



**NSLPP MEETING HELD ON 04/12/2024
SECTION 4.55 APPLICATION REPORT**

Attachments:

1. Site Plan
2. Architectural Plans
3. View sharing analysis

ADDRESS: 58 Cowdroy Avenue Cammeray

APPLICATION No: D60/22/2

PROPOSAL: To modify a consent for demolition of existing dwelling and ancillary structures and construction of a dwelling house and associated works including a swimming pool.

PLANS REF:

Plan Nos.	Rev. No	Description of works	Prepared by	Dated
4.55 101	B	Site Plan	Coso Architecture	04 10 2024
4.55 102	B	Lower Level Floor Plan	Coso Architecture	04 10 2024
4.55 103	B	Mid Level Floor Plan	Coso Architecture	04 10 2024
4.55 104	B	Upper Level Floor Plan	Coso Architecture	04 10 2024
4.55 104A	B	Upper Level Floor Plan + 3m	Coso Architecture	04 10 2024
4.55 105	B	Entry Level Floor Plan	Coso Architecture	04 10 2024
4.55 106	B	Roof Level Floor Plan	Coso Architecture	04 10 2024
4.55 107	B	Section AA	Coso Architecture	04 10 2024
4.55 110	B	Section DD	Coso Architecture	04 10 2024
4.55 111	B	West Elevation	Coso Architecture	04 10 2024
4.55 112	B	North Elevation	Coso Architecture	04 10 2024
4.55 113	B	South Elevation	Coso Architecture	04 10 2024
4.55 114	B	East Elevation	Coso Architecture	04 10 2024

OWNER: P & R Etherington

APPLICANT: P & R Etherington C/- COSO Architecture

AUTHOR: Isobella Lucic A/ Service Unit Manager Development Services

DATE OF REPORT: 18 November 2024

DATE LODGED: 3 July 2024

AMENDED: 11 October 2024

RECOMMENDATION: Approval (Part)

EXECUTIVE SUMMARY

This application under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* seeks to modify Council's consent to demolish an existing house and to construct and new dwelling and associated works, including a swimming pool.

The application is reported to the North Sydney Local Planning Panel as it involves amendment of the design which is affects conditions imposed by the Panel when the application was originally determined.

The application was notified between 12 and 27 July 2024, and 6 objections were received, in relation to:

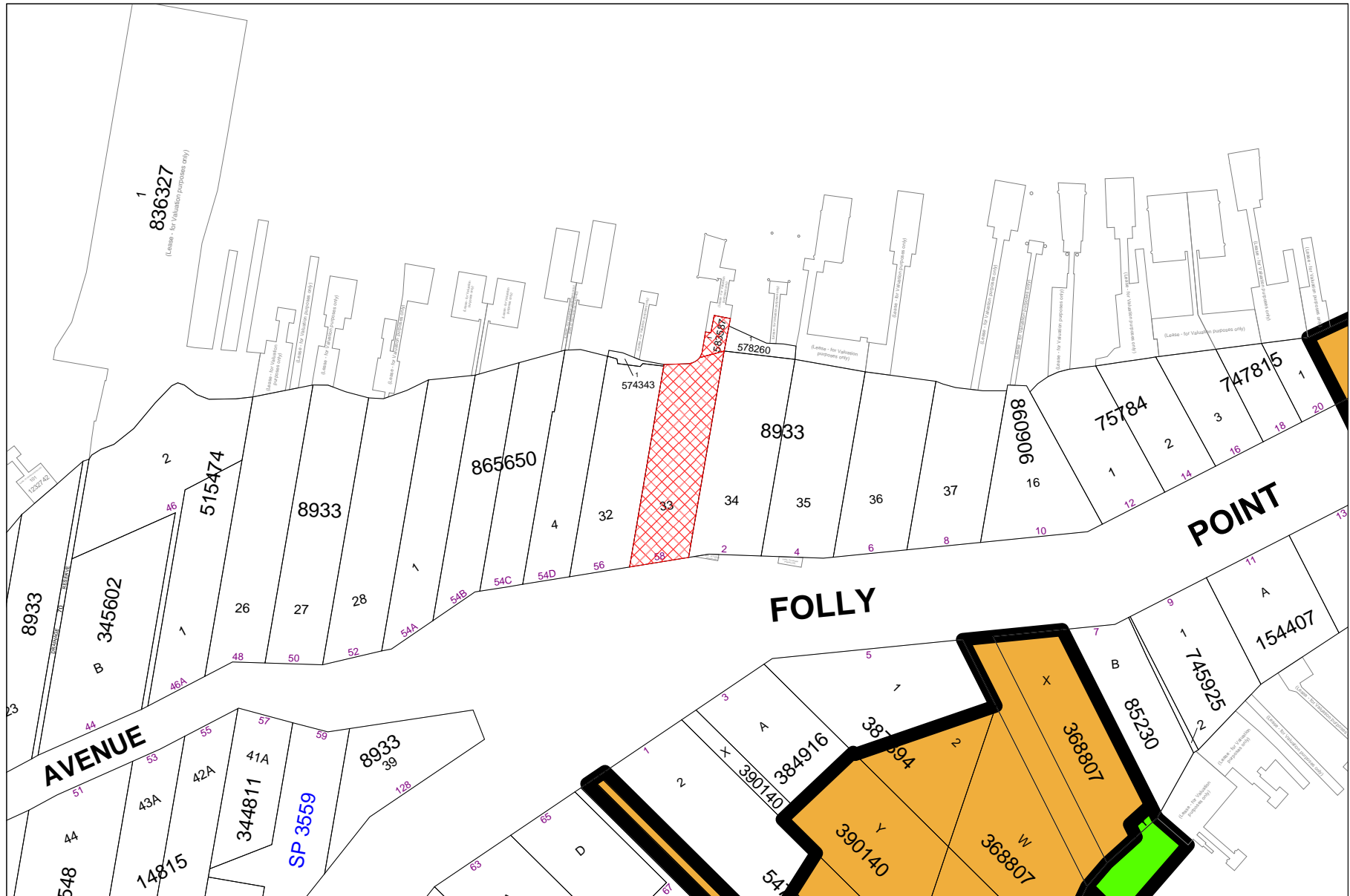
- Impacts on local amenity, specifically increased site coverage causing excessive bulk and scale, increased impacts on views, loss of views and reduced access to sunlight, and
- Insufficient information to allow a proper assessment.

Minor amendments to the design and a view sharing analysis were submitted 11 October 2024. These were distributed to the objectors, who were provided another 14 days, between 23 October and 7 November 2024, to make further submissions, two were received raising these concerns.

- The amended design is less compatible with the area and reduces foreshore amenity.
- There is no setback to the carport, proposed to be enclosed as a garage.
- Discrepancy in plans regarding a proposed awning's depth over the balcony on the Mid-level floor plan.

An assessment of the amended application concludes that the proposed modification of the consent is satisfactory and partial approval is accordingly recommended, subject to conditions.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal involves modification of the approved development, to accommodate:

- Enclosure of the approved open two-vehicle parking area by installing a door, walls and a roof, converting the open parking area into a garage,*
- A fixed metal awning/ pergola 900mm deep, partly over the balcony on the Mid Level (Section AA, plan 4.55 107 (correct awning depth) and Upper Level Floor Plan, plan 4.55 104 incorrect awning depth detailed on plans)),
- An operable metal pergola over the paved terrace on the level above (Upper Level Floor Plan + 3m, plan 4.55 104A),
- Replacement of a 1.6m high privacy screen terrace with a glass balustrade, 1.0m high, at the western side of the terrace, (Upper Level Floor Plan, plan 4.55 104),
- Raising of the pool and surrounds by 900mm. The western side of the pool will be concealed with a green wall, and
- Lower the roof height by 600mm, to reduce building bulk (Section AA, plan 4.55 107).

In summary, these amendments are intended to:

- Improve amenity and convenience by enclosing the open parking area into a garage, adding additional built form to the approved development,
- Improve amenity by shading the openings from direct sunlight during warmer months,
- Provide shade for the terrace accessible from the main living space of the house,
- Replace a privacy screen with a glass balustrade next to this deck “to promote neighbour views”, from 56 Cowdroy Avenue,
- Raise the pool, to improve accessibility from the house and adjacent open space. This modification is contrary to a condition imposed by the Panel when first approved, which required lowering the pool to reduce the height of a retaining wall near the western boundary, and
- Lower the roof height to make the approved development more consistent with a deferred commencement condition imposed by the Panel.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning C4 Environmental Living
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No
- In Vicinity of a Heritage Conservation Area or Heritage Item - No
- Foreshore Building Line –the site is affected, parts of the approved development proposed to be modified are not within the foreshore area (land seaward of the FBL)

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Sustainable Buildings) 2022

POLICY CONTROLS

North Sydney Development Control Plan 2013

DESCRIPTION OF SITE & LOCALITY

The site is located at 58 Cowdroy Avenue, Cammeray, with a real property description of Lot 33 DP 8933.

The site extends southwards from Long Bay to Cowdroy Avenue. The lot has an irregular shape with parallel side boundaries. The foreshore boundary is partly defined by a seawall and waterfront structures and a boundary with Lot 1 DP 583587 (which is also part of No.58 Cowdroy Ave although no works are proposed on Lot 1).

Lot 33 has an area of 556m². The front boundary is not perpendicular to the side boundaries and is 12.905m long. The eastern side boundary shared with No.2 Folly Point is 44.875m. The western side boundary shared with No.56 Cowdroy Avenue is 45.305m. The site is 12.06m wide.

The site slopes steeply down from the road to the foreshore. The fall from street to shoreline is approximately 22m with the seawall height varying from 1 to 1.5m above Mean High Water Mark (MHW). The site has been significantly altered from its natural surface contours. There are retaining walls and paths throughout the setbacks and on site boundaries as well as significant cut and fill and retaining walls within the building footprint.

Development in the area is characterised by substantial, multi storey dwelling houses, which capitalise on their steep slopes, offering views of Long Bay, an arm of Middle Harbour.

In a broader context, the locality is part of Folly Point which includes a small foreshore public reserve at its easternmost point. Cammeray Marina is approximately 100m west of the site. Further west is Tunks Park and across the bay in Northbridge, are a golf course and a foreshore bushland reserve, directly north of the site.

CHECKING OF PLANS

This application has been checked to ensure that the changes being sought are the only changes included in the submitted plans.

RELEVANT HISTORY

Previous Applications

Date	Action
5 August 2020	DA 56/20 refused by the North Sydney Local Planning Panel
12 June 2021	Land and Environment Court NSW dismissed an appeal against refusal, on grounds that the application was not supported by an adequate request to vary the height standard, as required by cl. 4.6 <i>NSLEP 2013</i> . This being a jurisdictional matter, the relative merits of the proposed development did not need to be considered in the Court's decision making.
3 May 2023	North Sydney Local Planning Panel granted deferred commencement consent to DA 60/22, requiring design changes (condition AA) for the reasons set out below:

Condition AA1

- (1) *The roof to the upper level (open plan living area Level 03) shall be re-designed to achieve a lower profile as follows:*
 - a) *The rooftop garden shall be deleted;*
 - b) *The maximum floor to ceiling height at the northern edge shall be 2800mm;*
 - c) *Maximum roof pitch of the roof shall not exceed 5 degrees;*
 - d) *A step may be provided from the mid-line of the roof to accommodate clerestory windows for natural light and ventilation to the open plan living room.*

- (2) *Fixed louvred/slatted privacy screens a minimum 1.6m high, measured from finished floor level shall be installed on the eastern and western edges of the balcony to the Upper Level (Level 03) adjacent to the open plan living room.*
 - a) *A fixed privacy screen 1.8m high, measured from the finished floor level of the patio to the eastern side of the outdoor kitchen space at the Lower Level (Level 01).*
 - b) *The balustrade to the northern edge of the steps and retaining walls below the foreshore building line shall be an open palisade form and finished in black.*
 - c) *The swimming pool coping level, retaining walls and planter beds surrounding the swimming pool are to be lowered (and or/the pool may be re-oriented). The swimming pool coping level shall be reduced to generally comply with the requirements of Part B Section 1 Control 1.5.10 to the North Sydney Development Control Plan 2013. The swimming pool and associated structures must be setback a minimum 1.2m from the side boundaries. Screen planting is to be provided between the pool and the western site boundary. Details shall be indicated on the amended Landscape Plan.*
 - d) *The landscaped area immediately north of the swimming pool and patio area currently shown at RL 9.8 (approx.) shall include cascading plants along the northern edge of the retaining wall.*
 - e) *All retaining walls including ancillary drainage management and footings must be contained entirely within the site boundaries.*
 - f) *Additional canopy trees that with a mature height of 4 to 5m are to be planted within the foreshore area (between levels RL4.2 to RL4.8). The location and species are to be nominated in the amended Landscape Plan.*

- g) *The understorey to the 3 x Corymbia maculata (100l) shall be densely planted with suitable species of low maintenance native shrubs in addition to the 3 x Cyathea australis to optimize the variety of planting in the deep soil area. Additional planting shall be included in the amended Landscape Plan.*
- h) *The pathway from the Cowdroy Avenue boundary to the front door within the tree root zone of this required Angophora costata must remain substantially unpaved to minimise soil compaction and to enable water infiltration for future growth and vitality of the tree. Details of the pathway construction are to be specified in the construction and landscape plans and be approved by the project arborist.*
- i) *The existing Jacaranda Mimosifolia (Tree 1 in the Arborists Report) shall be retained and protected in accordance with the recommendations of the Jacksons Nature Works report dated 8 March 2021.*
- j) *The tree protection measures contained in the arborist report shall be shown clearly on the Architectural drawings and amended Landscape Plan.*

Panel Reasons:

The Panel considers the proposed development subject to the amendments above is satisfactory in the context of the area and surrounding development. Furthermore, with the amendments to the roof line the principle of view sharing has been considered having regard to the extent of views from the waterfront properties in the area. The Panel notes that the steep topography in the vicinity translates into significant variations to the height standard.

The Panel does not support the height of the retaining wall to accommodate the swimming pool on the western boundary is appropriate and amended plans for the pool and associated facilities and landscaping are required.

With respect to the processing of the development application the Panel is satisfied this complies with the necessary requirements. Similarly, the survey levels have been verified.

The Panel has determined that approval is warranted subject to a Deferred Commencement.

Concerning determination of the application, subject to the deferred commencement conditions, the Panel also stated:

	<i>The request made in accordance with clause 4.6 of the LEP is considered to adequately demonstrate that strict compliance with the maximum height of building standard is unnecessary, as the objectives of the standard are achieved despite the contravention. The request also demonstrated sufficient environmental planning grounds to vary the development standard.</i>
14 November 2023	A letter was sent to the applicant advising them that plans submitted on 13 October 2023 had satisfied the terms of the deferred commencement conditions, thereby making the consent operational.

Current application

Date	Action
3 July 2024	Subject modification application lodged.
12 – 27 July 2024	Application notified and 6 objections received.
26 August 2024	The assessing planner met owners/occupants of 56 Cowdroy Avenue at their home to discuss and consider potential impacts of the proposed modifications, and inspect the site.
23 September 2024	The assessing planner attended a site inspection at 56 Cowdroy, for the applicant’s architect to take photographs to be used in an analysis of the proposal’s potential impacts on views from 56 Cowdroy.
11 October 2024	Application amended, with submission of amended plans to lower the roof and make other design adjustments, as described. Included with amended plans is a view sharing analysis using the photos taken by the applicant’s architect from 56 Cowdroy Avenue. These are attached to this report.
23 October – 7 November 2024	Objectors were sent copies of amendments to the application and provided an opportunity to make further submissions, for 14 days.

