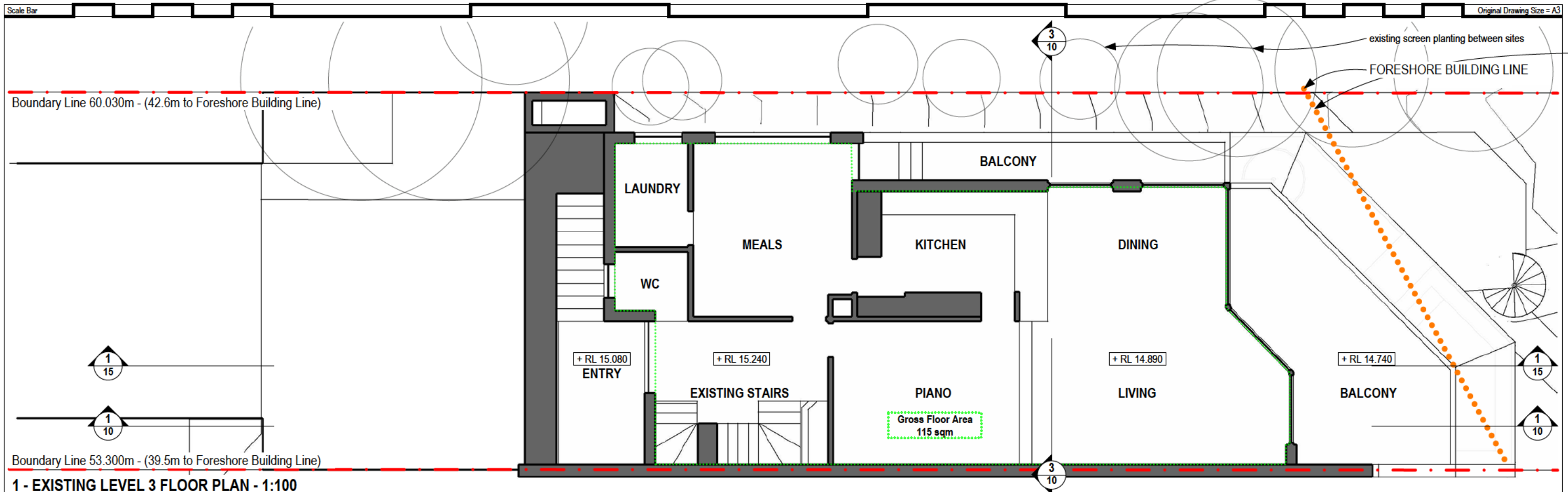
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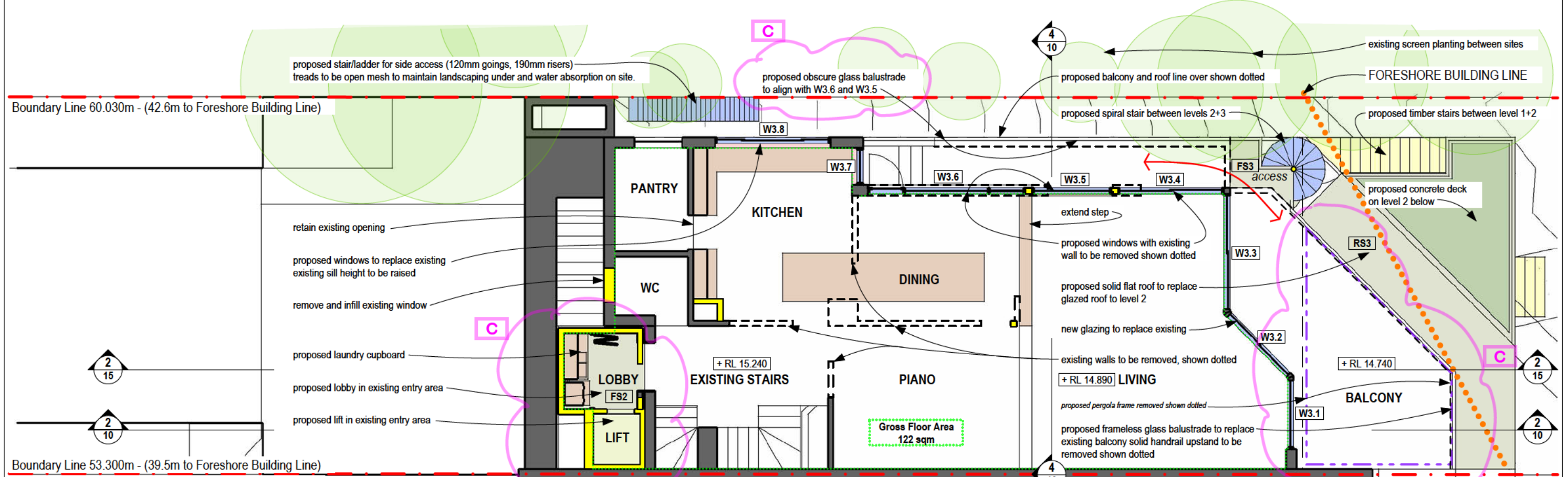
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Mobile:	0408 059 441	Email:	djhunt@bigpond.com		Client:	Jason Li	Date:	30/08/2023	CAD by:	DjH	Scale:	1:100
PO Box:	5244, Turramurra, NSW 2074	ABN:	33 138 189 607		Rev	Date	Status & Issue for:	CAD File Name:	1802LHC-AD-Arch Dwg-Plns. Layout			
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				draft	01/10/21	Preliminary Issue - review and coordination						



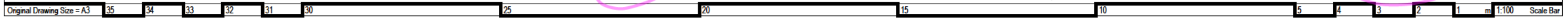
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				Client: Jason Li		



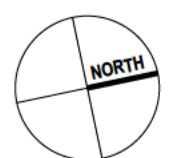
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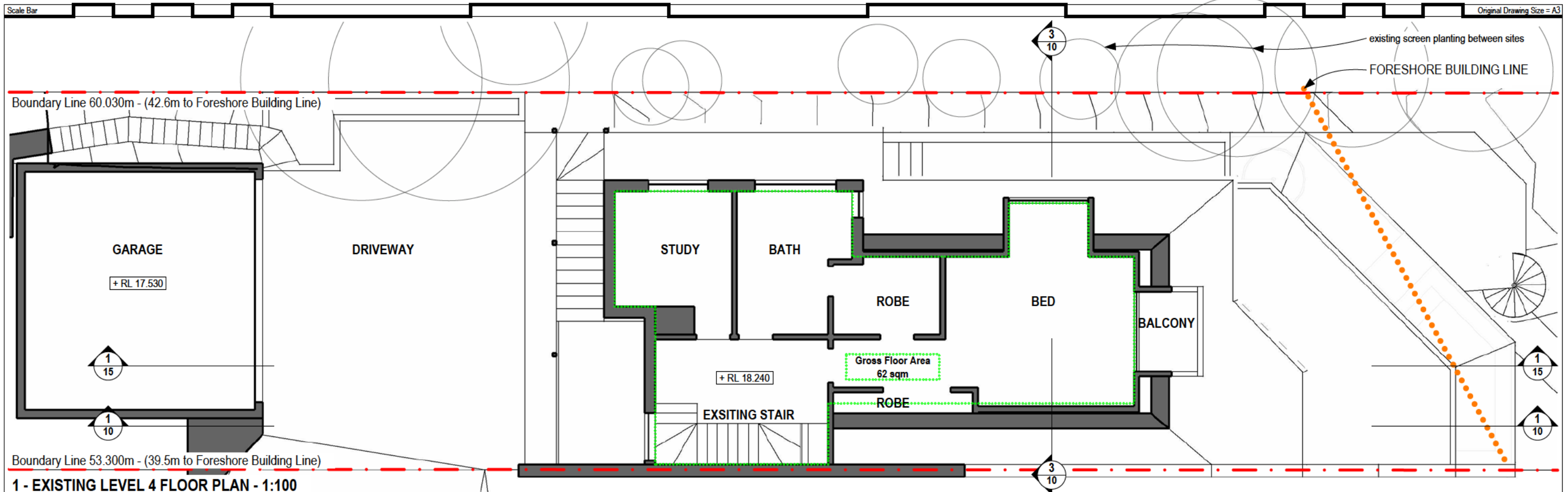


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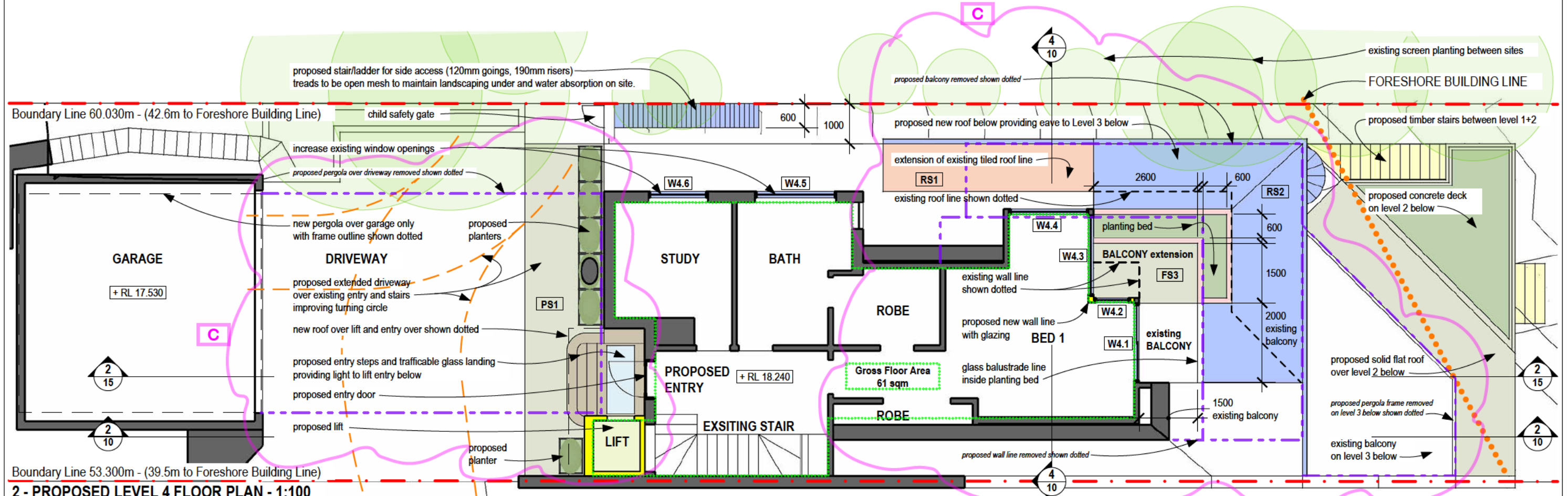


