

## ADDENDUM TO REPORT OF AK PLANNING DATED 22/9/21

**SUBJECT:** ITEM 1 – 13 Shellcove Road, Kurraba Point  
**APPLICATION NO.** DA33/2021  
**AUTHOR:** Stephen Beattie, Manager of Development Services  
**DATE:** 5 October 2021

**Attachments:** Submissions of:  
1. Applicant's Spouse  
2. Applicant's Town Planner  
3. Applicant's Heritage Consultant

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### SUMMARY

This addendum report is prepared in response to the three submissions made on behalf of the Applicant after the planning report prepared by AK Planning was published on Council's website for DA33/2021 involving 13 Shellcove Road, Kurraba Point which is currently before the Panel for consideration at its meeting to be held on 6 October 2021.

The application was first considered by NSLPP on 4 August 2021 that was deferred to give the Applicant an opportunity to amend the application to provide *"more appropriately resolve the relationship of the heritage dwelling, and the extensive alterations and additions proposed. The matters to be resolved by amended architectural plans include the following:*

- *The lower ground 2 basement level is to be treated as a largely subterranean level to be only accessed internally to generally conceal its presentation as a visible level. This will allow the first basement level, the living area, to provide an appropriate and improved access and connection with the garden area. A consequence of this change may require the swimming pool to be reduced in length to maintain the existing setback to the foreshore;*
- *The ensuites on the verandah are to be deleted and the open verandah reinstated. The ensuites may be reconfigured internally;*
- *The lower ground 1 eastern elevation shall be redesigned to include greater proportional use of sandstone to the façade to provide a more solid base to reflect the presentation of the dwelling;*
- *The Panel encourages the applicant where possible to reuse existing cut sandstone in the reconstruction of the building additions and landscaping;*
- *A more detailed landscape plan is required, and this includes the careful location of canopy trees, Angophora Costas, to enhance the development.*
- *The materials and finishes and proportions of the alterations and additions are to reflect/compliment the existing dwelling, with an appropriate material and finishes pallet (clearly the Panel is not seeking to mimic the architecture).*
- *The 6% non-compliance site coverage is to be addressed. "*

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The amended plans received 30 August 2021 were forwarded to the independent Consultant Town Planner and Heritage Planner for assessment. The amended plans were also notified in accordance with Council's Community Engagement Protocol.

The addendum assessment report published 30 September 2021 provides a wholistic assessment of the amended application, noting that a determination of the application has not yet been made by the Panel, including specific reference to the matters to be resolved (as reproduced above). Ultimately a recommendation was made by the Consultant where it was found that the application be recommended for approval subject to a Deferred Commencement condition. This recommendation was made having regard to the Panel's Minutes and the matters for consideration in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The Consultant Town Planner, subject to the advice of the Consultant Heritage Planner was not ultimately satisfied that the amended plans had not adequately addressed the matters to be resolved in their entirety having regard to the matters for consideration in s4.15(1) especially the heritage significance of the heritage listed dwelling and the wider conservation area.

This report was reviewed by Council Assessment Staff for completeness, including ensuring any prerequisite requirements were satisfied so that a final determination could be made by the Panel. The report has been provided to the Panel in a materially unchanged form following general formatting and review and was reviewed by the Consult Town Planner prior to publication.

The Applicant is provided further opportunity to address the matters raised and proposed conditions, including the deferred commencement conditions and the matters raised in the addendum report during the course of the public meeting scheduled for 6 October 2021.

Should the Panel resolve to determine the application by adopting the deferred commencement condition in its entirety, or in part, the condition has been drafted such to require approval by Council's Manager of Development Services which is taken to be an appropriate delegation from the Panel to a member of staff and is facilitated in legislation.

Any decision made by the Manger of Development Services would be done following consultation with the Consultant Town Planner and Consultant Heritage Planner, as required, and does not seek to make any further merit assessment of the application. This is standard practise wherever a matter has been referred to a consultant for review and reporting purposes due to conflict of interest issues and ensures the maintenance of independence of decision making.

The imposition of Deferred Commencement conditions provides greater flexibility for the applicant to resolve these matters which could not reasonably be achieved through conditions drafted in the definitive form should they be imposed as standard prior to Construction Certificate conditions.

It is open to the panel to adopt, amend or reject the recommendation and/or draft conditions Contained within the consultant planners report.

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This opportunity is also made to confirm the date of the report being 28 September 2021 as the date of drafting as shown on the cover page of 22 September 2021 was not updated to reflect the further amendments to address the final submissions made within the notification period before being finalised by the Consultant Town Planner and reviewed by the relevant Assessment Staff on 28 September 2021.

SIGNED

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Stephen Beattie  
**MANAGER OF DEVELOPMENT SERVICES**