SUBMISSIONS

The Application was notified in accordance with Council’s Community Engagement Protocol. The 6 submissions received raised the following issues regarding the proposed modifications to the consent, summarised below:

- Application seeks reinstatement of rejected elements.
- The proposal’s scale will diminish local amenity, the pergola/awnings and enclosure of the carport to form a garage increases the bulk and scale of the approved development.
- Proposed modifications will impact water views, access to sunlight, cause loss of privacy and involve removal of vegetation.
- Insufficient information has been provided with the application, to assess impacts on 2 Folly Point, on the site’s eastern boundary.
- There is a discrepancy in the plans regarding the depth of the fixed awning over the Mid Level Terrace.
 - Comment: the applicant clarified that the depth of the awning is 900mm, a condition is recommended to require this maximum dimension be complied with.

- Details of finished levels and need for retaining walls at side boundaries is unclear.
 - Comment: elevations indicate a paved area on eastern side of dwelling from the laundry to the window north of the laundry. Plans show that there is a set of steps next to this boundary at this location, at 2 Folly Point.

Minor amendments were made to the design and a view sharing analysis prepared, which were submitted on 11 October 2024. These were distributed to the objectors, who were offered another 14 days to comment. Two further submissions were received, regarding:

- The amended design is less compatible with the area and reduces foreshore amenity.
- There is no setback to the carport, proposed to be enclosed as a garage.
- Discrepancy in plans regarding a proposed awning's depth over the balcony the Mid-level floor plan.

Full consideration of submissions are detailed further within this report.

REFERRALS

No referrals were required.

CONSIDERATION

Council is required to assess the s4.55 (2) application having regard to the following matters:

Section 4.55 (2)

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Section 4.55 (3)

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.**

Comments are provided on the above matters in cl 4.55 (2) as follows:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and**

The proposed modifications have been considered against the provisions of s.4.55(2)(a) and having regard for relevant caselaw which sets out the circumstances where modified development can be regarded as substantially the same development.

- 1. Whether the proposed development is essentially, materially, or has the same essence as the original development. (*Vacik Pty Ltd v Penrith City Council [1992] NSWLEC 8*)**

The essence of the consent as originally granted, (and subsequently satisfied by the plans addressing the terms of conditions AA1), was for demolition of the existing dwelling and construction of a new split-level dwelling over three stepped levels, with an attached carport and entry foyer above, north facing terraces, a vehicle turntable and a swimming pool to the western (side) elevation that is partially elevated due to topography.

From a whole of development perspective, the Modification Application proposes changes that are broadly consistent with the overall scale of the development, albeit with the some modifications proposing new impacts. Whilst the particular impacts of these changes and new elements must be assessed separately against applicable planning controls, the changes taken together, would retain the essence of the original approval. That is; the resulting development would remain a large dwelling with elevated swimming pool and integrated car parking.

The essence of the original consent would therefore be maintained.

- 2. "An appreciation qualitative as well as quantitative, of the developments being compared in their proper context" (*Moto Projects No 2 Pty Ltd v North Sydney Council C [1999] NSWLEC 280*).**

A qualitative and quantitative comparison can provide indicative guidance whether the original and proposed development are substantially the same.

Qualitative changes could include a differing architectural style or loss of privacy, whereas quantitative changes include increased building height or gross floor area. Any comparison completed should bear in mind Preston CJ's conclusion in *Realize Architecture*: "The opinion of satisfaction that s 4.55(2)(a) requires is that the two developments being compared are substantially the same development, not that either the quantitative features or the qualitative features of the two developments are substantially the same."

In qualitative terms, the proposed changes to external form of the building would be preserved as the new building elements reflect the form and scale of the originally approved development and do not drastically alter its overall form or change various uses within the development. While some changes will involve greater environmental impact, such as the proposed pergola and works to enclose the approved carport space, the overall height, bulk, and scale, such as views, solar access, noise, and privacy will be similar to that which was originally approved.

When quantitative outcomes are considered, the Application will introduce new elements which are in breach of the height control, as they apply to the land, but these structures also reflect the site topography and do not substantially alter the scale of the development.

This assessment however does not presume that the various modifications proposed are otherwise acceptable on their own merit, only that the works would retain the essence of the original consent. It remains open to the Panel to form a different view on this point, however it is the author's view that the modifications satisfy the substantially the same requirements.

(b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

The proposal did not require referral to another public authority.

(c) & (d) *Whether the application has been notified and, if so, were there any submissions*

As outlined above the application has been notified and further consultation undertaken. Matters raised by submissions have been considered in this assessment.

(4) *Consideration of reasons for the granting of consent to the development application*

Reasons for the Panel granting consent were:

The Panel considers the proposed development subject to the amendments above is satisfactory in the context of the area and surrounding development. Furthermore, with the amendments to the roof line the principle of view sharing has been considered having regard to the extent of views from the waterfront properties in the area. The Panel notes that the steep topography in the vicinity translates into significant variations to the height standard.

The Panel does not support the height of the retaining wall to accommodate the swimming pool on the western boundary is appropriate and amended plans for the pool and associated facilities and landscaping are required.

With respect to the processing of the development application the Panel is satisfied this complies with the necessary requirements. Similarly, the survey levels have been verified.

Assessment:

Matters identified in the above reasoning have been considered:

Building height

The revised building height is consistent with the Panel's rationale as outlined above, noting the lowering roof height by 600mm reduces the bulk of the building.

Views, Bulk and Scale

The upper part of the pergola is above the height limit and the structure will impact water views from the vantage point from which the photos were taken, at 56 Cowdroy Avenue. Installing glass balustrades around the terrace below the pergola would improve this view.

It is also noted that views from other vantage points from the neighbouring residence, would have no impact on views across the site.

The view impacts arising from the proposed pergola to the Upper Floor Level terrace are addressed in detail below, having regard for relevant view sharing principles, however it is considered that the new structure is not consistent with the reasons given in the original Panel's decision to support the proposal.

View sharing principles applied to the originally proposed development required the terrace to the Upper floor level remained open and uncovered to maintain views across boundaries. The introduction of this new element will impact on highly valued cross-boundary views. The pergola structure also projects beyond its neighbouring buildings to the extent that the structure will unreasonably impact on views at this level.

On this basis that impact on views is not supported and it is recommended that the Pergola Structure be deleted. To achieve this, it is recommended that Condition C1 of the consent be amended to delete this structure.

Privacy

Privacy effects are altered, when proposed installing of weather protection and glass balustrades is compared with the approved development, which did not provide weather protection and a 1.6m high privacy screen fitted on the western side of the terrace, a condition of the Panel's deferred commencement condition. There is a trade-off proposed wherein privacy is reduced, acceptably, and the view impacts reduced. This is a reasonable response to conditions and the amenity of the neighbours and occupants of the approved dwelling.

Pool level

The development was recommended for approval by the preceding report to the Panel, with the pool height as proposed in the application. This view is concurred with, given the landscaping at the boundary and the green wall on the western edge of the pool will screen and soften the pool's structure, noting the difference in finished heights between the site and the neighbouring land at No 56 Cowdroy Avenue.

Oblique viewing angles assist in maintaining reasonable privacy, as was the case in the original design, in conjunction with the setback of the pool from the side boundary of 1.76m and with just over half the pool being concealed beneath the house above. The purpose of raising the level 900mm to the originally proposed height is to provide safe access from the adjacent ground and floor level.

The reason the Panel conditioned the approval to lower the pool, stemmed from the Panel forming the view that the retaining wall was too high. To lower the pool 900mm may improve the view of the pool from the front (waterside) of adjacent properties. Raising the pool and including a green wall (hanging garden) with a lip of 150mm, is considered an improved outcome, improving amenity and safety for the occupants while having reasonable impacts on the western neighbour, provided some form of screening is considered, between the pool and the neighbour's private open space.

Survey plans submitted with the DA for the alterations and additions to No 56 Cowdroy Avenue (DA 153/19) indicate a difference in levels near the boundary with No 58 of between about 1.4m and 2.0m, adjacent to where the pool is approved to be located.

With the pool being proposed at RL 11.0m, and ground levels at the southwestern and northwestern corners of the pool being approximately 10.38m and 8.06m respectively, the pool coping will be between about 600mm and 2.9m above existing ground levels.

Existing ground levels on the site, the drop down to No 56's front yard of between 1.4m and 2.0m, and the finished level of the pool suggest screening above and along the pool coping's edge is necessary. With the difference in ground levels, a screen of 1.0m would be more than adequate to provide visual separation between the pool and the neighbour's open space. This would logically be achieved by raising the height of the green wall by 1.0m. A screen taller than this would enclose the pool, reducing its amenity and utility. A condition is recommended accordingly.

This analysis also indicates that dropping the pool 900mm as conditioned by the original approval, would achieve a similar result in reducing the pool's retaining wall height, but reduces amenity and safety for users of the pool.

Matters for consideration prescribed by s. 4.15 of the Act are considered below.

MATTERS FOR CONSIDERATION – s. 4.15 EP&A Act

SEPP Biodiversity and Conservation 2021

Having regard to the SEPP's Chapter 6 – Regulated Catchments, the development as proposed to be modified is not considered to be detrimental to the harbour and will not unduly impose upon the character of the foreshore. Further, none of the modifications cause the development to impinge upon the foreshore area of the LEP, seaward of the foreshore building line. Compared to the approved development, the modifications do not significantly alter the appearance of the dwelling, when viewed from the waterway and adjacent land, used for residential, recreational and conservation purposes.

SEPP Resilience and Hazards 2021

No modifications affect the previous assessment of the approved development regarding remediation of land.

SEPP Sustainable Buildings 2022

Given the nature of the works propose, the modified development does not require a revised BASIX certificate.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Permissibility

The proposed works are for the purpose of a dwelling house, permissible with consent in the C4 Environmental Living zone that applies to the site.

2. Objectives of the zone

The objectives for the C4 zone are stated below:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The modifications proposed do not alter the approved development's consistency with these objectives. The scale and nature of the proposal is commensurate with other residential buildings in the locality.

Principal development standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area - #m ²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size			N/A
Clause 4.3 – Heights of Building	11.13m	8.5m	No
Clause 4.4 – Floor Space Ratio			N/A
Clause 4.4a – Non residential FSR			N/A

Height of Buildings

Height measurement

The modified development's maximum height of 10.75m is the same as the approved development, according to the submitted statement of environmental effects.

The maximum height in the table, 11.13m, relates to the proposed pergola, details of this measurement are outlined below.

Additionally, two key elements of the design have been changed in relation to height, being:

- Lowering of the section of the roof above the Upper Level Floor Plan (RL 17.0m), and
- Addition of an operable pergola over the terrace at the same level.
 - NB – further changes to the pergola are required as detailed herein.

Height of roof above upper level

Deferred commencement condition AA1 (1) required the roof to be adjusted to lower its overall height and provide a clerestory window in the roof's centre to break up the size of and therefore articulate the roof plane. The condition also stipulated that the floor below must not have a floor to ceiling height of more than 2.8m and that the roof angle not exceed 5 degrees above horizontal.

Plans were submitted and subsequently approved, having been assessed as satisfying the deferred commencement conditions. These plans show the height of the upper section of the roof to create an effective clerestory, with a window height of 900mm, and to maintain the maximum ceiling height of 2.8m, as required by the Panel's deferred commencement condition.

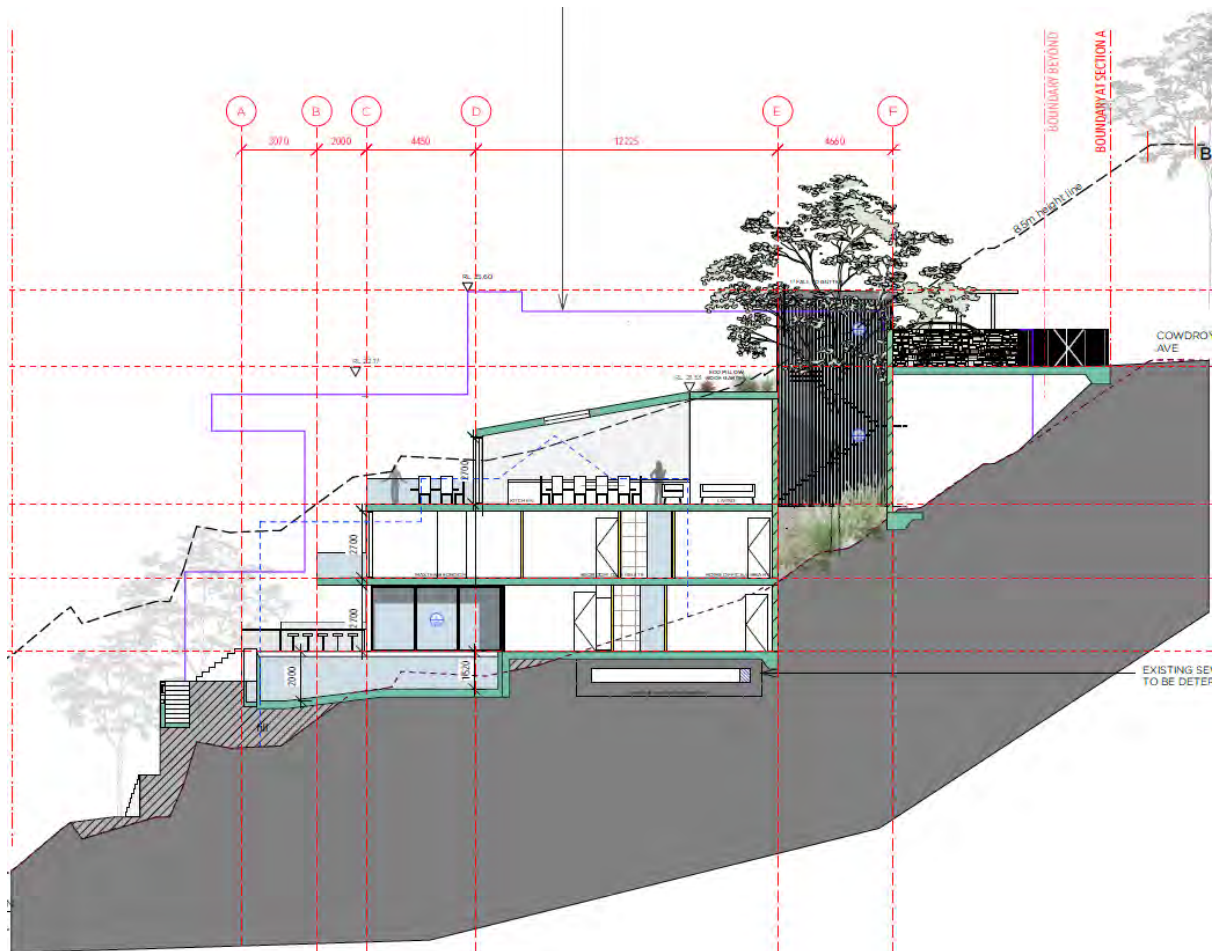
The design of the upper roof level and inclusion of the clerestory window was amended to achieve compliance with internal ceiling height requirements of the Building Code of Australia (2.4m).

Plans submitted with the subject modification are consistent with the height approved when operational consent was issued. Following notification and consideration of submissions, the above was discussed with the applicant, who later submitted plans lowering the height of the clerestory from 900mm to 600mm, reducing the upper roof plane's height.