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1 - EXISTING LEVEL 4 FLOOR PLAN - 1:100



2 - PROPOSED LEVEL 4 FLOOR PLAN - 1:100

Original Drawing Size = A3 35 34 33 32 31 30 25 20 15 10 5 4 3 2 1 m 1:100 Scale Bar

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Project: **Alterations and Additions**
54A Cowdroy Avenue, Cammeray
Lot 1 in DP 865650

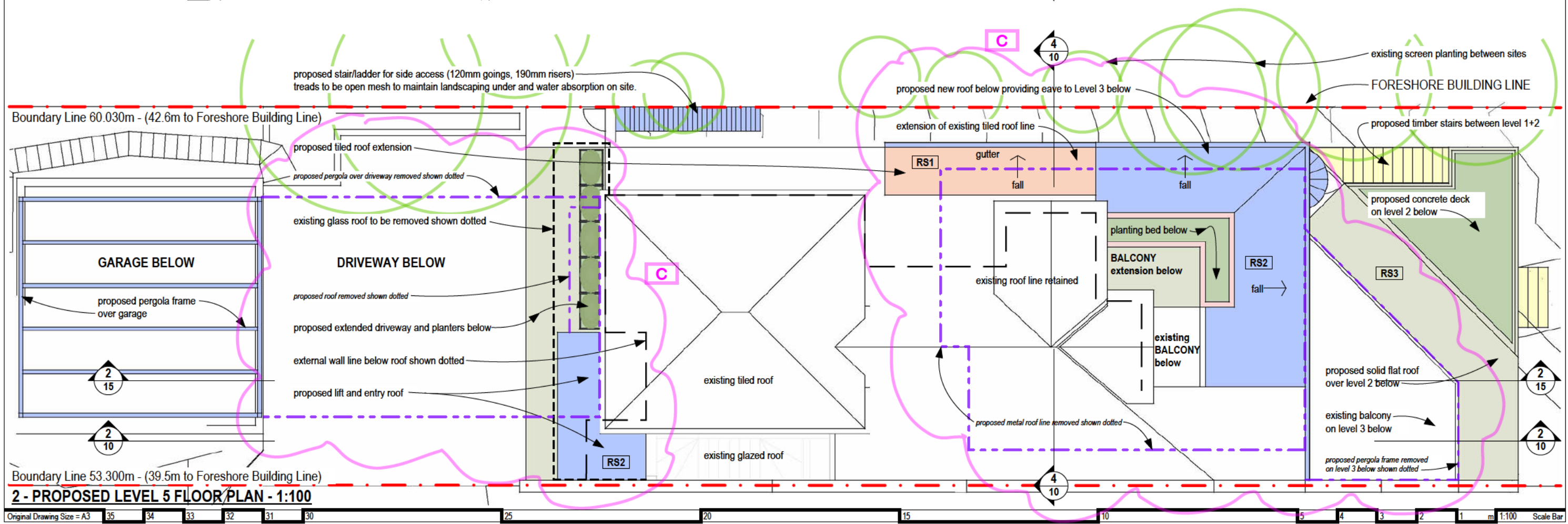
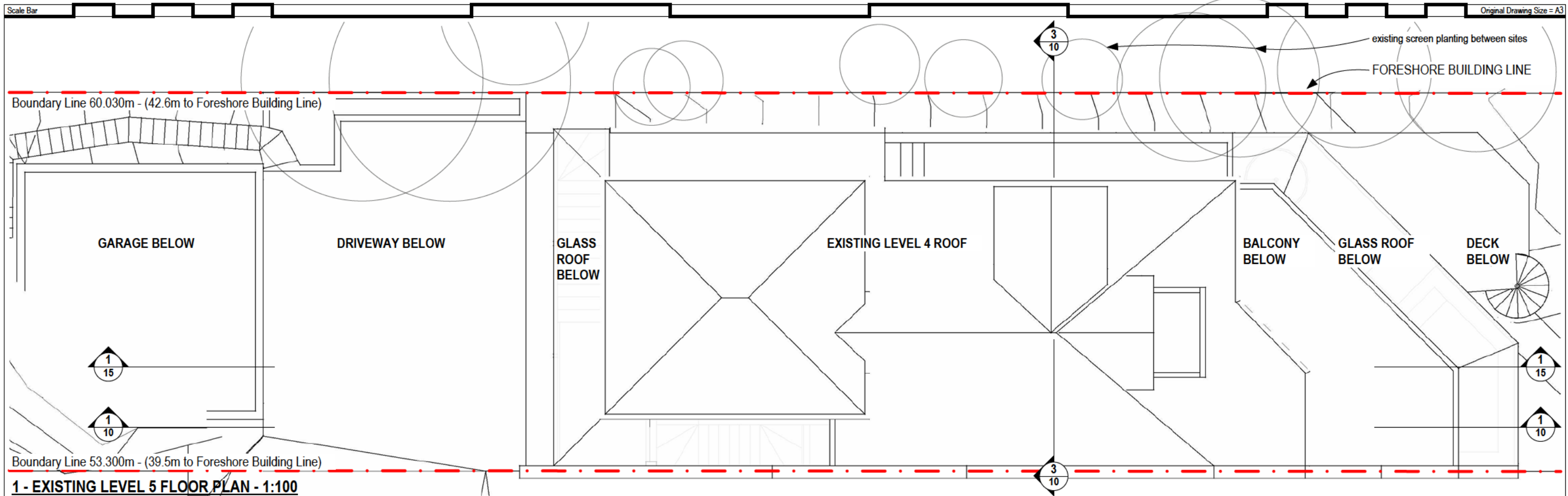
Client: **Jason Li**

NORTH

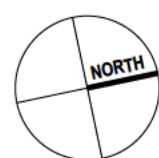
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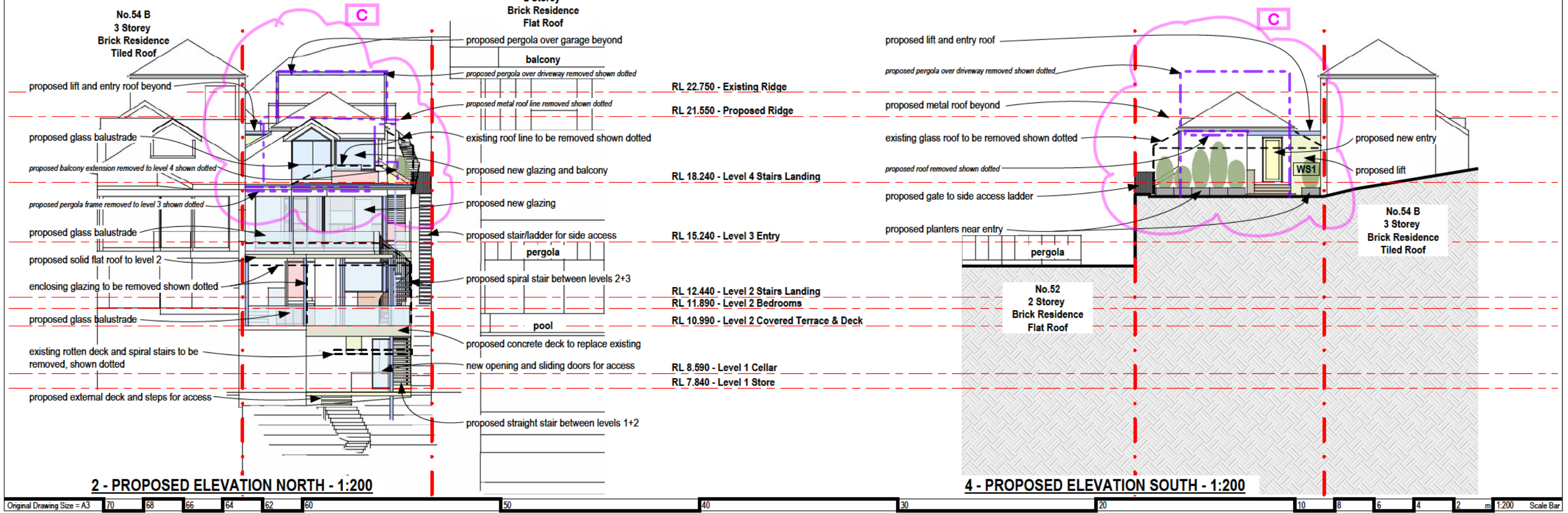
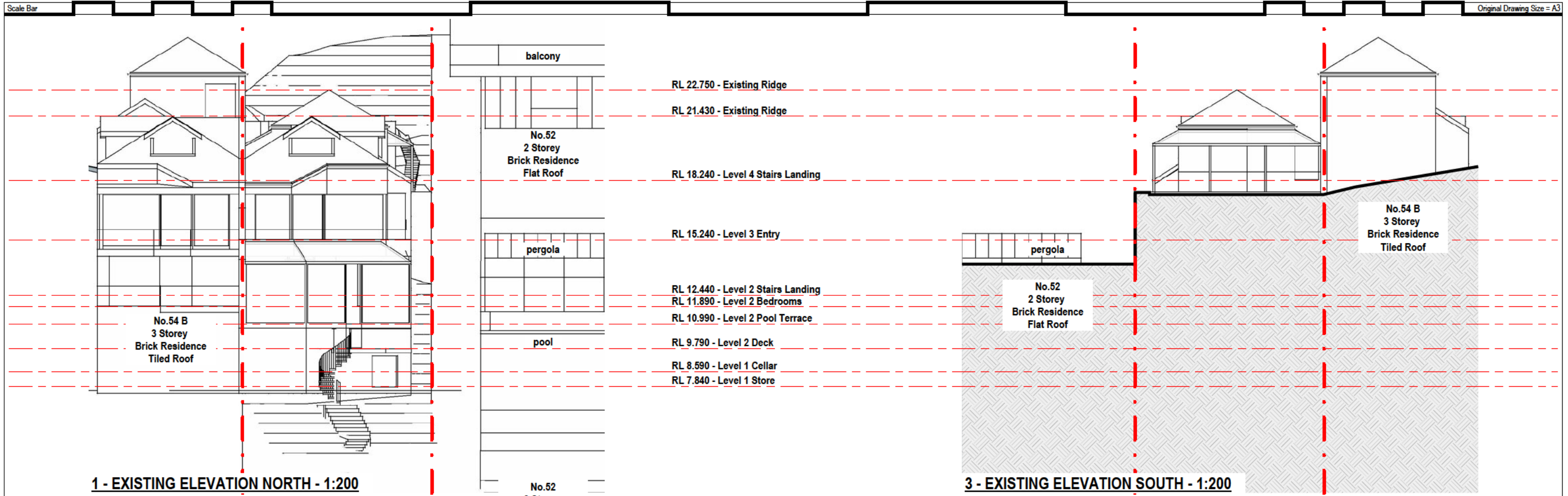
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Date: 30/08/2023
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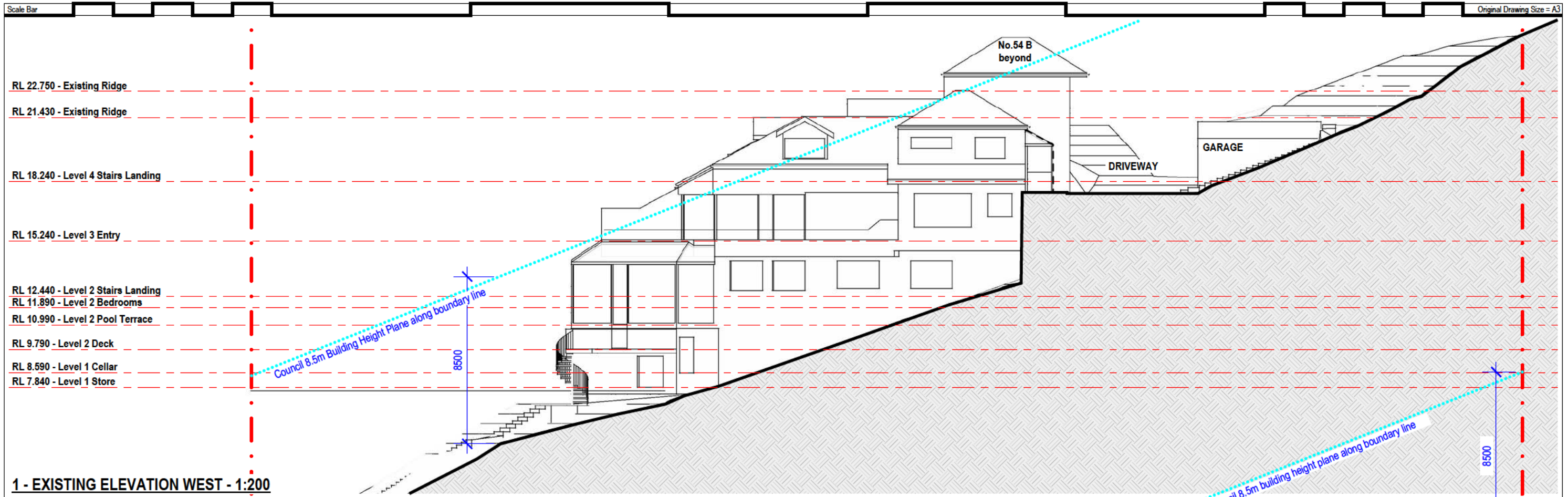


<p>Prepared By:</p> <p>David Hunt Architect</p> <p>Mobile: 0408 059 441 Email: dhunt@bigpond.com PO Box 5244, Turramurra, NSW 2074 ABN: 33 138 189 607 ARB # 6660 BDPA Class 2 # DEP0001355 + PDP0000455</p>	<p>Copyright to David Hunt, may not be reproduced wholly or in part without prior written permission. The design is licensed for the nominated site only. Figured dimensions take preference to scale readings. Report any discrepancies to the owner for decision before proceeding with the work. Verify all dimensions on site.</p>	<p>Print File Copied:</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Status & Issue for:</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>30/08/23</td> <td>Amended DA Submission Issue</td> </tr> <tr> <td>B</td> <td>24/05/22</td> <td>DA Submission Issue</td> </tr> <tr> <td>A</td> <td>27/01/22</td> <td>DA Review Issue</td> </tr> <tr> <td>draft</td> <td>01/10/21</td> <td>Preliminary Issue - review and coordination</td> </tr> </tbody> </table>	Rev	Date	Status & Issue for:	C	30/08/23	Amended DA Submission Issue	B	24/05/22	DA Submission Issue	A	27/01/22	DA Review Issue	draft	01/10/21	Preliminary Issue - review and coordination	<p>Project: Alterations and Additions 54A Cowdroy Avenue, Cammeray Lot 1 in DP 865650</p> <p>Client: Jason Li</p>	<p>Title: EXISTING & PROPOSED ROOF PLANS</p>	<p>Job No: 1802LHC Doc - No - Rev:</p> <p>AD-07-C</p> <p>Date: 30/08/2023</p> <p>CAD by: DjH 1:100 Scale</p> <p>CAD File Name: 1802LHC-AD-Arch Dwg-Plns. Layout</p>
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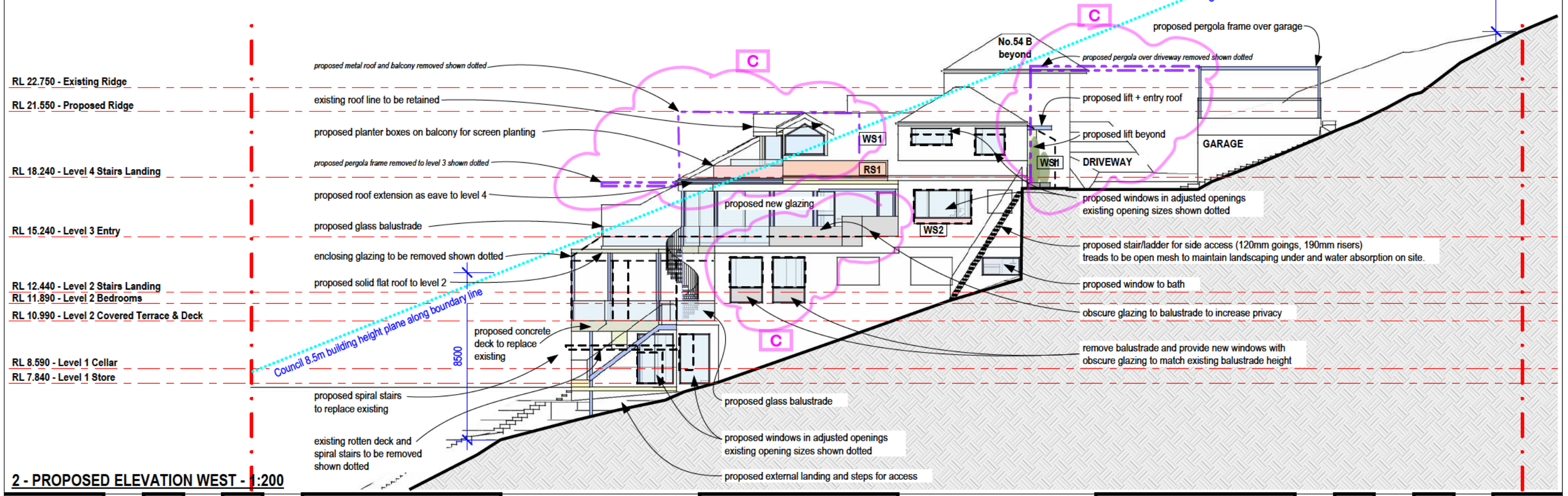




Prepared By: David Hunt Architect Architects Regulation Board No. 6660 ABN: 33 138 189 607 PO Box 5244, Turramurra, NSW 2074 djhunt@bigpond.com Mob:0408 059 441 Studio:02 9440 3722 Fax:02 9440 3788	Copyright to David Hunt, may not be reproduced wholly or in part without prior written permission. The design is licensed for the nominated site only. Figured dimensions take preference to scale readings. Report any discrepancies to the owner for decision before proceeding with the work. Verify all dimensions on site.	Print File Copied: Rev Date: Status & Issue for: C 30/08/23 Amended DA Submission Issue B 24/05/22 DA Submission Issue A 27/01/22 DA Review Issue draft 01/10/21 Preliminary Issue - review and coordination	Project: Alterations and Additions 54A Cowdroy Avenue, Cammeray Lot 1 in DP 865650 Client: Jason Li	Title: EXISTING & PROPOSED NORTH ELEVATION SOUTH ELEVATION	Job No: 1802LHC Doc - No - Rev: AD-08-C Date: 30/08/2023 CAD by: DjH 1:200 Scale CAD File Name: 1802LHC-AD-Arch Dwg-Elev_Sec.3D_Layout
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1 - EXISTING ELEVATION WEST - 1:200