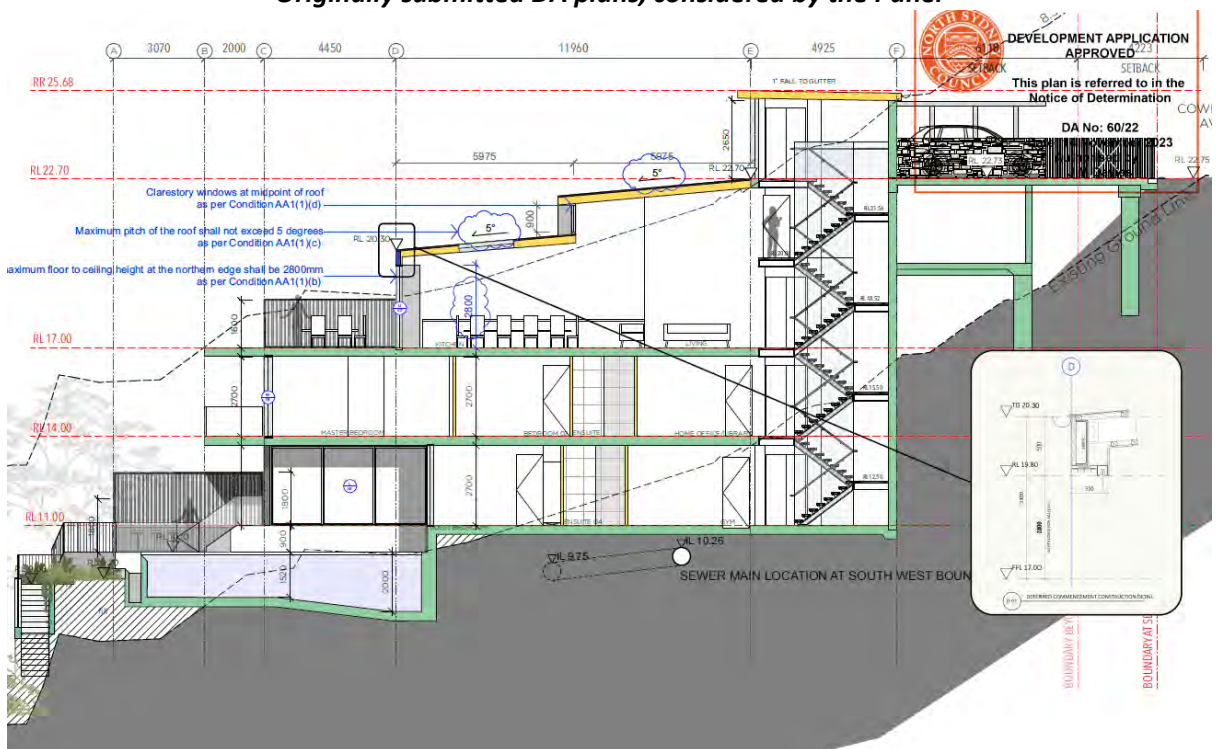
These adjustments reduce building bulk, with minor amenity improvements when compared with the building considered and conditionally approved by the Panel, when the original application was determined.

Below is a series of section-extracts which illustrate the sequence of design adjustments to the roof, from:

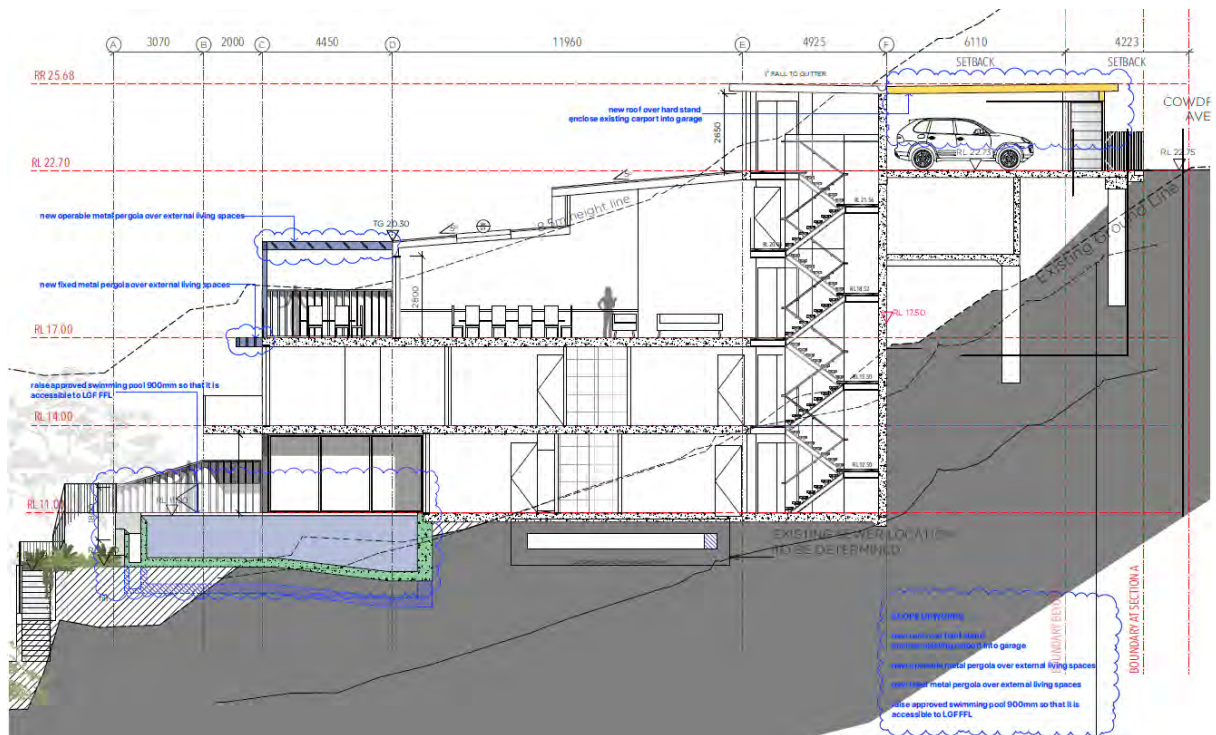
- the originally submitted DA plans, considered by the Panel, to
- the plans approved for issue of operational consent, to
- those submitted with the subject application, and
- the amended plans indicating subsequent reduction of the clerestory, which are the subject of this report and recommendation.



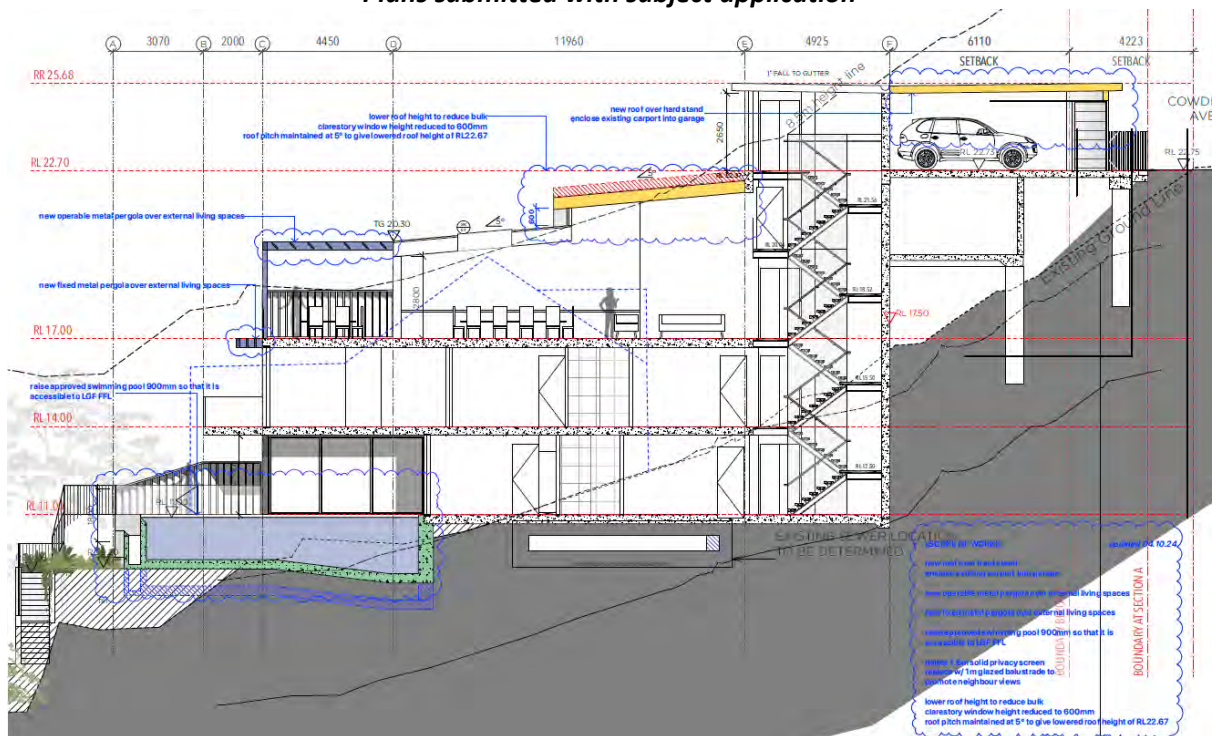
Originally submitted DA plans, considered by the Panel



Plans issued with operational consent



Plans submitted with subject application



Plans amended following consideration of submissions

Height of pergola

The pergola as shown on the floor level at RL 17.0m exceeds the height maximum, according to the submitted SEE. The pergola’s maximum height is RL 20.3m.

The basement floor level below is RL8.3m, making the height of the pergola 12.0m above existing ground level, as defined by the LEP. This measurement represents a departure from the standard of 3.5m or 41%.

Adopting the Court's alternative interpretation (the "Merman" case) of the LEP's building height definition, contours indicate an assumed level under the terrace (with the pergola above) of between RL9.17m and RL10.41m (taken from spot levels on the survey plan, adjacent to the building envelope). Taking the maximum height between the structure and the lowest assumed ground level immediately below, the height of the pergola would be 11.13m, a variation of 2.63m or 31%.

To allow comparison, the highest approved structure was the privacy screen on the terrace's western side, now proposed to be replaced by a 1.0m high glass balustrade. Adopting the Merman method, the height of the screen would have been RL18.6m, yielding a height above ground level of 9.43m, resulting in a departure of 0.93m or 11%.

Further consideration of the proposed pergola structure is discussed herein.

Consideration of proposed modification's performance against height standard objectives

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

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

Overall, adjustments to the roof above the height standard are considered reasonable, applying the comparative assessment method adopted by the Court requiring comparison of modifications, including potential impacts, having regard to the standard's objectives, with the originally approved development. The proposed modifications are assessed below with regard to the standard's objectives.

Notwithstanding, the pergola is a new structure that adds to the perceived bulk when viewed from below at no. 56 Cowdroy. Given the inability to assess its full impacts as part of this modification, it is recommended for deletion. Refer to Condition C1.

Topography (objective a)

The adjusted roof height does not significantly alter the approved development's alignment with topography noting that, as discussed in the assessment of the original DA, local landform has been modified by previous development.

Views (objective b)

Numerically, the proposed variations to height of the pergola are significant (>10%) using either method of measurement.

Qualitatively, potential impacts on views are offset by the opaque privacy screen (required by the Panel's deferred commencement conditions) being replaced by a lower balustrade of transparent glass and the pergola presenting as an outline or framework when viewed from neighbouring properties, as opposed to a solid structure. It also however notes that when viewed from above, when the pergola's roof-louvres are closed, the roof will have a solid form.

The SEE mentions the pergola is necessary for climate control to prevent afternoon summer sun from entering the dwelling's main living area.

View impacts are further examined later, in relation to the DCP. This examination indicates the modifications do not alter the development's consistency with the objective to retain and share views.

Notwithstanding, the pergola is a new structure that adds to the perceived bulk when viewed from below at no. 56 Cowdroy. Given the inability to assess its full impacts as part of this modification, it is recommended for deletion. Refer to Condition C1.

The main roof of the house, as adjusted, does not impact any significant views from neighbouring properties.

Solar access (objective c)

The roof section's adjustment will have negligible overshadowing effects on neighbouring properties, only being partially above the maximum height plane by less than 1.0m, mainly due to the common northern exposure to midwinter sunlight.

Solar access and overshadowing will be acceptable.

Privacy (objective d)

Privacy impacts of the modified proposal are acceptable, as discussed previously, and below in relation to the DCP.

Compatibility of development (objective)

This objective was, as were the others, considered by the Panel when determining the original application. Citing the reasons for the panel's conditional approval, the development was held by the panel to be:

"...satisfactory in the context of the area and surrounding development. Furthermore, with the amendments to the roof line the principle of view sharing has been considered having regard to the extent of views from the waterfront properties in the area. The Panel notes that the steep topography in the vicinity translates into significant variations to the height standard."

The proposed modifications, as recommended are consistent with these findings, being substantially the same as the approved development.

Appropriate scale and density of development (objective f)

The above quote from the Panel's reasons for granting approval to the initial application indicate the Panel's satisfaction that the development has a suitable scale and density compared to other buildings in the area. The proposed amendments do not alter this position, in that:

- several other dwellings in the locality have garages close to the street, such as that proposed,
- the original and modified design have a similar overall height and number of storeys as other residential buildings in the locality, which are typically built to minimum setbacks or less, optimising the potential building envelope established by LEP and DCP controls and their corresponding objectives and performance criteria. On the northern, waterfront side of Cowdroy Avenue and Folly Point, most residences have a single storey facing the street and utilise the dramatic fall to the water to achieve multi-level dwellings, a common characteristic of many harbourside locales.

Earthworks

Proposed earthworks are reduced by the raising of the pool as proposed. Conditions have been imposed by the original consent, which help to protect adjoining land and infrastructure from potential damage. These conditions will remain.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

Most controls relevant to dwelling houses, from Part B Section 1 of the DCP remain complied with or are irrelevant to the proposed modifications.

The author, having reviewed the proposal in relation to applicable provisions of this section of the DCP, concludes that only views, privacy, parking and site coverage require detailed consideration.

Views

The applicant submitted a view impact analysis (attached), focusing on the potential impacts of the proposed addition of the pergola over the approved upper level terrace on views from the dwelling at No 56 Cowdroy Avenue.

Having reviewed this document, addition of the pergola impacts views from the affected property, satisfactorily, for the following reasons:

- The pergola is a lightweight structure, its impacts ameliorated by replacing a privacy screen on the western side with glass balustrading, despite the screen being originally conditioned by the Panel's deferred commencement consent.
- The view is over a side boundary. According to the Land and Environment Court's "Tenacity" decision, an expectation that existing views will be retained over side boundaries, and from seated viewpoints, is "often unrealistic". However, the impact on existing views should not be ignored and does not mean that reasonable design refinements could not assist in sharing of views over a side boundary.

- High quality views are available from multiple levels and viewpoints from the neighbouring dwellings. Again, according to “Tenacity”, the impact of the development should be considered for the whole of the property. The availability of views from multiple vantage points (three were photographed and used in the submitted analysis, from one level of the building) indicates the overall impact of views from No 56 is reasonable, from a view loss perspective. The view impact would be reduced, as the viewer moves from the eastern to the western side of the dwelling’s rooms and adjacent balconies. Westward movement of the viewer on other levels of the dwelling were observed to have the same effect during site inspection.
- The impact of the pergola structure however should also be assessed as ‘*moderate*’, using the terms expressed in Tenacity, given the expanse of the existing view from No. 56 and the projection of the pergola into the eastern extent of that view.
- The impact on views should also be regarded as ‘unreasonable’, again in the terms of ‘*Tenacity*’, given the size, depth and projection of the pergola should be substantially reduced to achieve its intent, and given its location well beyond the rear building line at the upper levels of dwellings at Nos. 54C, 54D & 56 Cowdroy Avenue;
- When the viewer is on a lower or higher level of the building, the view impact is also respectively increased or decreased.
- The perceived impact on no. 56 Cowdroy with regards to bulk and scale when looking upwards from their private open space has not been considered by the Applicant and it is not clear as to if the reduction in size would be a more appropriate proposal.
- As such, while the view impact may be satisfactory, the perceived bulk and scale is not, and therefore the pergola is recommended for deletion. Any structure over this balcony may be considered under a separate development application that considers all impacts, including, but not limited to, height and bulk and scale.

Privacy

The change from a privacy screen to a glass balustrade on the western side of the terrace on the upper level will affect privacy with the dwelling at 56 Cowdroy Avenue. The effect is reasonable given the change in materials (solid to transparent) and height (lower) will help maintain views for occupants of the proposed dwelling and the neighbouring dwelling over the shared boundary.

This modification involves a trade-off between marginally reducing privacy and slightly improving views, with privacy between the dwellings already being reduced, due to the oblique angles between the living levels of the proposed dwelling and No 56 to the west, which is setback well to the south, compared to the siting of the approved subject dwelling and its approved terrace.