2 - PROPOSED ELEVATION WEST - 1:200



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Project: **Alterations and Additions**
54A Cowdroy Avenue, Cammeray
Lot 1 in DP 865650

Client: **Jason Li**

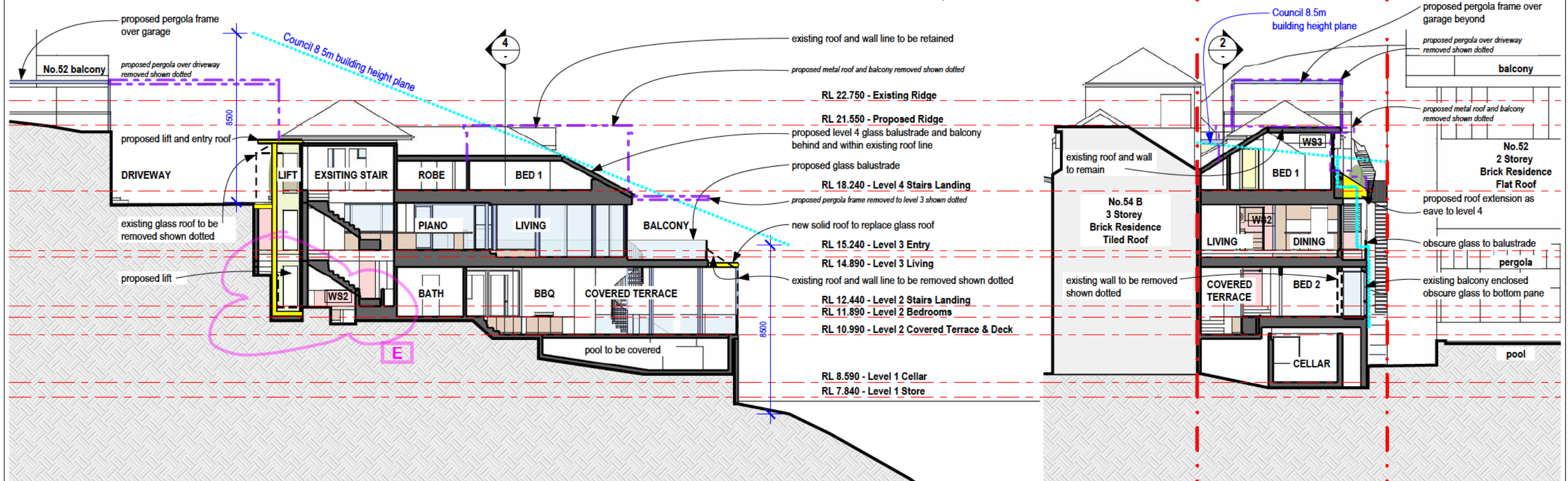
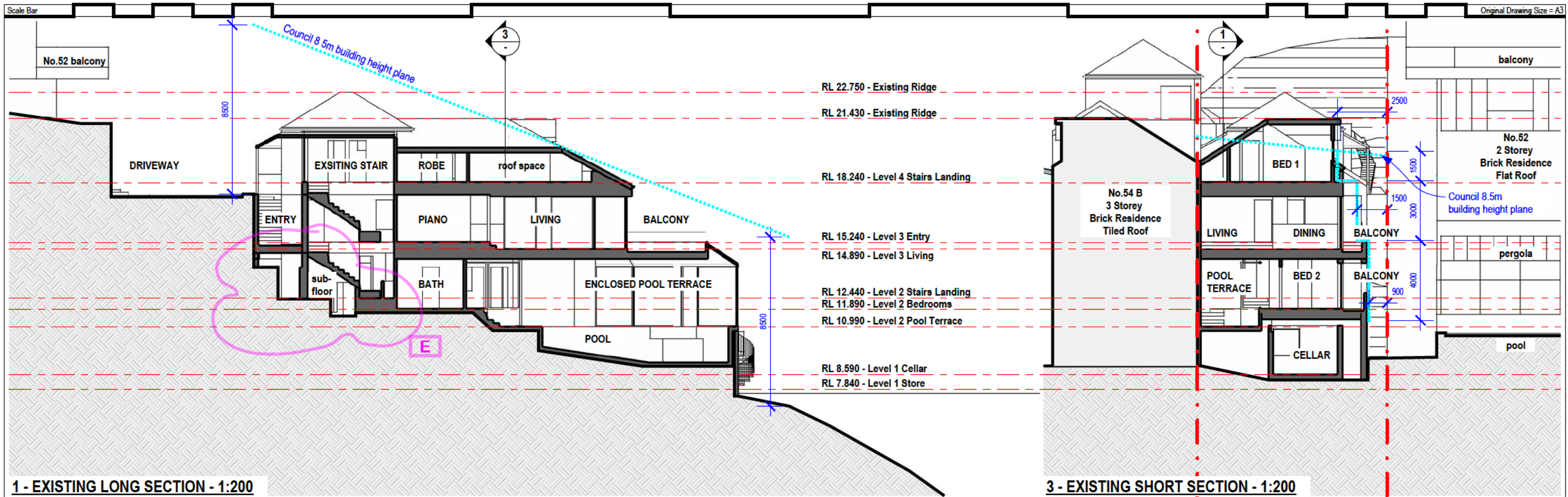
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Job No: **1802LHC** Doc - No - Rev:
AD-09-C

Date: **30/08/2023**

CAD by: **DjH** 1:200 Scale

CAD File Name: 1802LHC-AD-Arch-Dwg-Elev_Sec.3D_Layout



<p>Prepared By: David Hunt Architect</p> <p>Architects Regulation Board No. 6660 ABN: 33 138 189 607 PO Box 5244, Turramurra, NSW 2074 djhunt@bigpond.com Mob: 0408 059 441 Studio: 02 9440 3722 Fax: 02 9440 3788</p>	<p>Copyright to David Hunt, may not be reproduced wholly or in part without prior written permission. The design is licensed for the nominated site only. Figured dimensions take preference to scale readings. Report any discrepancies to the owner for decision before proceeding with the work. Verify all dimensions on site.</p>	<p>Print File Copied:</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Status & Issue for:</th> </tr> </thead> <tbody> <tr> <td>E</td> <td>17/11/23</td> <td>Subfloor update, DA Submission Issue</td> </tr> <tr> <td>D</td> <td>16/11/23</td> <td>Subfloor update, DA Submission Issue</td> </tr> <tr> <td>C</td> <td>30/08/23</td> <td>Amended DA Submission Issue</td> </tr> <tr> <td>B</td> <td>24/05/22</td> <td>DA Submission Issue</td> </tr> <tr> <td>A</td> <td>27/01/22</td> <td>DA Review Issue</td> </tr> <tr> <td>draft</td> <td>01/10/21</td> <td>Preliminary Issue - review and coordination</td> </tr> </tbody> </table>	Rev	Date	Status & Issue for:	E	17/11/23	Subfloor update, DA Submission Issue	D	16/11/23	Subfloor update, DA Submission Issue	C	30/08/23	Amended DA Submission Issue	B	24/05/22	DA Submission Issue	A	27/01/22	DA Review Issue	draft	01/10/21	Preliminary Issue - review and coordination	<p>Project: Alterations and Additions 54A Cowdroy Avenue, Cammeray Lot 1 in DP 865650</p> <p>Client: Jason Li</p>	<p>Title: EXISTING & PROPOSED LONG SECTION SHORT SECTION</p>	<p>Job No: 1802LHC Doc - No - Rev: AD-10-E</p> <p>Date: 17/11/2023 CAD by: DjH 1:200 Scale CAD File Name: 1802LHC-AD-Arch-Dwg-Elev_Sec.3D_Layout</p>
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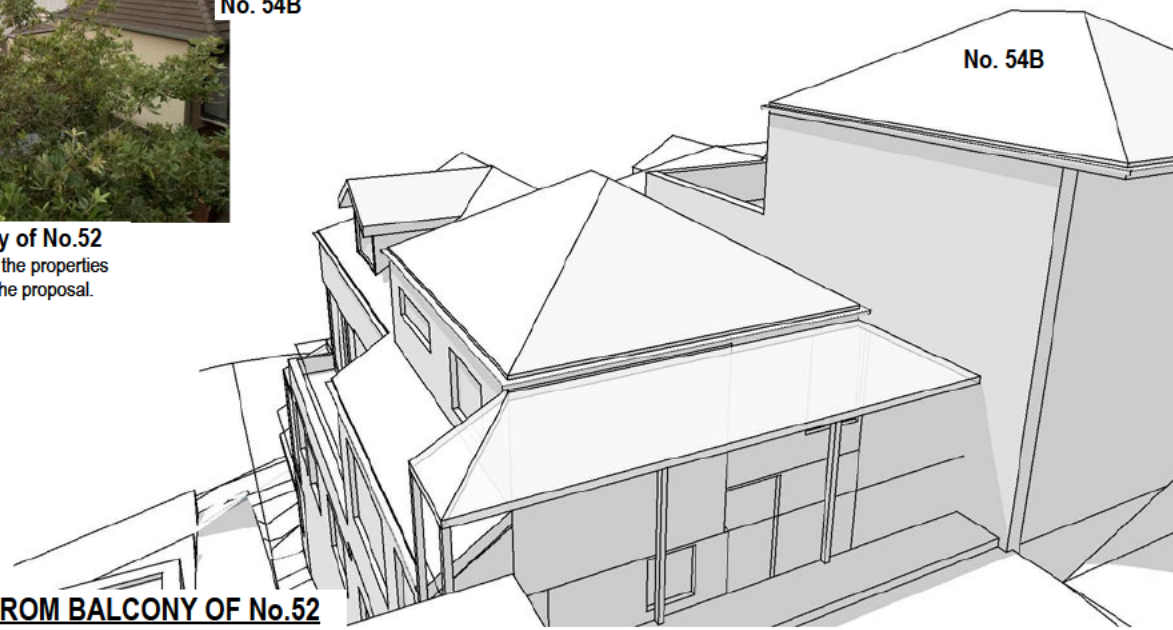
Scale Bar

Original Drawing Size = A3

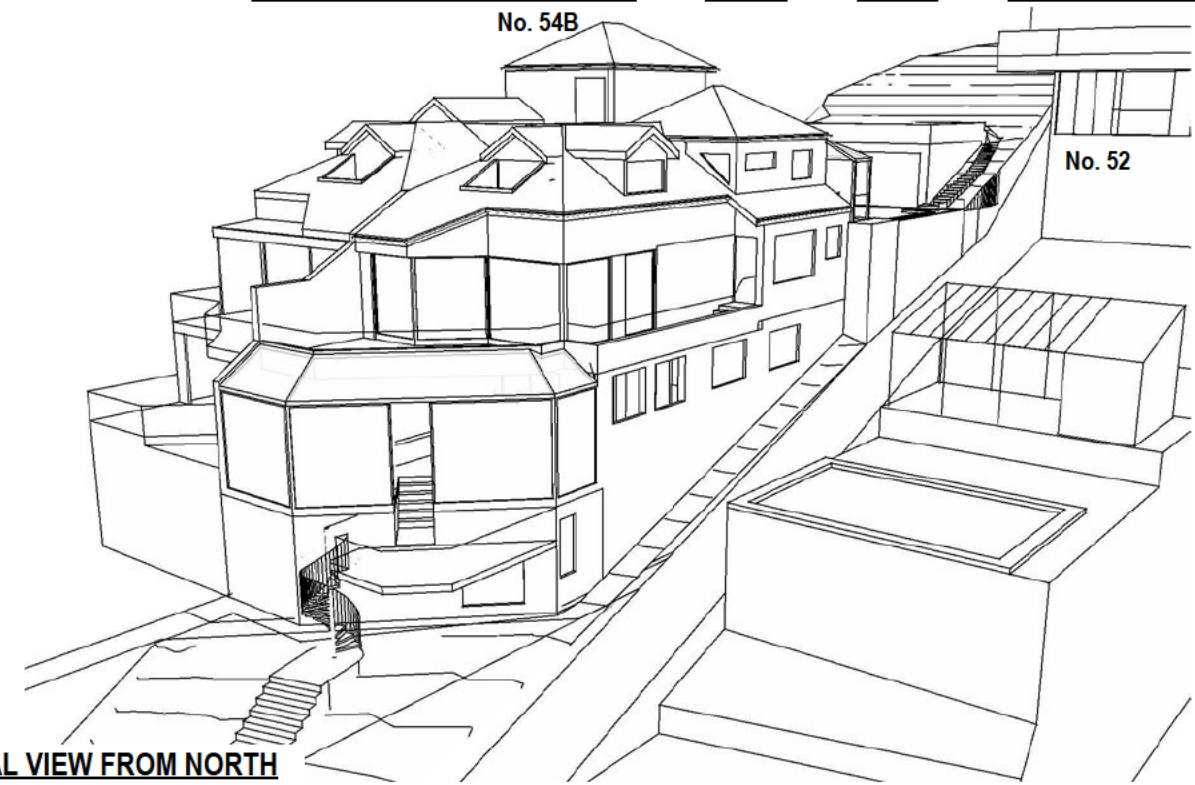


No. 54B

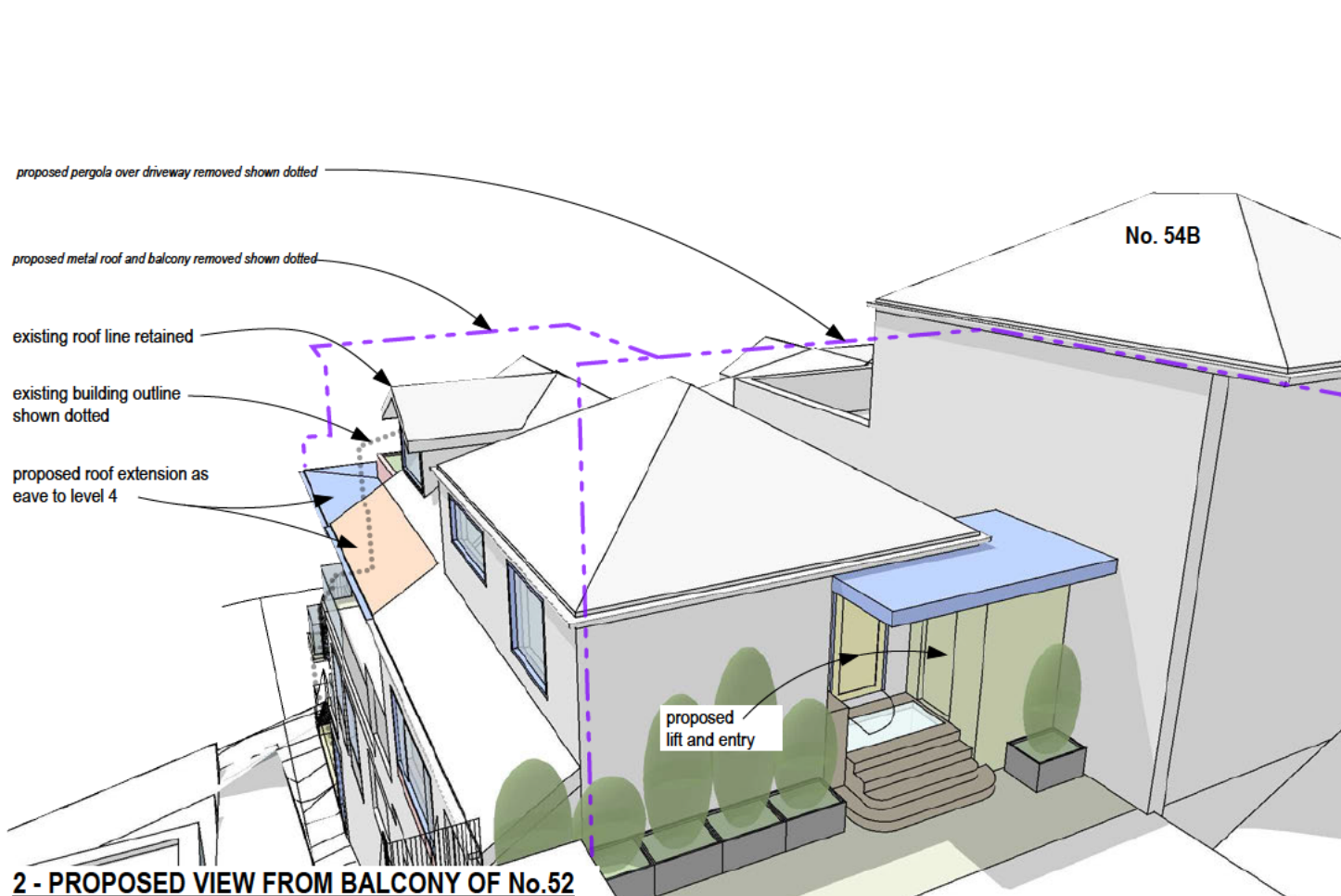
Photograph from Balcony of No.52
Existing screen planting between the properties obscures to view of No.54A and the proposal.