Further, the proposed terrace and principal living areas in the subject approved dwelling are at RL 17.0m. The level closest in height at No 56, at RL 16.87m, which contains a family room and bedrooms. No 56’s principal living area is a level above, with a floor level of RL 17.75m, 750mmm above the proposed main living spaces proposed at No 58. Differences in levels are adjudged to assist in reducing privacy impacts, compared to when rooms are at the same height, thus allowing views directly between rooms or outdoor living spaces in adjacent buildings.

To the east, level 3 at 2 Folly Point has a balcony indirectly adjacent to the proposed terrace, although it is about 1.6m lower than the proposed terrace. Level 4 above has a bathroom with what appears to be a spa/bath tub about 1.5m above and adjacent to the proposed terrace. The privacy screen is suitably maintained to the east, as originally approved, noting that privacy impacts are also ameliorated by the difference in levels between the approved development and the easterly neighbour.

Regarding the pool height, as discussed above, privacy of open space and the proposed pool requires a condition to increase the height of the green wall along the pool's edge.

Parking

The approved development included a raised carport, like the existing structure, except with a turntable, to enable movement into and out of the carport, due to the available manoeuvring area being limited by the narrow width of Cowdroy Avenue (about 2.5m - 3.0m). The site is at the termination of the public roadway and turning space is limited by retaining walls on southern and eastern sides. The subject application seeks to amend the approved development to convert the carport into a double garage, adding walls on two sides (the northern side is already walled) and a door to the southern side facing the lane. The garage door is setback about 1.0m from the boundary with the roadway, to assist vehicle parking. Such a structure is reasonable, being like several others in the locality.

Site coverage

According to the report considered by the North Sydney Local Planning Panel, the approved development has:

- Site coverage of 44% - exceeding the maximum by 4%,
- Landscaped area of 40% - complying with minimum, and
- Unbuilt upon area of 16% - below the 20% maximum.

The proposed modifications:

- Increase site coverage to 49%
- Increase landscape area to 42%, and
- Reduce unbuilt upon area to 9%.

For the approved development, variation to the site coverage was considered reasonable, the planner's report stating that:

The proposed un-built upon area is greater than that for both neighbouring properties. The quality and quantity of deep soil planting below the FSBL is greater than for the majority of waterfront properties in the immediate locality. Conditions are recommended for deep soil, dense and canopy tree planting to be improved.*

* The report also noted the site coverage at 56 Cowdroy Avenue was 60.2% (however this is incorrect, the consent granted to alter and add to the dwelling at No 56, DA 153/19, required the site coverage to be reduced to 40.3%. At 2 Folly Point, according to the original report for the subject proposal, site coverage is about 55% (excluding the pool, which would be greater if the pool were included, as required by the site coverage definition).

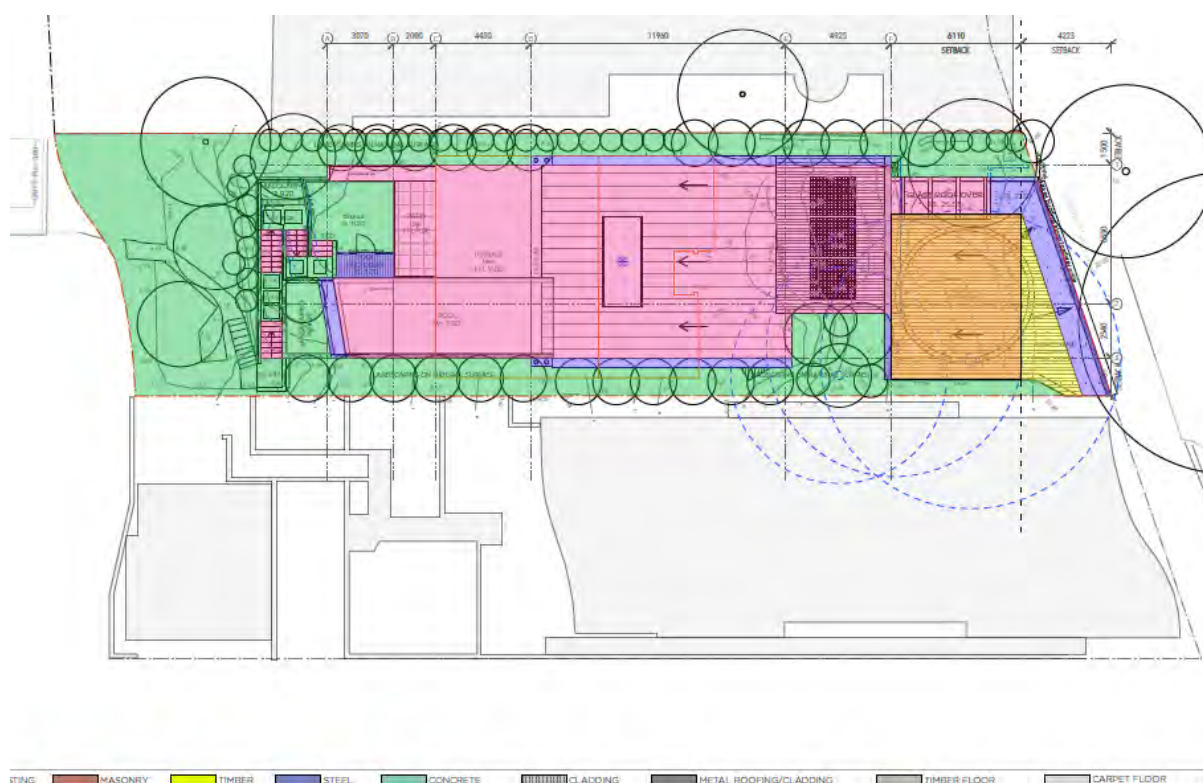
The report also observed that although the approved development has a site coverage of 44%, this had been reduced from 60%, as originally proposed.

The modification proposal

The subject modification application, referring to the submitted statement of environmental effects, does not change the approved figures. This statement is incorrect.

According to the definition of site coverage in the DCP, its calculation includes both garages and carports. Hardstand parking areas and driveways count as unbuilt upon area.

As the approved parking area is unroofed, it was counted as unbuilt upon area. Enclosing most of this area into a garage would convert the roofed section into site coverage. The applicant was approached regarding this, who subsequently advised Council converting the open parking structure into a garage increases the site coverage to 49% including reducing the roofed area as shown below in orange. Adding the yellow to the purple would result in an unbuilt upon area of about 9%.



The applicant was contacted to clarify details of the calculations. In doing so the applicant submitted that allowance should be made to relax building height and site coverage for sites on steep gradients. To comply with building height limits, the building envelope needs to be stepped, leading to non-compliance with site coverage. And on land with lower gradients, a building is able to comply with site coverage by stacking floorplates on top of each other, however in this case that would result in a greater breach of the building height maximum.

While the comments above from the applicant are logical, flexibility is built into the planning framework to account for individual nuances of site and context, and to enable the design response to satisfy performance criteria (objectives) if strict observance of numerical controls is impractical (i.e. unreasonable or unnecessary).

The approved parking structure is raised above the steep slope, also accommodating rainwater storage below, enabling vehicle parking at the same level as the road. Arguably, what has been approved already constitutes site coverage. Despite this, compared to the approved parking structure, the proposed enclosure of the car park needs to be considered with regard to key objectives, to control site density and prevent overdevelopment, and to promote the character desired for the neighbourhood.

Appraisal

The following appraisal suggests that conversion of the open parking area to a garage compromises the development's performance having regard to these objectives, noting the approved development already varies the numerical control, by 10%.

In the below image, to the left of the site (orange marker) is Cowdroy Avenue, to the right is Folly Point. On sites on the northern side of Cowdroy Avenue, west of the site, there is a balance between open space and built form on most lots (site coverage/landscaped area). Eastwards, on Folly Point's northern waterfrontage, there is a marked increase in site coverage, four lots east of the site.

An inspection of the site's immediate locality indicates numerous examples of garages and carports close and adjacent to the street frontage.

Taking abovementioned planning objectives into account, to balance built form and open space, prevent over development and promote desired character, the proposed conversion of the parking area into a garage should not be supported.

However, the proposal could be considered consistent with local character, in so far as the street is flanked and dominated by open parking areas or parking structures. That the proposal's visual exposure is limited by topography and vegetation in the road reserves, is another mitigating factor.

Notwithstanding, the additional site coverage and the total degree of variation of this control (22.5%) is unacceptable, as the proposal fails to satisfy objectives, to balance built form with open space and to limit overdevelopment.



Site indicated by an orange marker (Nearmaps 30 October 2024).

CHARACTER STATEMENTS – PART C

Cammeray Planning Area, Cammeray Neighbourhood

An assessment of the original proposal was undertaken regarding the character statement and design criteria for the area, concluding the proposal was consistent with these provisions.

As the proposed modified development is found to be substantially the same as that approved (subject to conditions), it is deemed consistent with these requirements.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The modified development does not require the adjustment of the contribution payable per the original consent, the estimated cost not changing.

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	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	N/A
9.	All relevant s. 4.15 (1) considerations of <i>Environmental Planning and Assessment Act 1979</i>	Yes

PUBLIC INTEREST

The proposal is in the public interest for reason it is substantially the same as the approved development (subject to conditions), and the impacts of the development as proposed to be modified are satisfactory.

SUITABILITY OF THE SITE

For the same reason as above, the site is suitable for the modified proposal.

CONCLUSION & REASONS

The subject application is consistent with the originally approved development application and s.4.55 of the *EP&A Act 1979*. Proposed modifications do not result in any unreasonably detrimental amenity impacts to adjoining properties or the surrounding area. The proposed modifications are also consistent with the reasons for development consent being granted to the original development application.

Having regard to the provisions of section 4.55 & 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the development as proposed to be modified is substantially the same development as originally consented to. The application is therefore recommended for **approval in part**.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA 60/22 for demolition of existing dwelling and ancillary structures and construction of a dwelling house and associated works including a swimming pool at 58 Cowdroy Avenue under the provisions of Section 4.55 of the Environmental Planning and Assessment Act as detailed below:

Development in accordance with Plans

a. **Replace the table to Condition A1 with the following table:**

Plan Nos.	Revision No	Description of works	Prepared by	Dated
4.55 101	B	Site Plan	Coso Architecture	04 10 2024
4.55 102		Lower Level Floor Plan		
4.55 103		Mid Level Floor Plan		
4.55 104		Upper Level Floor Plan		
4.55 104A		Upper Level Floor Plan + 3m		
4.55 105		Entry Level Floor Plan		
4.55 106		Roof Level Floor Plan		
4.55 107		Section AA		
4.55 110		Section DD		
4.55 111		West Elevation		
4.55 112		North Elevation		
4.55 113		South Elevation		
4.55 114		East Elevation		

2. **The proposed pergola to the northern elevation of the Upper Floor Level and the proposed enclosure of the garage is not supported on the basis that:**

a. **Pergola:** *The proposed pergola breached the maximum height of building standard, projects well beyond the prevailing rear building line and would result in unreasonable view impacts and unreasonable bulk and scale impacts*

- b. **Garage:** *The proposed garage would reduce the visual permeability of the carport structure, would prevent views through the structure towards prominent local vegetation and would result in excessive and unreasonable impacts on bulk, form and character of the structure to this part of Cowdroy Avenue.*

3. Amend condition C1 as follows:

Design Changes

- C1. The following design changes are to be included in plans approved with the Construction Certificate to the satisfaction of the Principal Certifier:
- a) **A Louvred/slatted privacy screens** a minimum 1.6m high from finished floor level shall be affixed to the eastern ~~and western~~ edges of the balcony to the Upper Level (Level 03) adjacent to the open plan living room to obscure direct lines of sight between the balcony and the neighbouring properties ***east of the site, and the balustrade on northern and western sides of the balcony being finished in clear, unframed glass;***
 - b) A fixed privacy screen shall be affixed to the eastern side of the outdoor kitchen space at the Lower Level (Level 01) to obscure direct lines of sight between the outdoor kitchen space and the neighbouring property at No.2 Folly Point;
 - c) The schedule of external materials, colours and finishes shall be amended to replace the zinc roof with a roofing material that is non-reflective and is a colour and tone which matches or complements the natural features of the environment to ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development;
 - d) The schedule of external materials, colours and finishes shall be amended to change the colour of the render from off-white to a colour and tone which is non-reflective and which matches or complement the tones of the natural environment to ensure a high quality finish to the development in a visually prominent location;
 - e) The balustrade to the northern edge of the steps and retaining walls below the foreshore building line shall be open in form to reduce the visual impact of built structures in the foreshore area;
 - f) The landscaping area immediately north of the swimming pool and patio area at approximately RL 9.8 is to include planting of cascading plants along the northern edge to screen the outer face (waterway side) of the retaining wall and reduce the visual impact of built structures in the foreshore area;
 - g) All retaining walls including ancillary drainage management and footings are to be contained entirely within the site boundaries to protect the integrity of adjoining sites;
 - h) One (1) additional canopy tree suitable to reach a mature height of 4 to 5m is to be planted within the foreshore area level (RL4.2 to RL4.8) to improve the quality and diversity of vegetation within the foreshore area and to visually offset the bulk and scale of built structures as viewed from the waterway. The location and species are to be nominated in the amended Landscape Plan to the satisfaction of the PCA prior to the issue of the Construction Certificate;

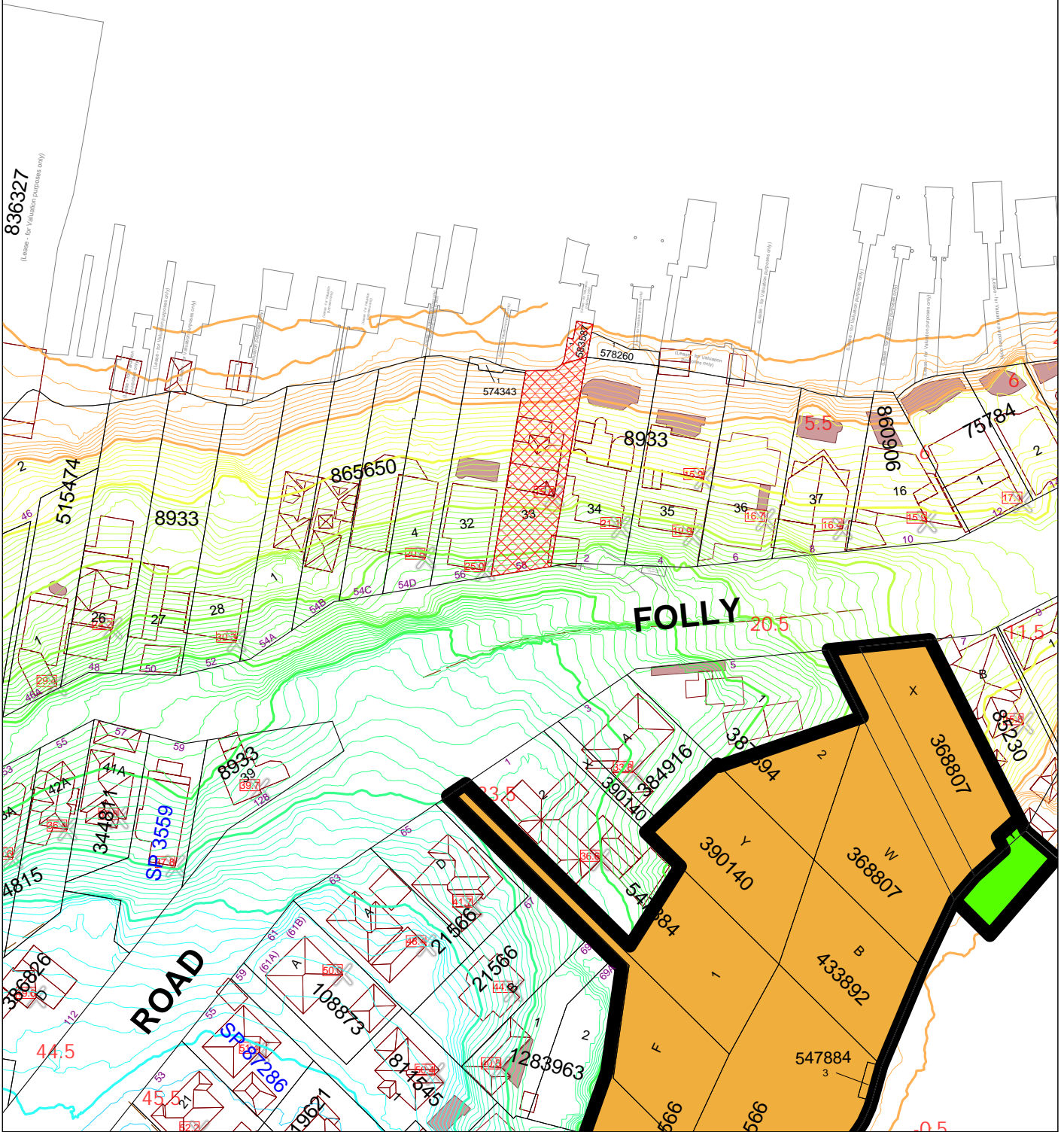
- i) The understorey to the 3 x *Corymbia maculata* (100l) shall be densely planted with suitable species of low maintenance native shrubs in addition to the 3 x *Cyathea australis* to optimize the variety of planting in the deep soil area to compensate for the removal of the variety of existing vegetation. Additional plantings shall be included in the amended Landscape Plan to the satisfaction of the PCA prior to the issue of a Construction Certificate;
- j) The pathway from the front boundary with Cowdroy Avenue to the front entry door within the tree root zone of the new *Angophora costata* is to be decking or pervious paving to optimize soil depth and infiltration for future growth of the tree. Details of the pathway construction are to be specified in the construction and landscape plans submitted with the Construction Certificate;
- k) *The green wall (hanging garden) along the western side of the pool being raised in height by 1.0m, and any safety fencing or balustrading being adjusted accordingly; and***
- l) *The awning proposed over the lower level deck shall be no deeper than 900mm measured outwards from the floor slab to which it will be affixed, as shown on drawing 4.55 107, Revision B, 24 10 2024.***
- m) *the open parking area must remain as approved, the garage as shown in submitted plans, referred to in the amended condition A1, is not approved.***

No approval is given or implied in this consent for the works proposed to the carport and pergola over the upper level terrace.