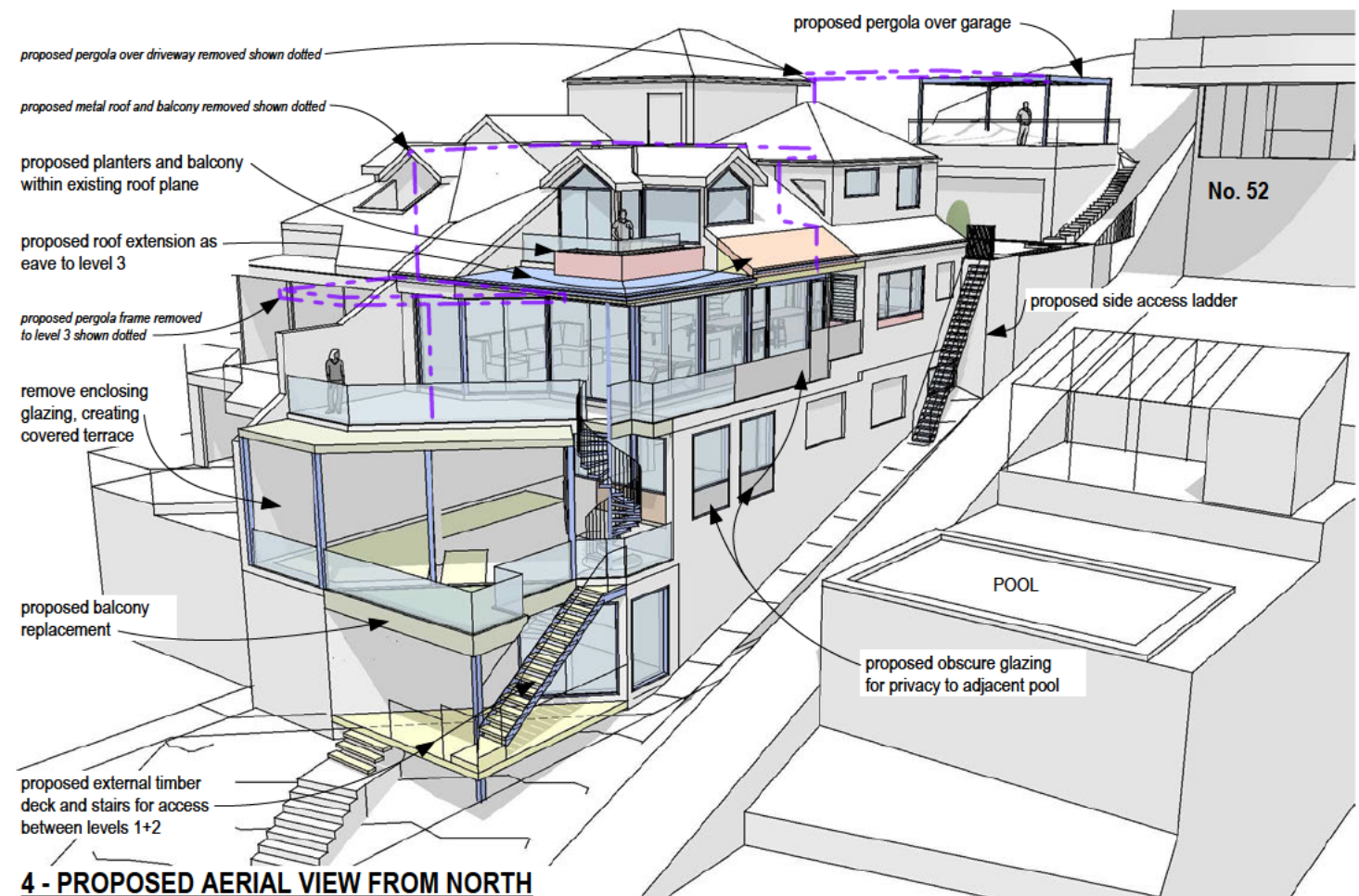
1 - EXISTING VIEW FROM BALCONY OF No.52



3 - EXISTING AERIAL VIEW FROM NORTH



2 - PROPOSED VIEW FROM BALCONY OF No.52



4 - PROPOSED AERIAL VIEW FROM NORTH

Original Drawing Size = A3 70 68 66 64 62 60 50 40 30 20 10 8 6 4 2 m 1:200 Scale Bar

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Rev	Date	Status & Issue for:
D	17/11/23	Envelope removed DA Submission Issue
C	30/08/23	Amended DA Submission Issue
B	24/05/22	DA Submission Issue
A	27/01/22	DA Review Issue
draft	01/10/21	Preliminary Issue - review and coordination

Project: **Alterations and Additions**
54A Cowdroy Avenue, Cammeray
Lot 1 in DP 865650

Client: **Jason Li**

Title: **EXISTING & PROPOSED**
3D MODEL IMAGES

Job No: **1802LHC** Doc - No - Rev:
AD-12-D

Date: 17/11/2023
CAD by: DjH 1:200 Scale
CAD File Name: 1802LHC-AD-Arch Dwg-Elev_Sec.3D_Layout



70 68 66 64 62 60 50 40 30 20 10 8 6 4 2 m 1:200 Scale Bar

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Rev	Date	Status & Issue for:
G	17/11/23	Built Env Update, DA Submission Issue
F	16/11/23	Subfloor update, DA Submission Issue
E	30/08/23	Amended DA Submission Issue
D	29/06/22	Conversion to Height Plane Analysis Dwg
C	22/06/22	DA Submission Issue
B	24/05/22	DA Review Issue
A	27/01/22	Preliminary Issue - review and coordination draft 01/10/21

Project: **Alterations and Additions**
54A Cowdroy Avenue, Cammeray
Lot 1 in DP 865650

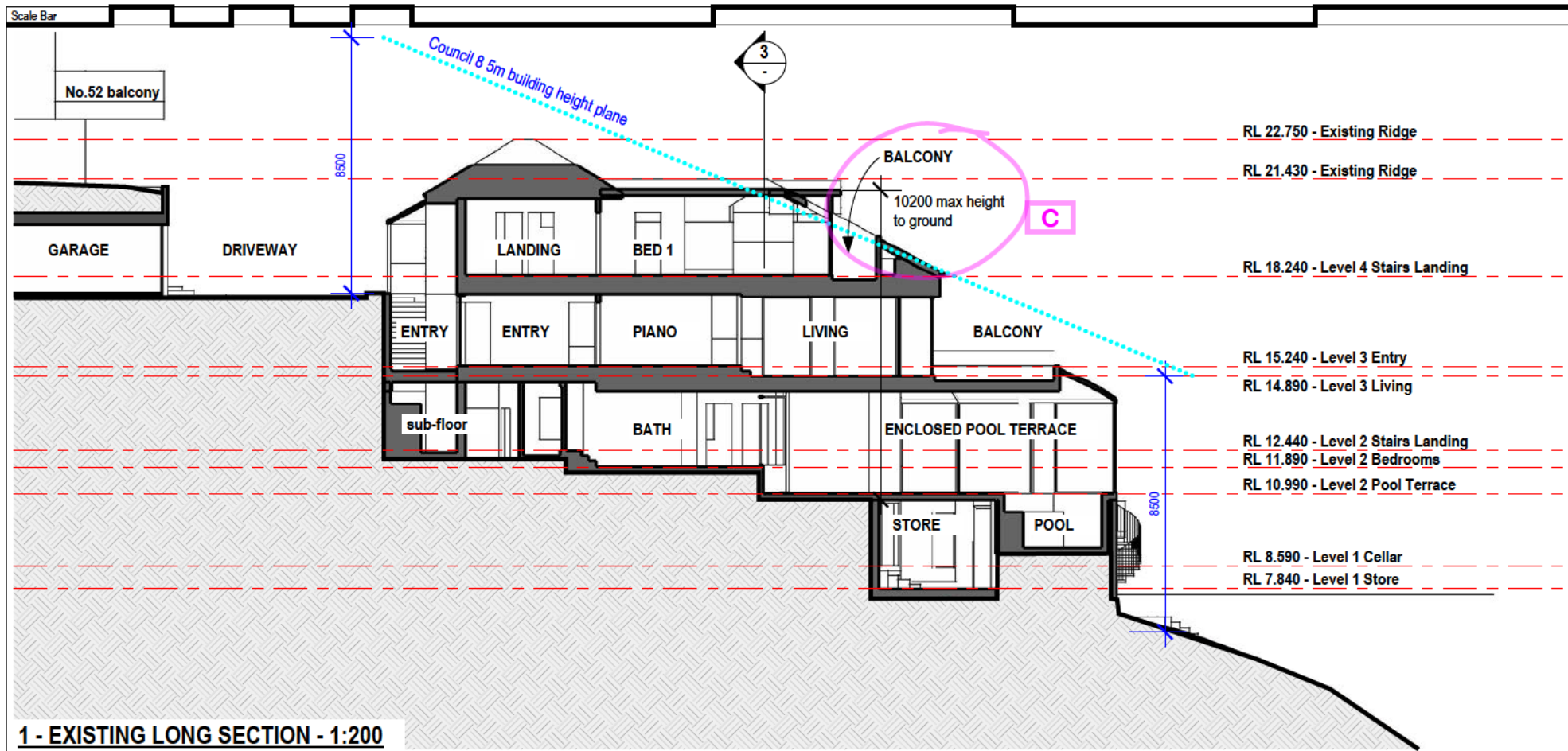
Client: **Jason Li**

Title: **EXISTING & PROPOSED BUILDING HEIGHT PLANE & BUILT ENVELOPE ANALYSIS**

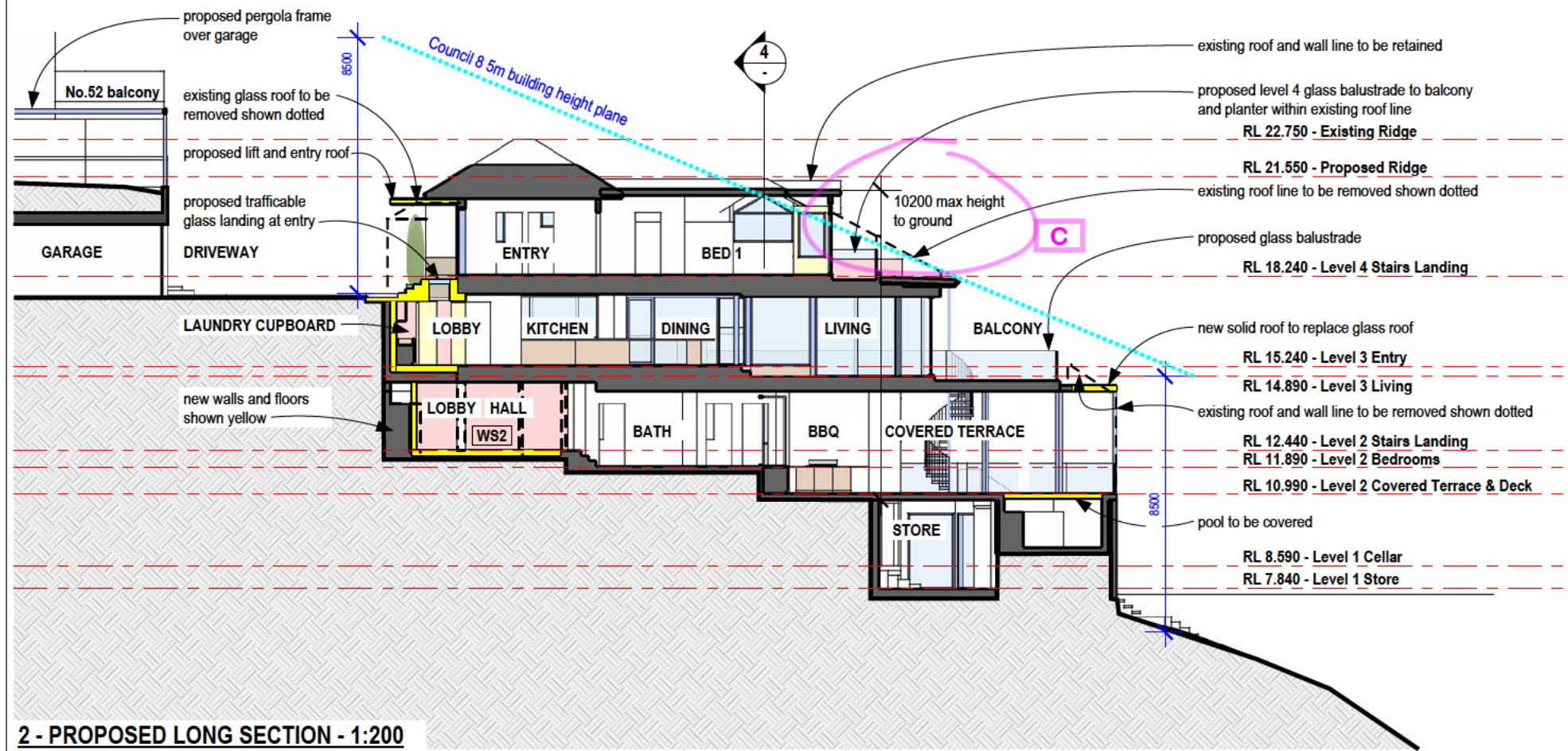
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AD-13-G