ISOBELLA LUCIC
A/MANAGER DEVELOPMENT SERVICES

NEAL McCARRY
A/DIRECTOR PLANNING AND ENVIRONMENT

Long



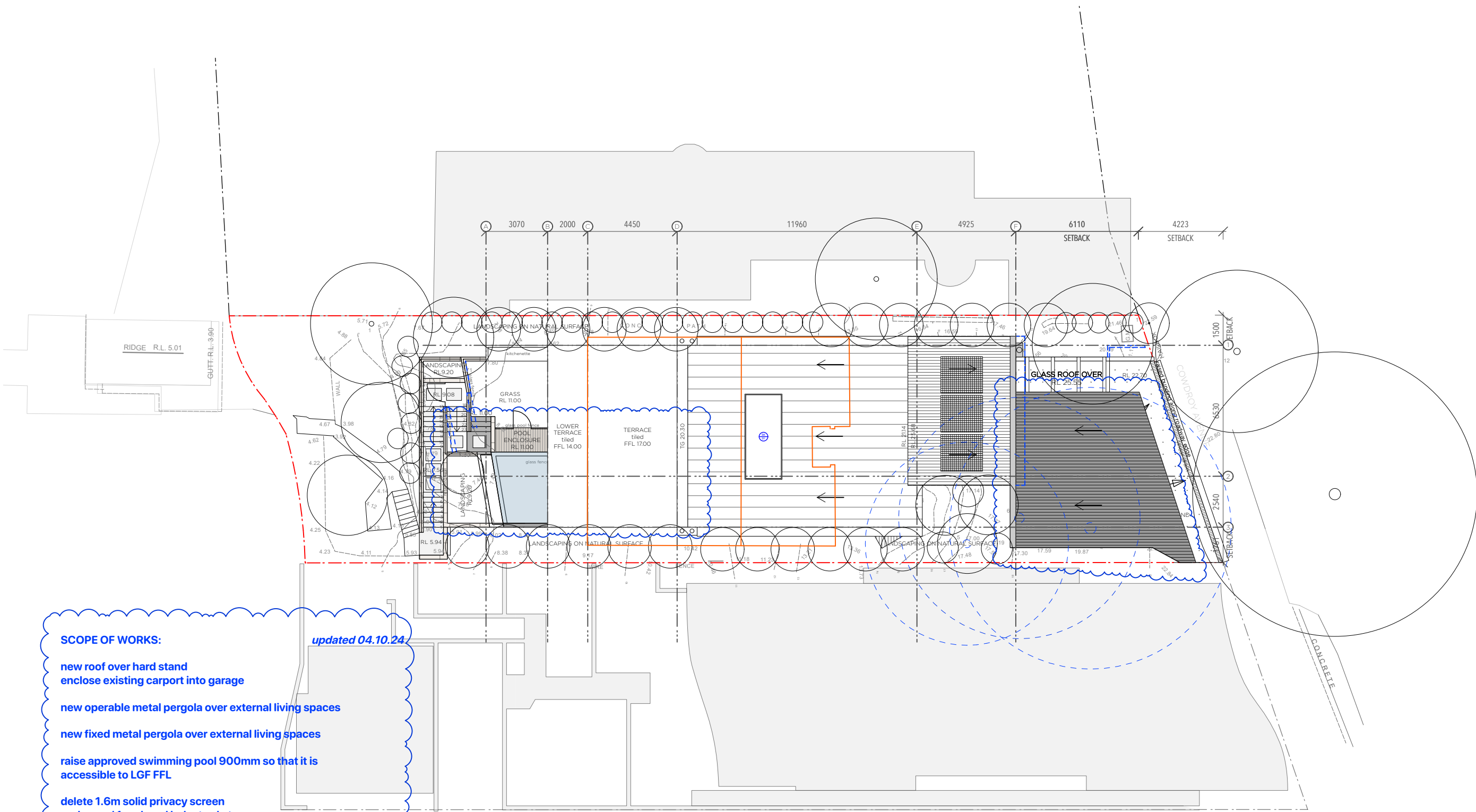
North Sydney Council

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

Scale: 1:1200 approx.





SCOPE OF WORKS:

- new roof over hard stand
- enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
- replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk
- clarestorey window height reduced to 600mm
- roof pitch maintained at 5° to give lowered roof height of RL22.67

updated 04.10.24

LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA

NOTE. All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all structural steelwork & concrete work designed by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. If in doubt, check with Architect. All discrepancies and omissions to be reported to Architect.

AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

DRAWING NAME. **SITE PLAN**

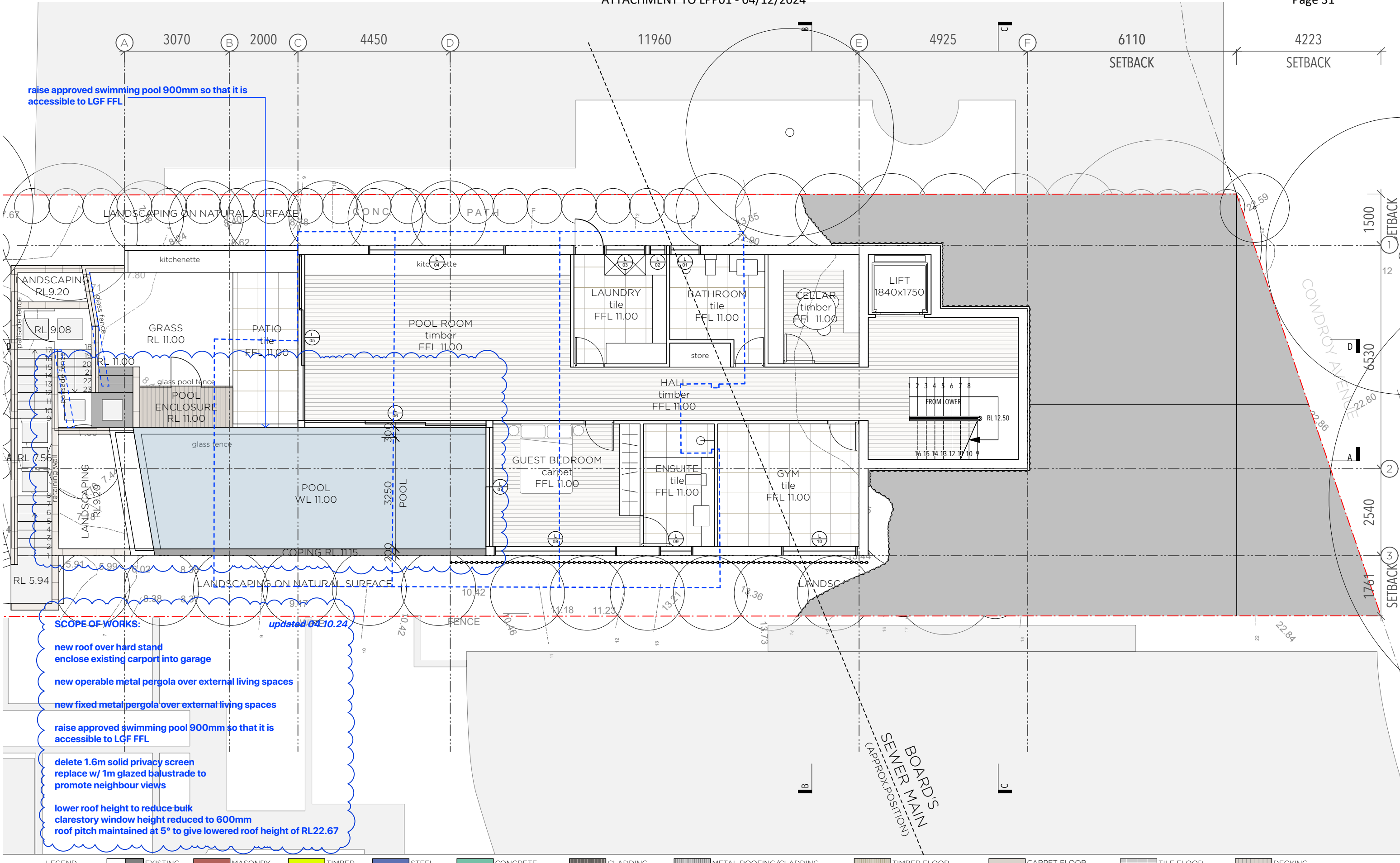
DATE. 04.10.2024
SCALE. 1:200 AT A3

DRAWING NO. **4.55 101**

REVISION. **B**

COSO
ARCHITECTURE

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SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
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LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

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AMENDMENTS.

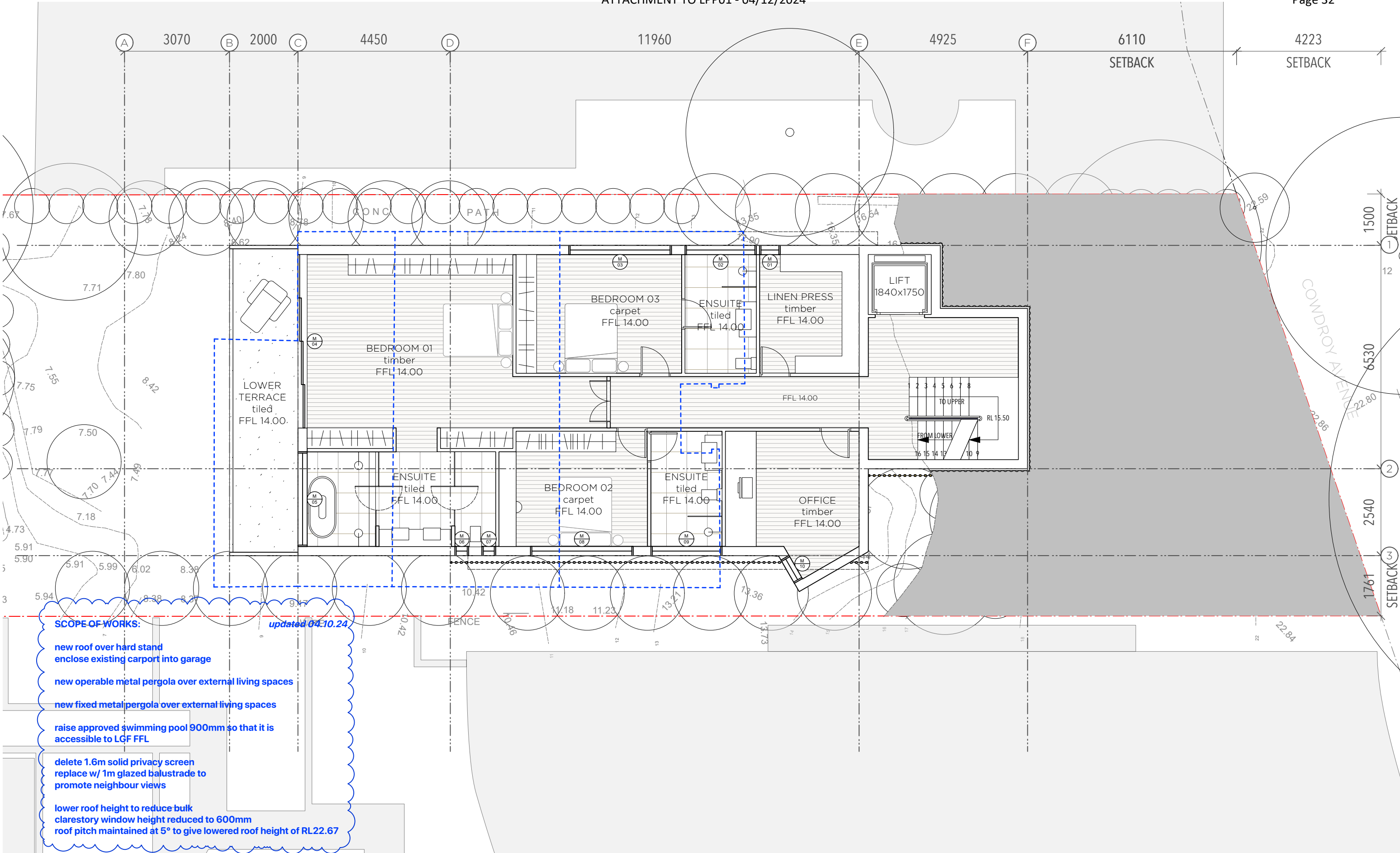
241004	B	COUNCIL RESUBMISSION

DRAWING NAME.
LOWER LEVEL FLOOR PLAN

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 102

REVISION. **B**



SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
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LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

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AMENDMENTS.