Date: 17/11/2023
CAD by: DjH 1:200 Scale
CAD File Name: 1802LHC-AD-Arch Dwg-Elev_Sec.3D_Layout

G



1 - EXISTING LONG SECTION - 1:200



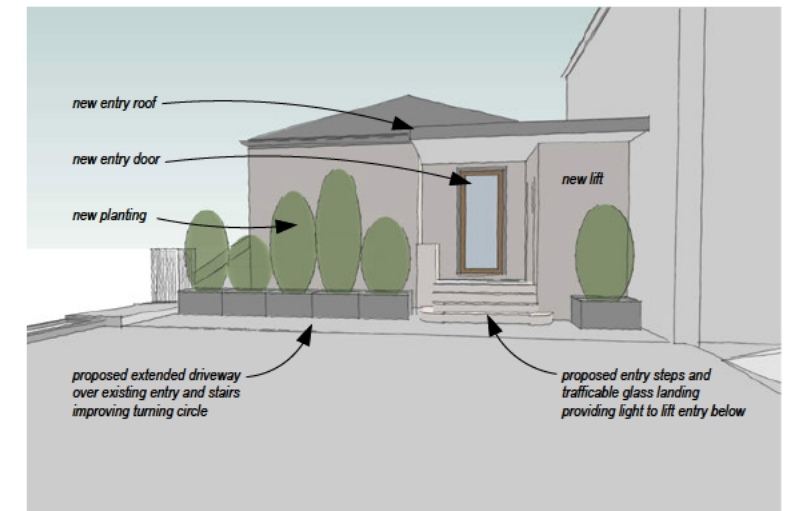
2 - PROPOSED LONG SECTION - 1:200



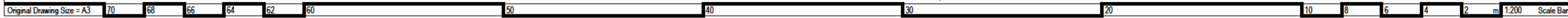
3 - EXISTING ENTRY PHOTOGRAPH 5 SEPTEMBER 2023



4 - EXISTING ENTRY PHOTO WITH MODEL OVERLAY



4 - PROPOSED ENTRY MODEL IMAGE



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Rev	Date	Status & Issue for:
C	17/11/23	Max height confirmed, DA Submission Issue
B	16/11/23	Subfloor update, DA Submission Issue
A	12/08/23	Amended DA Submission Issue

Project: **Alterations and Additions**
 54A Cowdroy Avenue, Cammeray
 Lot 1 in DP 865650
 Client: **Jason Li**

Title: **EXISTING & PROPOSED ENTRY LONG SECTION ENTRY IMAGES**

Job No: **1802LHC** Doc - No - Rev:
AD-15-C
 Date: 17/11/2023
 CAD by: DjH 1:200 Scale
 CAD File Name: 1802LHC-AD-Arch Dwg-Elev_Sec.3D_Layout



17/11/2023

General Manager
North Sydney Council

Via Email

Dear Sir/Madam

Nicole Lennon (btp) Principal

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Clause 4.6 Request to vary the Maximum Height of Buildings Control Clause 4.3 of North Sydney LEP 2013 – Alterations and additions at 54A Cowdroy Avenue, Cammeray

Introduction

This 4.6 variation is to be read in conjunction with the Statement of Environmental Effects (September 23) for the proposed alterations and additions to the existing dwelling at 54A Cowdroy Avenue, Cammeray. The variation seeks to vary the maximum height provision applicable to this site contained within clause 4.3 of the NSLEP 2013.

In particular, the proposed upper-level alterations are to the eaves of level three and planter boxes at level four. It is noted that the existing bedroom at Level 4 – dormer window projections currently exceed the maximum height control for the site with an RL 21.550 – existing maximum height of 10.2m.

Due to the steep slope of the land including a steep fall from the street frontage to the rear of the site – foreshore frontage, the proposed additional eaves to level three and planter boxes to level four also penetrate the height plane, but not to the same extent as the dormers above. Refer to the Existing built envelope analysis.

Therefore, while the variation is still required by clause 4.6 of the LEP, the proposal will not increase the current maximum height of the building. This is a major ground for supporting the exception to the development standard.

Other environmental planning grounds which result in the proposed variation are the site topography, and the existing built form on the site.

The variation remains at 20 %

Variation Considerations

This submission forms a request to grant an exception to the development standard Height in clause 4.3 of the NSLEP 2013 under clause 4.6 “Exceptions to development standards” of the LEP. This application breaks down the considerations, justifications and demonstrations required by clause 4.6 in the following sections.

4.6 Exceptions to development standards

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

(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.

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

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

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone C4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

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

Note. When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

(ca) clause 4.3 in relation to land identified as “Area 1” on the Special Provisions Area Map, other than subject land within the meaning of clause 6.19C,

(cab) clause 4.4, 5.6 or 6.19C in relation to land identified as “Area 1” on the Special Provisions Area Map,

(cb) clause 6.3(2)(a) and (b),

(cba) clause 6.19A,

(cc) clause 6.20.

Court Principles and Guidance around Application of 4.6 Exceptions

A number of court cases have assisted to guide expectations and facilitate appropriate application for and justification of the variations sought. Significant cases are cited below and will be drawn upon to assist with this application:

- I. In 2007, in the case *Wehbe v Pittwater Council* (CJ Preston) five (5) ways of establishing that compliance was unreasonable or unnecessary was discussed.
 1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Method).*
 2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Method).*
 3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Method).*
 4. *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 (Fourth Method).*
 5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Method).*
- II. In 2015, in the case *Four2Five Pty Ltd v Ashfield Council* (C Pearson) and later 2016 *Moskovitch v Waverley Council* (Tuor) it was established that written requests made under clause were required to demonstrate that:
 - a. that compliance was unreasonable or unnecessary in the circumstances of the case to be consistent with the objectives of the development standard (cl4.6 (3)(a), and
 - b. “sufficient environmental planning grounds (4.6(3)(b)) exist to support the variation.

In 2018, in the case *Initial Action Pty Ltd v Woollahra Municipal Council* (CJ Preston) it was established that Commissioner Smithson had misinterpreted and misapplied cl 4.6 of the Woollahra LEP 2014. In this case, the commissioner herself considered whether compliance was unreasonable or unnecessary rather

than determining whether the written request had adequately addressed the matter. In summary, the court found that:

The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant's written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction.

Further, the Commissioner had required that to be considered unreasonable or unnecessary, the non-compliance with the standard needed to have a neutral or beneficial effect relative to a development that complied with the standard. CJ Preston said:

'Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.... Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion.

With reference to sufficient environmental planning grounds CJ Preston further held:

Clause 4.6 does not directly or indirectly establish this test. The requirement ...is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.'

Development Standard to be Varied – Maximum Height

The development standard relates to the maximum permitted height of the development, clause 4.3 of the NSLEP 2013 falls within a scope of a "development standard" as defined under section 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

Clause 4.3 of the NSLEP 2013 contains objectives (bolded where applicable to this site) for buildings proposed in the C4 Environmental Living zone where alterations and additions to dwellings are permitted with consent.

4.3 Height of buildings

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

(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,

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Height Statistics

Under clause 4.3 the site has a prescribed maximum height of **8.5m**.

- The proposed maximum height remains as existing at 10.2m (1.7m variation). 20%
- Additional elements added to level three and level four are minor – eaves and planter boxes and only the eaves penetrate plane.
- The proposal maintains the existing maximum height of 10.2 m with only minor other encroachments that are less than the existing encroachment.
- The additional over height component comprises a small section of eaves at level three. Refer to Existing Built Envelope with proposed overlayed AD13G – extract Figure 1 below – which demonstrates the parts of the proposal that extend outside of the existing building envelope.
- The remainder of the proposed works comply with the 8.5m height control being to portions of the dwelling that are below the 8.5m height control, with the variation being the result of the existing dwelling’s non-compliance and the site topography – fall to the rear of the site.
- The built form to the street is unchanged, and the proposed appearance – building scale to the foreshore is comparable to the existing dwelling.