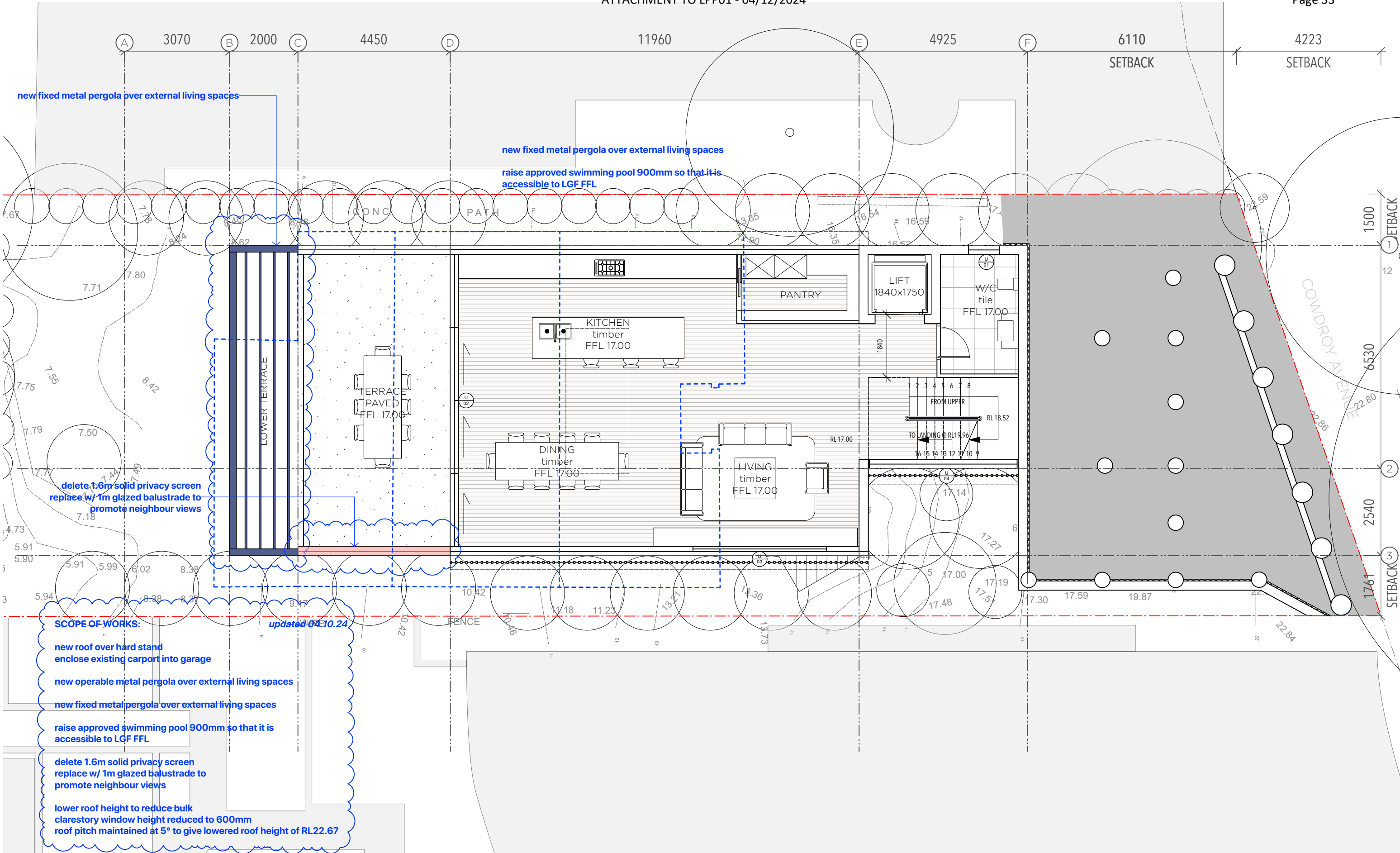
241004	B	COUNCIL RESUBMISSION

DRAWING NAME.
MID LEVEL FLOOR PLAN

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 103

REVISION. **B**



SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
- enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
- replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk
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LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

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AMENDMENTS.

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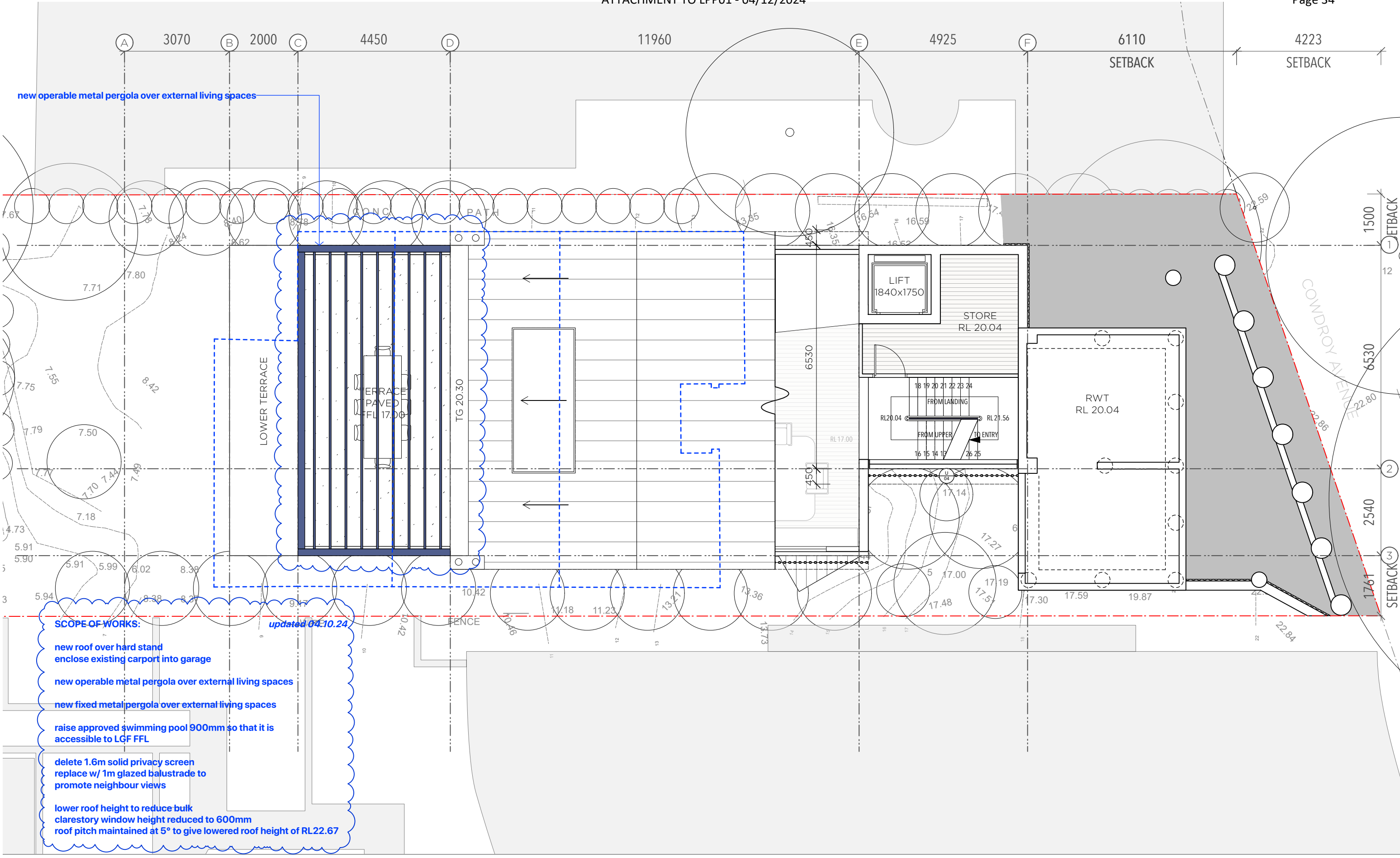
DRAWING NAME.
UPPER LEVEL FLOOR PLAN

DATE: 04.10.2024
 SCALE: 1:100 AT A3

0 0.5 1 2 3 5M

DRAWING NO.
4.55 104

REVISION. **B**



SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk
clarestorey window height reduced to 600mm
roof pitch maintained at 5° to give lowered roof height of RL22.67

LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



Paul Connor RAIA#7058 Anthony Solomon RAIA#5684
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AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

DRAWING NAME.
UPPER LEVEL FLOOR PLAN + 3m

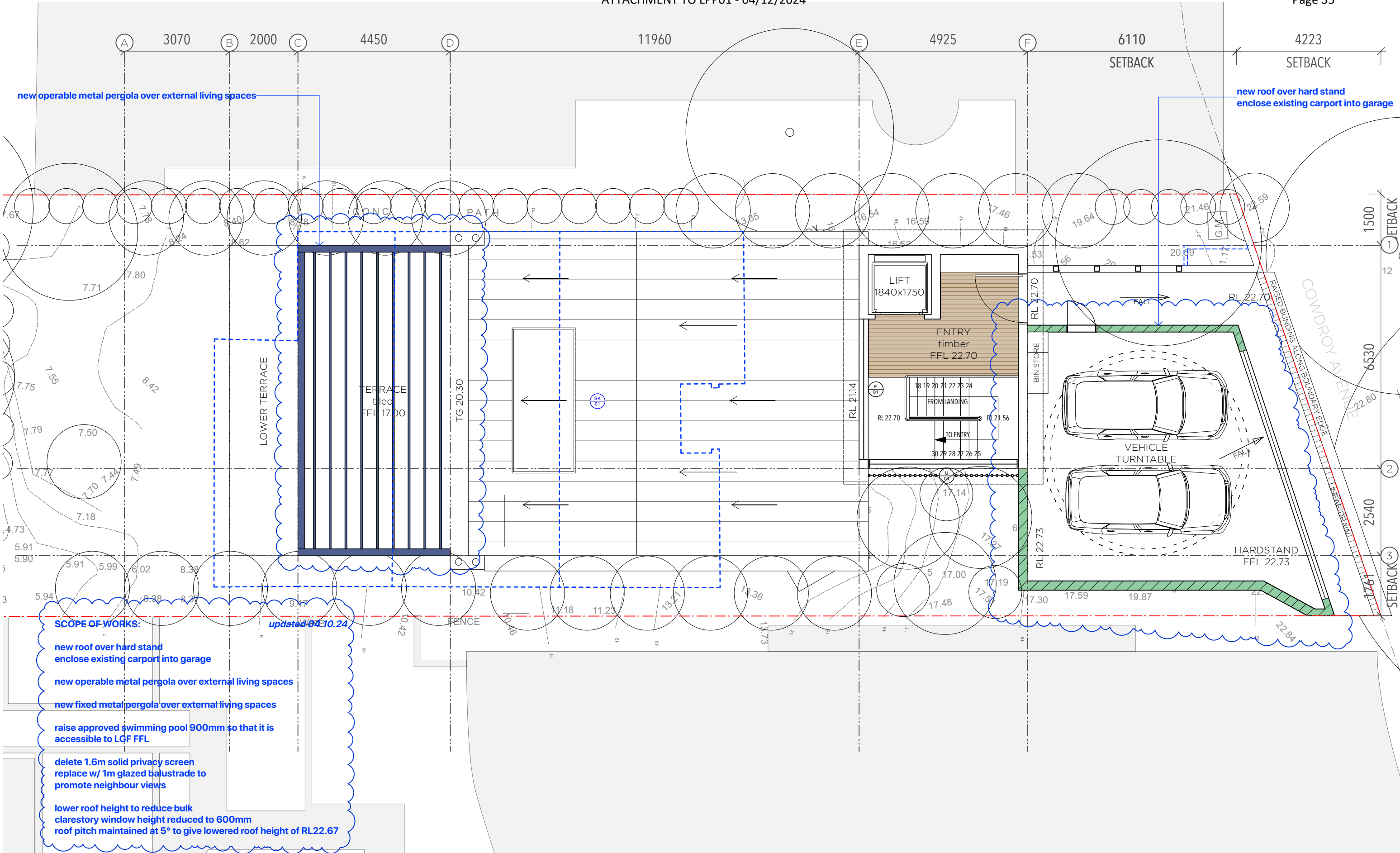
DATE: 04.10.2024
SCALE: 1:100 AT A3

0 0.5 1 2 3 5M



DRAWING NO.
4.55 104A

REVISION. **B**



SCOPE OF WORKS:

updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
replace w/ 1m glazed balustrade to promote neighbour views
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LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



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AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

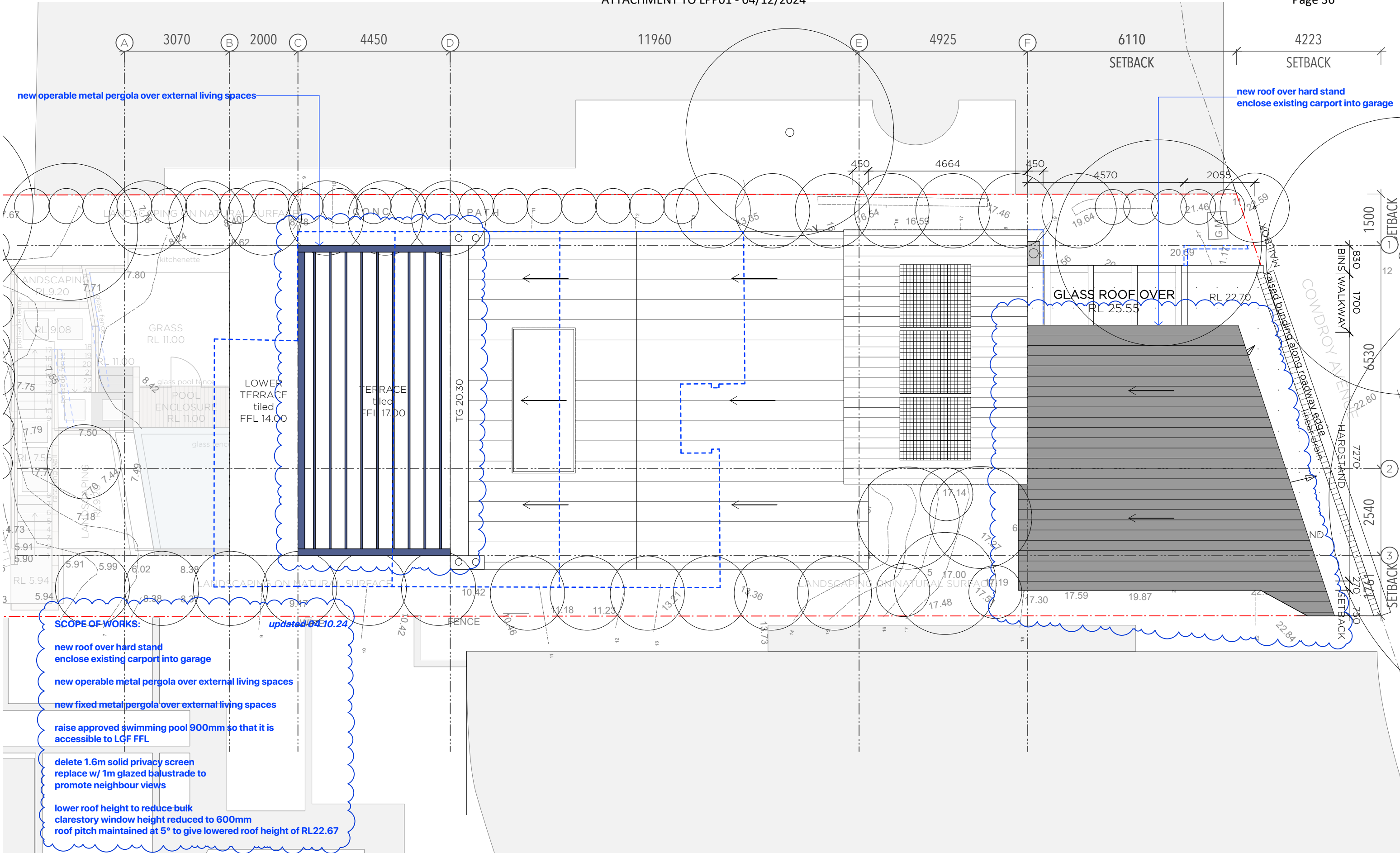
DRAWING NAME.
ENTRY LEVEL FLOOR PLAN

DATE: 04.10.2024
SCALE: 1:100 AT A3

0 0.5 1 2 3 5M

DRAWING NO.
4.55 105

REVISION. **B**



SCOPE OF WORKS:

updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk
clarestorey window height reduced to 600mm
roof pitch maintained at 5° to give lowered roof height of RL22.67

LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



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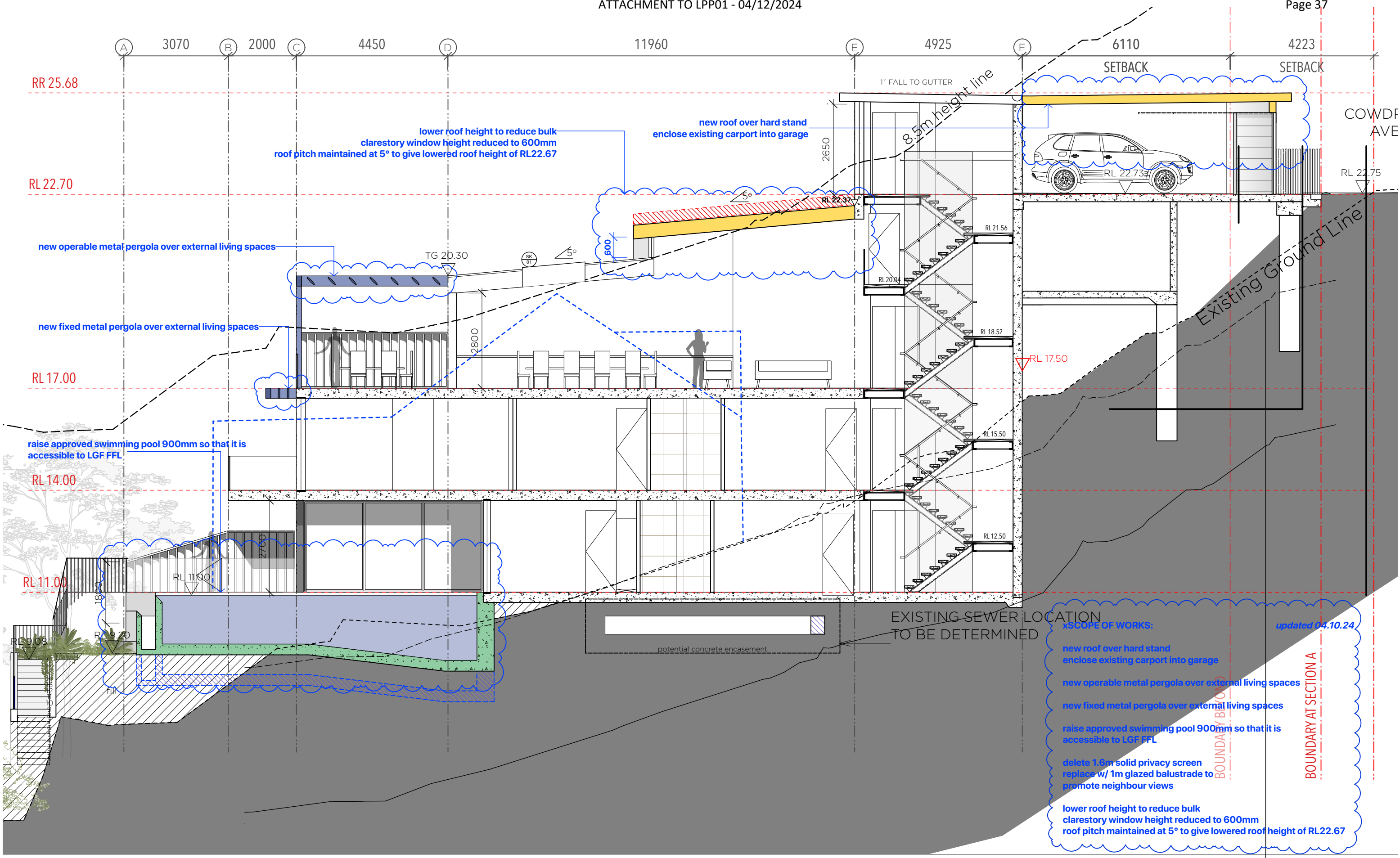
AMENDMENTS.	
241004	B COUNCIL RESUBMISSION

DRAWING NAME.
ROOF LEVEL FLOOR PLAN

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 106

REVISION. **B**



lower roof height to reduce bulk
 clarestorey window height reduced to 600mm
 roof pitch maintained at 5° to give lowered roof height of RL22.67

new roof over hard stand
 enclose existing carport into garage

new operable metal pergola over external living spaces

new fixed metal pergola over external living spaces

raise approved swimming pool 900mm so that it is
 accessible to LGF FFL

EXISTING SEWER LOCATION
 TO BE DETERMINED

xSCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is
accessible to LGF FFL
- delete 1.6m solid privacy screen
replace w/ 1m glazed balustrade to
promote neighbour views
- lower roof height to reduce bulk
clarestorey window height reduced to 600mm
roof pitch maintained at 5° to give lowered roof height of RL22.67

LEGEND. ■ EXISTING ■ MASONRY ■ TIMBER ■ STEEL ■ CONCRETE ■ CLADDING ■ METAL ROOFING/CLADDING ■ TIMBER FLOOR ■ CARPET FLOOR ■ TILE FLOOR ■ DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA

COSO
 ARCHITECTURE

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AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

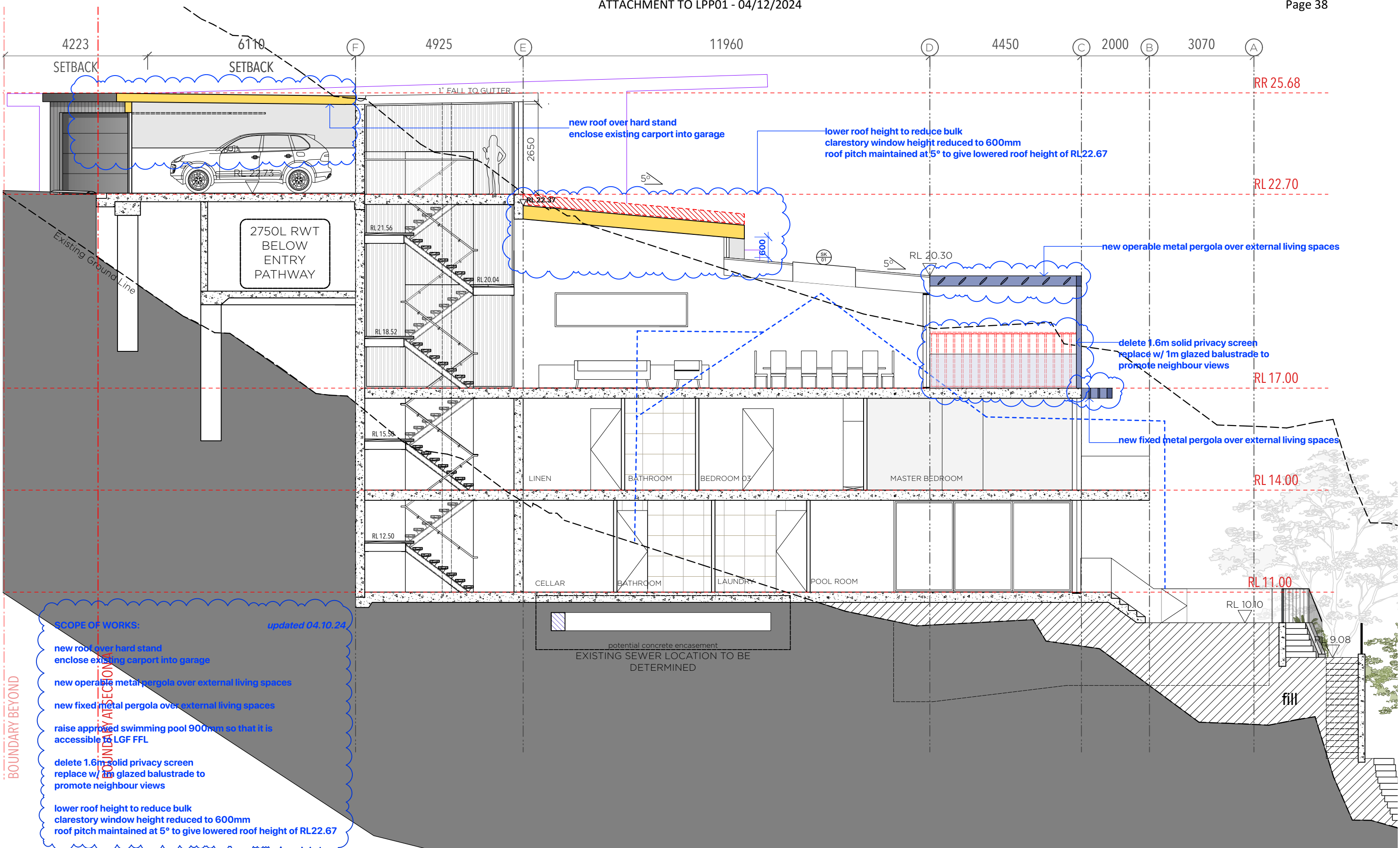
DRAWING NAME.
SECTION AA

DATE: 04.10.2024
 SCALE: 1:100 AT A3

0 0.5 1 2 3 5M

DRAWING NO.
4.55 107

REVISION. **B**



SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is
accessible to LGF FFL
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replace w/ 1m glazed balustrade to
promote neighbour views
- lower roof height to reduce bulk
clarestorey window height reduced to 600mm
roof pitch maintained at 5° to give lowered roof height of RL22.67

BOUNDARY BEYOND

LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



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AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

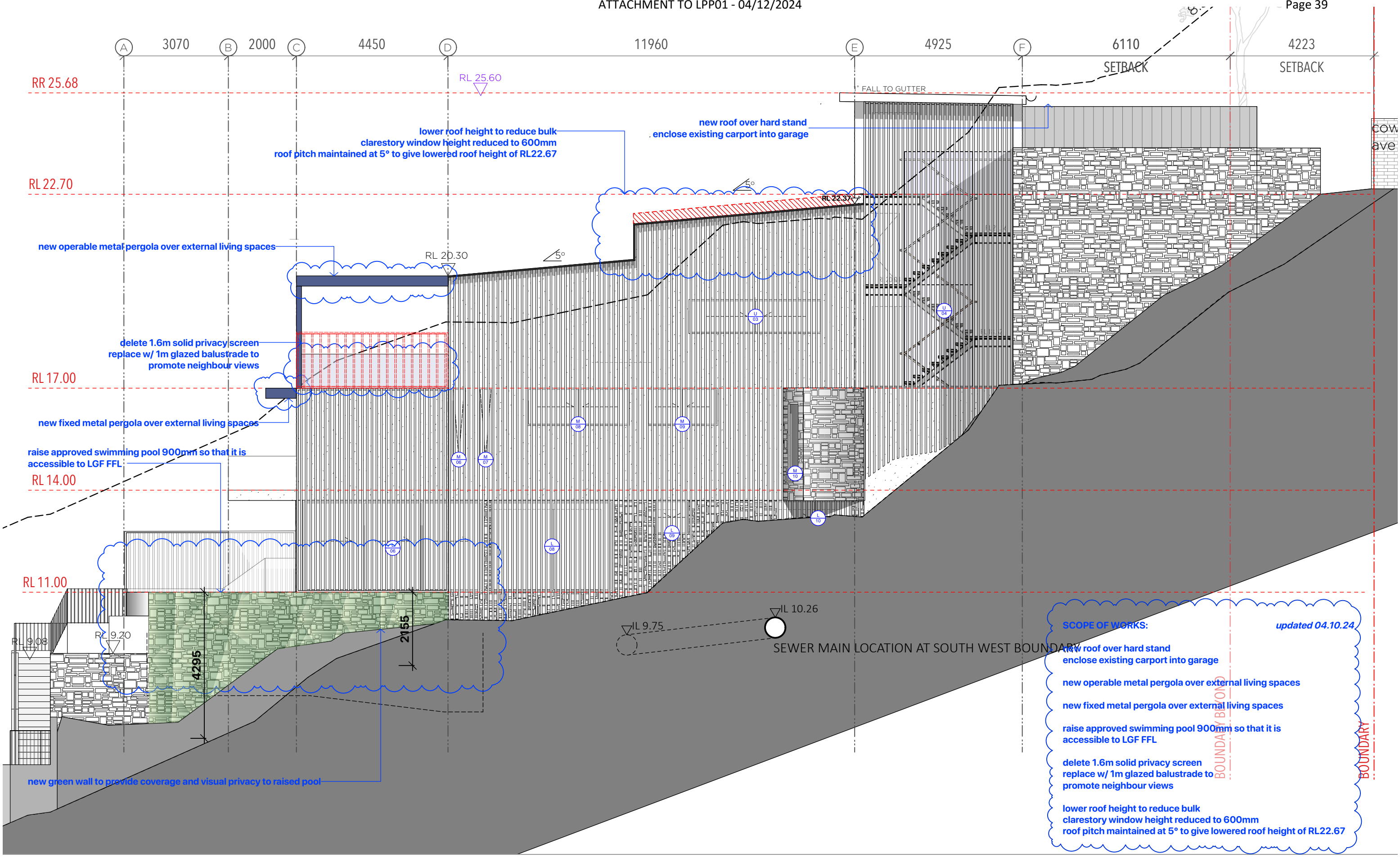
DRAWING NAME.
SECTION DD

DATE: 04.10.2024
SCALE: 1:100 AT A3

0 0.5 1 2 3 5M

DRAWING NO.
4.55 110

REVISION. **B**



LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA

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AMENDMENTS.

241004	B	COUNCIL RESUBMISSION

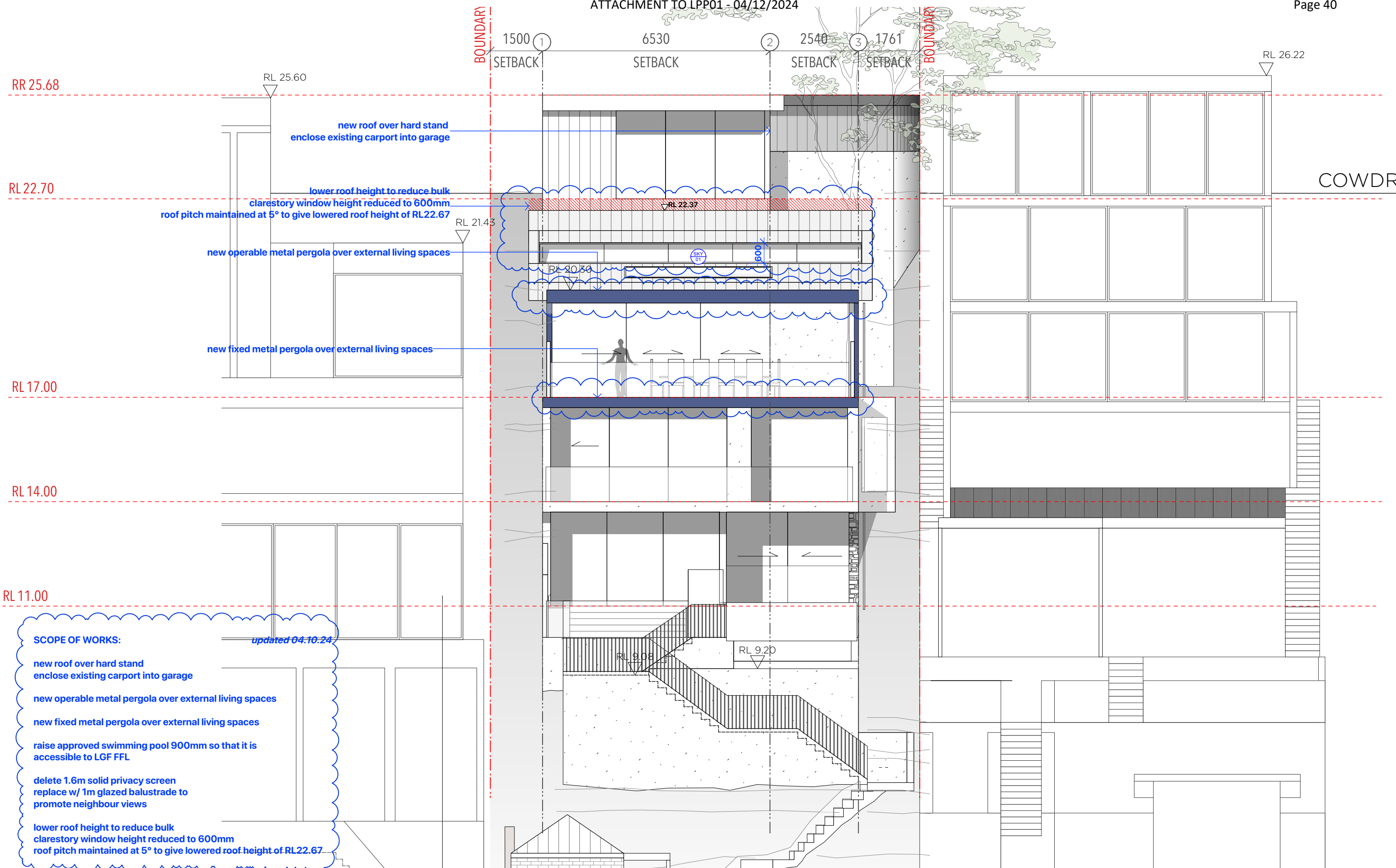
DRAWING NAME.
WEST ELEVATION

0 0.5 1 2 3 5M

DATE: 04.10.2024
 SCALE: 1:100 AT A3

DRAWING NO.
4.55 111

REVISION. **B**



RR 25.68

RL 22.70

RL 17.00

RL 14.00

RL 11.00

SCOPE OF WORKS: *updated 04.10.24*

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
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LEGEND. EXISTING MASONRY TIMBER STEEL CONCRETE CLADDING METAL ROOFING/CLADDING TIMBER FLOOR CARPET FLOOR TILE FLOOR DECKING