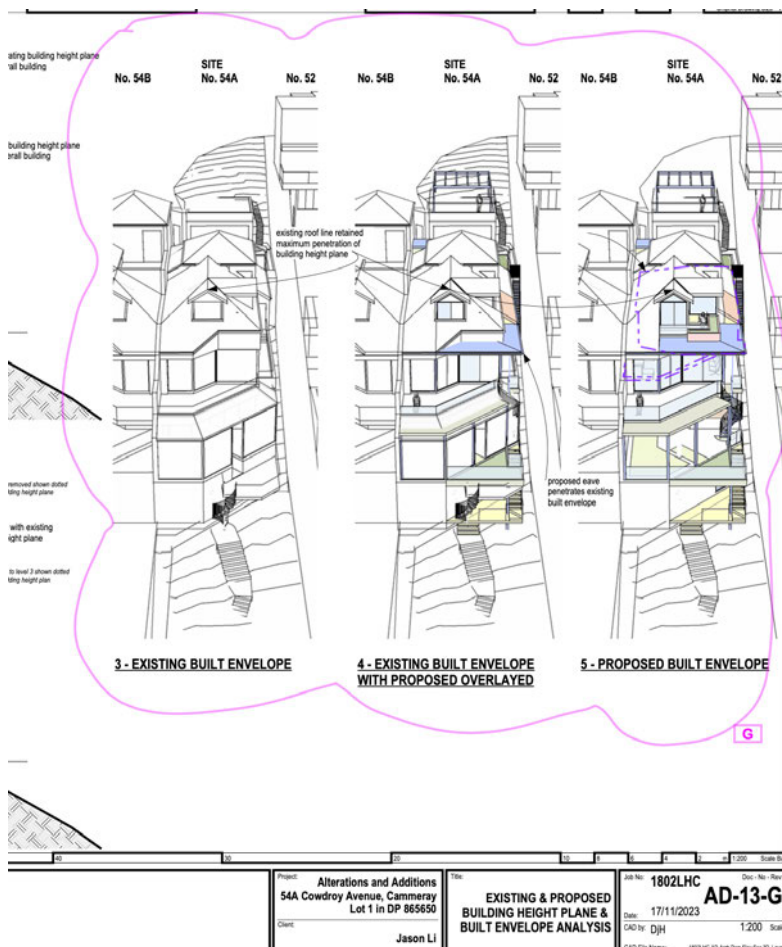


Figure 1: Building envelope Analysis. Note: Purple dash line is the original proposal submitted but since amended to respond to Council’s concerns.

Refer to Figure 2 below for Height Map noting I is 8.5m.



Figure 2: Maximum Height of buildings Map – 8.5 metres.

Assessment of the Provisions of Clause 4.6 Exceptions to development standards

Clause 4.6 of the NSLEP 2013 allows for flexibility to be applied to development standards where objectives can be obtained notwithstanding the variation. The mechanics of the clause, the objectives of the height of buildings standard and a response are all outlined below; however, the main opportunities and justifications for the building height variation are presented here:

- The height of the building will retain the existing maximum building height with minor additional building elements added at a portion of the dwelling that is over the current maximum height permitted.
- The existing built form results in the proposed upper level addition being located above the 8.5m height limit, with this portion of the dwelling located at the rear of the site – lowest point.
- The proposed addition will provide additional amenity within the subject dwelling by:
 - Improving weather protection to level three
 - Improved aesthetics and softening of built form by introduction of planter boxes at level four balcony
- The additional over height component is diminutive and located at the rear the site –and adequately separated from the side boundaries, generally sitting within the existing building footprint and will not add bulk to the existing building.
- The majority of the dwelling otherwise sits below the height control noting the drop in topography beneath the proposal is the reason for variation.
- The proposal conforms to the bulk, scale and form of buildings in the locality, particularly with regard to the adjoining dwellings to the east and west.
- The proposal does not result in unacceptable solar impacts.
- The proposal does not interrupt views of adjoining properties to the east and west.

The site and the surrounding locality can support the proposed additional elements that are non-compliant for height, as the existing maximum height of the dwelling is maintained whilst located additional building envelope sensitively, and the proposal would not overshadow or present a bulk and scale impact upon adjoining properties as surrounding dwellings are commensurable for size and height.

Clause 4.6.3 (a)(b) - Unreasonable or Unnecessary / Environmental Planning Grounds

Commentary provided below to address the requirements of this clause.

Table 1 Request to vary development standard 4.3 Maximum Building Height

Objective	Comment
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>The current height of the dwelling at the rear portion of the site is 10.2 m and the proposal maintains this maximum height. Therefore, it is unreasonable and unnecessary to require strict compliance with the standard given the additional built form is generally consistent with that existing with no unreasonable impacts to neighbours or the environment.</p> <p>The height variation is a result of the existing site topography, with eaves over level three being located above a steep fall in the site's slope.</p> <p>The proposal does not result in any overshadowing or visual privacy impacts upon adjoining properties as the over height component –is orientated towards the foreshore and does not create opportunities to overlook the private open space of the neighbouring properties.</p> <p>The current proposal will produce a very minor envelope change and bulk and scale that will be consistent with other dwellings along the foreshore. It is therefore considered unreasonable to meet the height standard under these circumstances.</p> <p>It is unnecessary to request compliance as the variation is a minor element of the proposal. The additional built form above the height control will not result in any adverse amenity impacts with respect to solar access or visual privacy noting that this portion of building is adequately setback from the side boundaries.</p>
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<p>The fact that the resultant built form will be consistent with the existing built form and will retain view sharing for adjoining properties.</p> <p>The proposal does not seek to increase the buildings current maximum height with only minor elements (eaves) penetrating the height plane. The eaves themselves create weather protection for the building and will contribute to environmental sustainability, reducing requirements for cooling and protecting the built form from the need for continual maintenance.</p> <p>The topography of the site, which has a significant fall from the front of the site to the rear boundary, directly results in the minor variation being confined to the rear (northern) portion of the upper level roof form.</p>

Objective	Comment
	<p>Further, the proposed variation will not be visible from the streetscape and will not be highly perceptible from the waterway. Due to the significant setback from the street the variation at the rear of the upper level addition will not impact upon the streetscape, and the variation when viewed from the rear will align with existing dwellings to the east and west.</p> <p>The variation results in a good environmental planning outcome for the subject dwelling by allowing for the adaption of the existing built form within the existing dwelling footprint and maintains consistency with the existing building's envelope and architectural style.</p> <p>The dwelling will be consistent with surrounding built forms and will sit comfortably with respect to adjoining dwellings and bulk and scale.</p> <p>On balance it is considered that the proposal meets the objectives of the zone and meeting the height requirement is unnecessary in this instance.</p>

4.6.4 (i) (ii) - Achieving Consistency with the Objectives of the Standards

4.6 Exceptions to development standards

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) the concurrence of the Secretary has been obtained.

In terms of Clause 4.6 (4)(a)(i) this submission is the written request that address the matters contained required to be considered in subclause (3).

Table 2 Clause 4.6(4) ii assessment

Objectives for Consideration	Comment
<p>Zone C4 – Environmental Living Objectives</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • The proposal provides for the housing needs of the residents of the subject site whilst preserving and improving the aesthetic values of the site. • The development results in an improved landscaped area, reduced unbuilt upon area, and maintained site coverage ensuring the proposal is not an overdevelopment of the site and continues to maintain the foreshore values of the locality.

Objectives for Consideration	Comment
	<ul style="list-style-type: none"> The development will not disrupt views across the site from adjoining and opposite dwellings by maintaining its existing maximum height.
<p>The relevant objectives of the height standard include:</p> <p>(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</p> <p>(b) to promote the retention and, if appropriate, sharing of existing views,</p> <p>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</p> <p>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</p> <p>(e) to ensure compatibility between development, particularly at zone boundaries,</p> <p>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,</p> <p>(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.</p>	<ul style="list-style-type: none"> The resultant built form conforms to the topography of the site continues to maintain the stepping down nature of the form to follow the topography of the site. The variation will not unreasonably views across the site with the additional height penetrating elements presenting only a minor protrusion beyond the existing rear building line at this level. The addition will not result in adverse overshadowing of the adjoining properties with only very minor additional shadow cast to the western adjoining property at 9am. The proposal will not result in adverse amenity impacts with respect to visual privacy noting that any cross property overlooking will not be increased from the existing situation and what is to be expected from waterfront properties. The resultant scale of the development is suitable for the site and the proposal does not present a significant increase in density on the site noting landscaped area is improved and existing level of site coverage is maintained. The proposal does not result in any additional storeys on the site.

Clause 4.6(5) Considerations

4.6 Exceptions to development standards

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

(b) *the public benefit of maintaining the development standard, and*

(c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The matters for consideration in clause 4.6(5) have been addressed in Table 2

Table 2 Clause 4.5(5) assessment

Matters of Consideration	Comment
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention does not raise any matters of state or regional significance.

Matters of Consideration	Comment
(b) the public benefit of maintaining the development standard, and	There is no public benefit in maintaining the standard. The proposal maintains amenity including privacy, overshadowing and improves views and view sharing, which the remaining height component does not impact.
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.	N/A

Conclusion

The proposed application remains consistent with the objects of Part 1.3 and requirements of Part 4 of The Act. The proposed use is permissible with consent and uses the subject site to its full potential. The proposal will create a development that:

- Is compatible with the existing streetscape.
- Does not unduly impact the natural environment.
- Does not impact privacy.
- Retains views and view sharing due to retaining existing maximum height.
- Supports the needs of the residents including improved layout and weather protection.
- Promotes the orderly and economic use and development of the land.
- Promotes good design and amenity of the built environment.

The proposal responds to the character and nature of the locality and the size of the site is ample in area to absorb the modest portion of the addition that sits over the height control.

Yours Faithfully,

Nicole Lennon
Director
Planik Pty Ltd