S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



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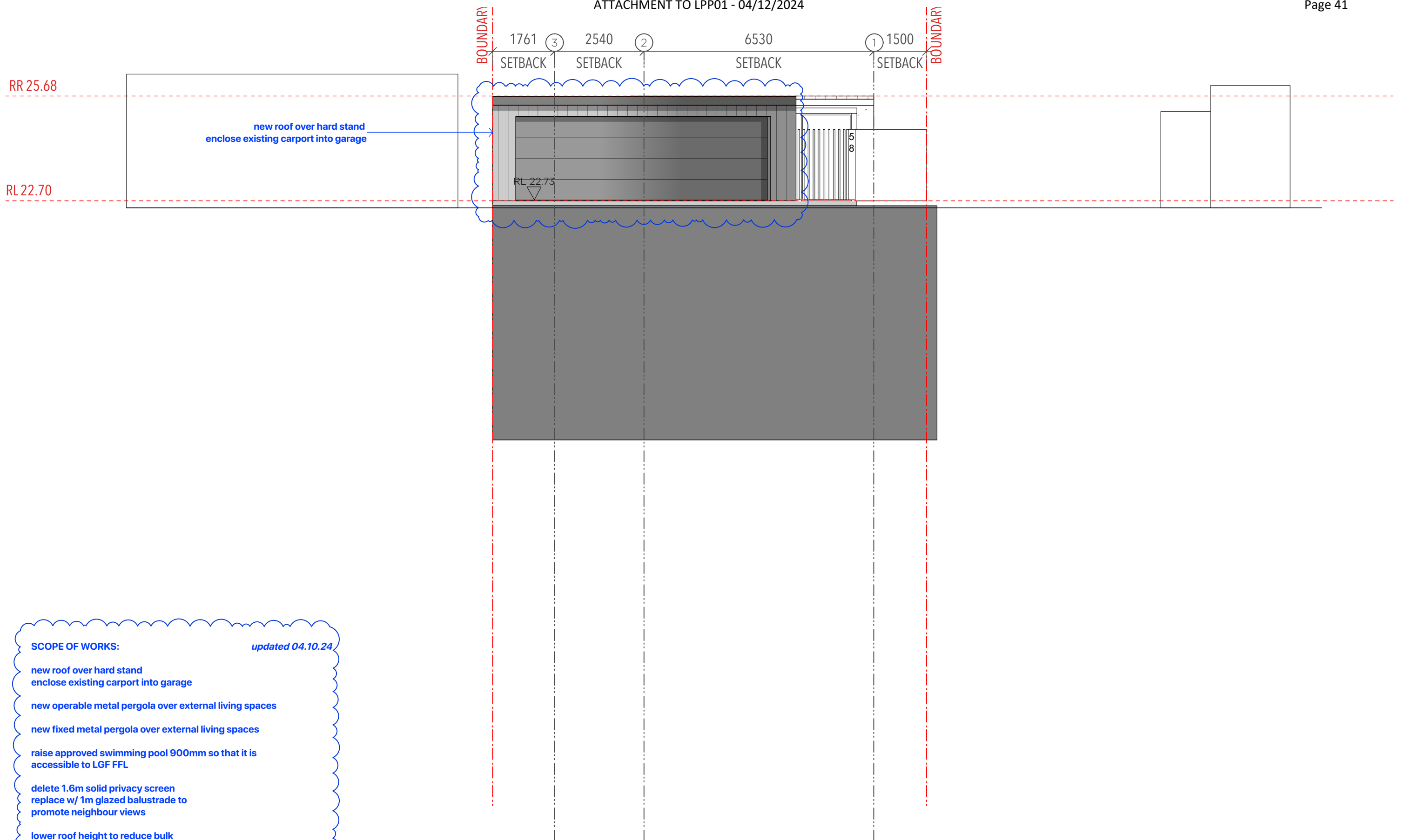
AMENDMENTS.	
241004	B COUNCIL RESUBMISSION

DRAWING NAME.
NORTH ELEVATION

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 112

REVISION. **B**



SCOPE OF WORKS: updated 04.10.24

- new roof over hard stand
enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen
replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk
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LEGEND.	EXISTING	MASONRY	TIMBER	STEEL	CONCRETE	CLADDING	METAL ROOFING/CLADDING	TIMBER FLOOR	CARPET FLOOR	TILE FLOOR	DECKING
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S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA

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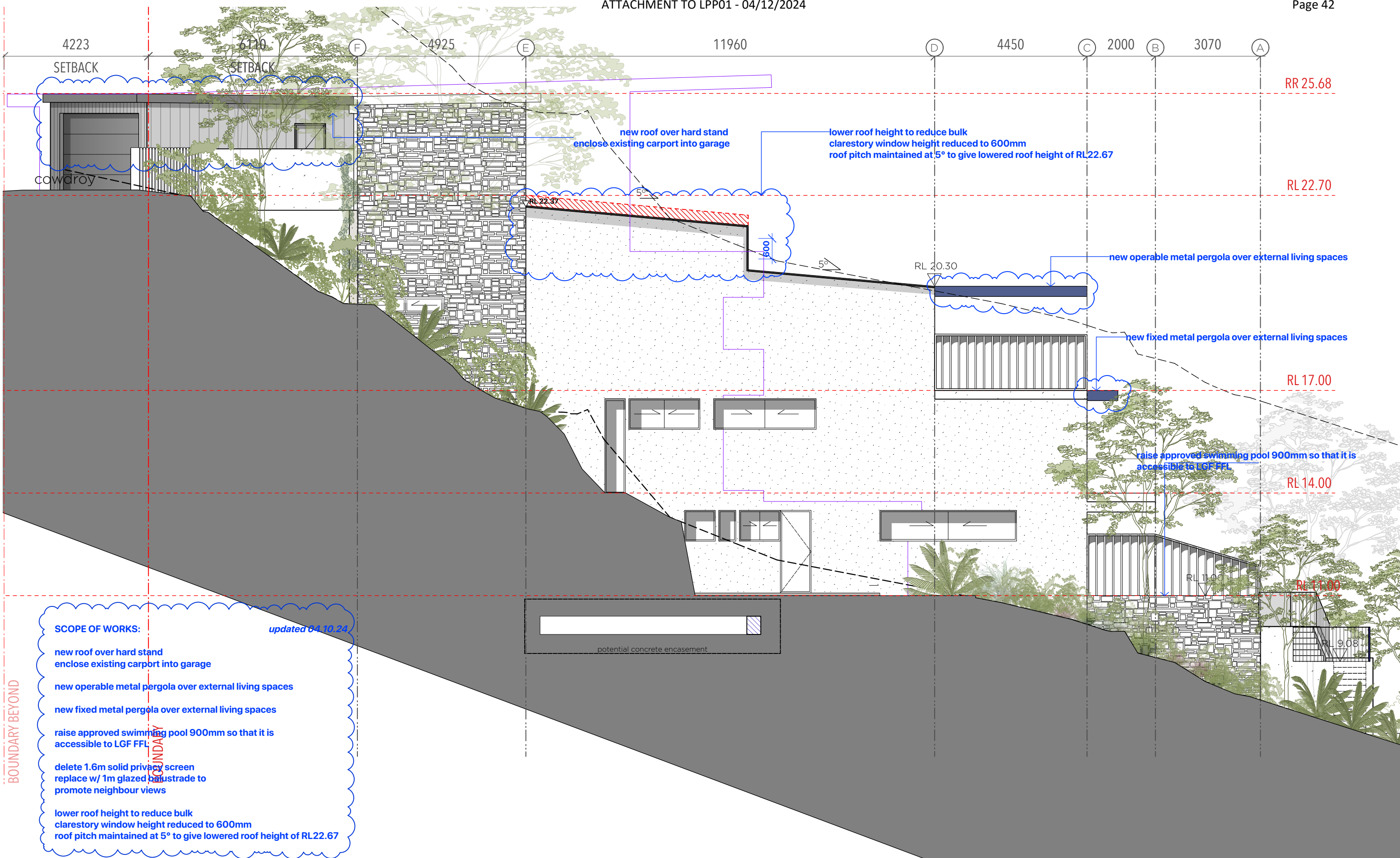
AMENDMENTS.	
241004	B COUNCIL RESUBMISSION

DRAWING NAME.
SOUTH ELEVATION

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 113

REVISION. **B**



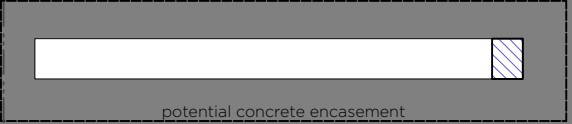
SCOPE OF WORKS:

updated 04.10.24

- new roof over hard stand enclose existing carport into garage
- new operable metal pergola over external living spaces
- new fixed metal pergola over external living spaces
- raise approved swimming pool 900mm so that it is accessible to LGF FFL
- delete 1.6m solid privacy screen replace w/ 1m glazed balustrade to promote neighbour views
- lower roof height to reduce bulk clarestorey window height reduced to 600mm roof pitch maintained at 5° to give lowered roof height of RL22.67

BOUNDARY BEYOND

SUNDAY



LEGEND.	EXISTING	MASONRY	TIMBER	STEEL	CONCRETE	CLADDING	METAL ROOFING/CLADDING	TIMBER FLOOR	CARPET FLOOR	TILE FLOOR	DECKING
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S4.55 MOD TO DA_58 COWDROY AVENUE, CAMMERAY, 2062 (LOT 33 / - / DP 8933)

PREPARED FOR PAUL + RENATA



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AMENDMENTS.	
241004	B COUNCIL RESUBMISSION

DRAWING NAME.
EAST ELEVATION

DATE: 04.10.2024
SCALE: 1:100 AT A3

DRAWING NO.
4.55 114

REVISION. **B**



Camera 01
 RL 19.75
 Camera RL 21.25
 Focal Length 50mm
 f 1.8



Camera 02
 RL 19.75
 Camera RL 21.25
 Focal Length 50mm
 f 1.8



Camera 03
 RL 19.75
 Camera RL 21.25
 Focal Length 50mm
 f 1.8

Contact

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Nominated Architect

Anthony Saloman RAI 5884

Compliance

Comply with all relevant authorities, NCC and Australian Standards. Dimensions in mm. Do not scale from drawings - use figured dimensions only and notify Architect if discrepancy exists.

Legend

- Approved Development 
- Proposed Development 
- Existing Structure - Approved for demolition 

Date Rev. Description

02/10/2024 A PRELIMINARY - Client Review

Project

New Single Residential Development at
 56 Cowdroy Avenue, Cammeray NSW 2062

Client

Paul & Renata Etherington

Status

Modification to Development Consent (4.55)

Scale

1:100@A3

North

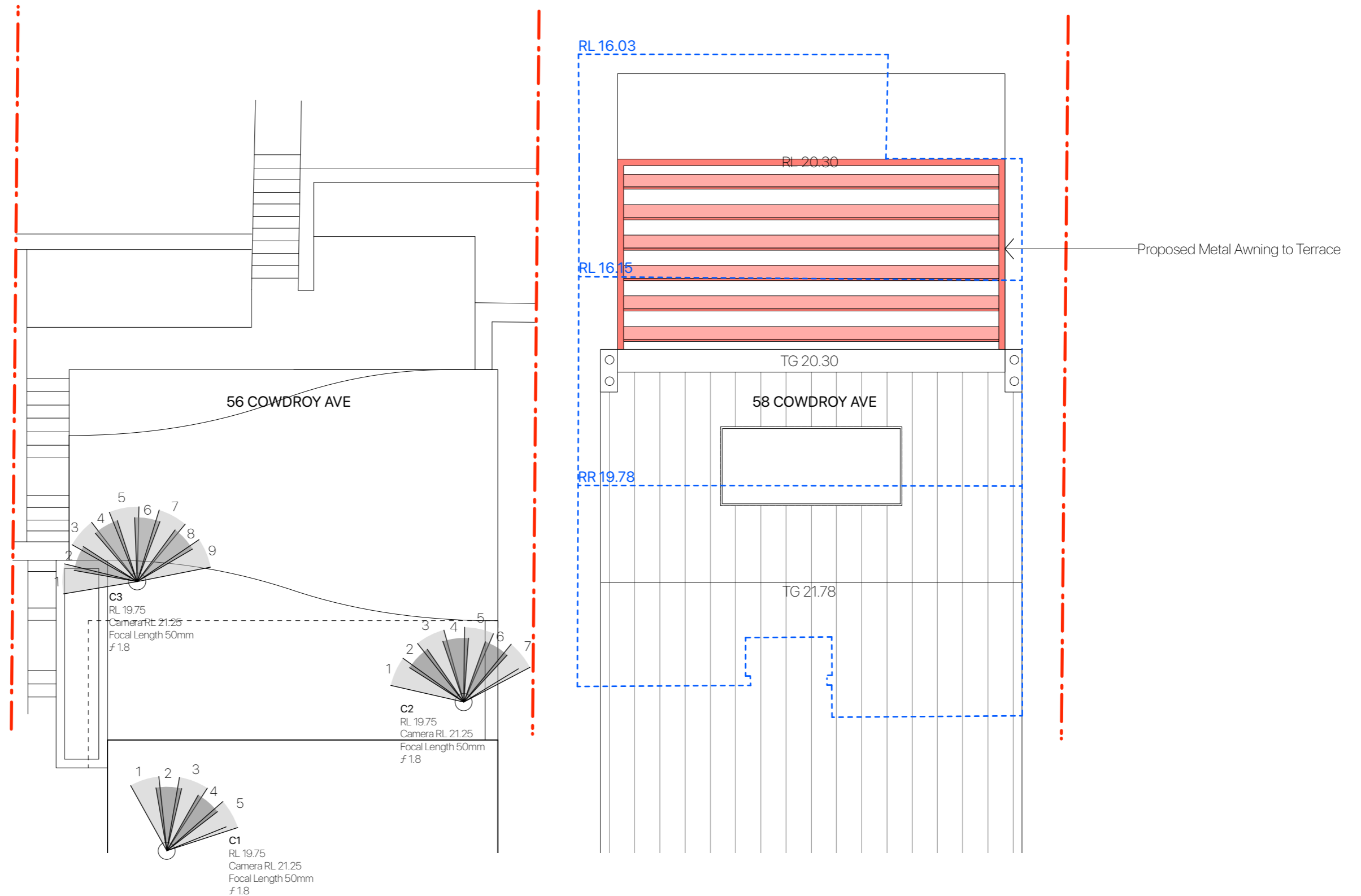


Drawing

View Sharing Analysis Diagram
 taken from 56 Cowdroy Ave Cammeray

Sheet

4.55 - 202



Contact

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Nominated Architect

Anthony Solomon RAI 5684

Compliance

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Legend

- Approved Development
- Proposed Development
- Existing Structure
- Approved for demolition



Date

02/10/2024 A PRELIMINARY - Client Review

Date	Rev.	Description

Project

New Single Residential Development at
58 Cowdroy Avenue, Cammeray NSW 2062

Client

Paul & Renata Etherington

Status

Modification to Development Consent (4.55)

Scale

1:100@A3

North



Drawing

View Sharing Analysis Diagram

Sheet

4.55 - 201