

**NSLPP MEETING HELD ON 6/10/21****Attachments:**

1. Amended Architectural Plans
2. Independent Heritage Assessment Report
3. Link to Original Assessment Report
4. Original Amended Plans

**ADDRESS/WARD:** 13 Shellcove Road, Kurraba Point**APPLICATION No:** DA33/21**PROPOSAL:** Alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 15m pool, internal and external alterations to existing dwelling, landscaping works**PLANS REF:**

Drawing Number	Rev	Title	Drawn By	Dated
<b>Architectural Plans</b>				
DA002	A	Site Plan	Nettleontribe	24/08/21
DA003	A	Demolition Plan	Nettleontribe	24/08/21
DA004	A	Demolition Plan – Front fence	Nettleontribe	24/08/21
DA013	A	Lower Ground 2 Floor Plan	Nettleontribe	24/08/21
DA014	A	Lower Ground 1 Floor Plan	Nettleontribe	24/08/21
DA015	A	Ground Floor Plan	Nettleontribe	24/08/21
DA016	A	Level 1 Floor Plan	Nettleontribe	24/08/21
DA017	A	Roof Level Plan	Nettleontribe	24/08/21
DA021	A	Section A-A	Nettleontribe	24/08/21
DA022	A	Section B-B	Nettleontribe	24/08/21
DA023	A	Section C-C & D-D	Nettleontribe	24/08/21
DA024	A	8.5m Height Plane	Nettleontribe	24/08/21
DA025	A	Section F-F	Nettleontribe	24/08/21
DA026	A	Section G-G	Nettleontribe	24/08/21
DA027	A	Section H-H	Nettleontribe	24/08/21
DA031	A	North Elevation	Nettleontribe	24/08/21
DA032	A	South Elevation	Nettleontribe	24/08/21
DA033	A	East & West Elevation	Nettleontribe	24/08/21
DA064	A	Site coverage, Landscape Area & Un-built upon area	Nettleontribe	24/08/21
<b>Landscape Plans</b>				
L01	I	Lower ground 2 and ground floor plan	Site Design Studios	20/08/21
L02	I	Planting schedule and image	Site Design Studios	20/08/21
L03	I	Landscape irrigation and maintenance	Site Design Studios	20/08/21
L04	I	Planting Details	Site Design Studios	20/08/21

**OWNER & APPLICANT:** Mary Ann Beregi**AUTHOR:** Annelize Kaalsen of AK Planning**DATE OF REPORT:** 22 September 2021**DATE LODGED:** 2 February 2021**AMENDED:** 31 August 2021**RECOMMENDATION:** Deferred Commencement

## EXECUTIVE SUMMARY

This application was reported to the North Sydney Local Planning Panel on 4 August 2021 proposing alterations and additions to the existing heritage listed dwelling including excavation for two levels below the existing dwelling, a 25m pool, internal and external alterations to the existing dwelling and associated landscaping works, on land at 13 Shellcove Road, Kurraba Point with a recommendation for refusal.

**At the above meeting, NSLPP deferred the matter to allow the applicant the opportunity to amend the plans in order to more appropriately resolve the relationship of the heritage dwelling and the extensive alterations and additions proposed. The original application was reported to NSLPP because 10 or more unique submissions were received, and because the owner is a Councillor, which require determination by NSLPP as directed by the Minister for Planning, Industry and Environment.**

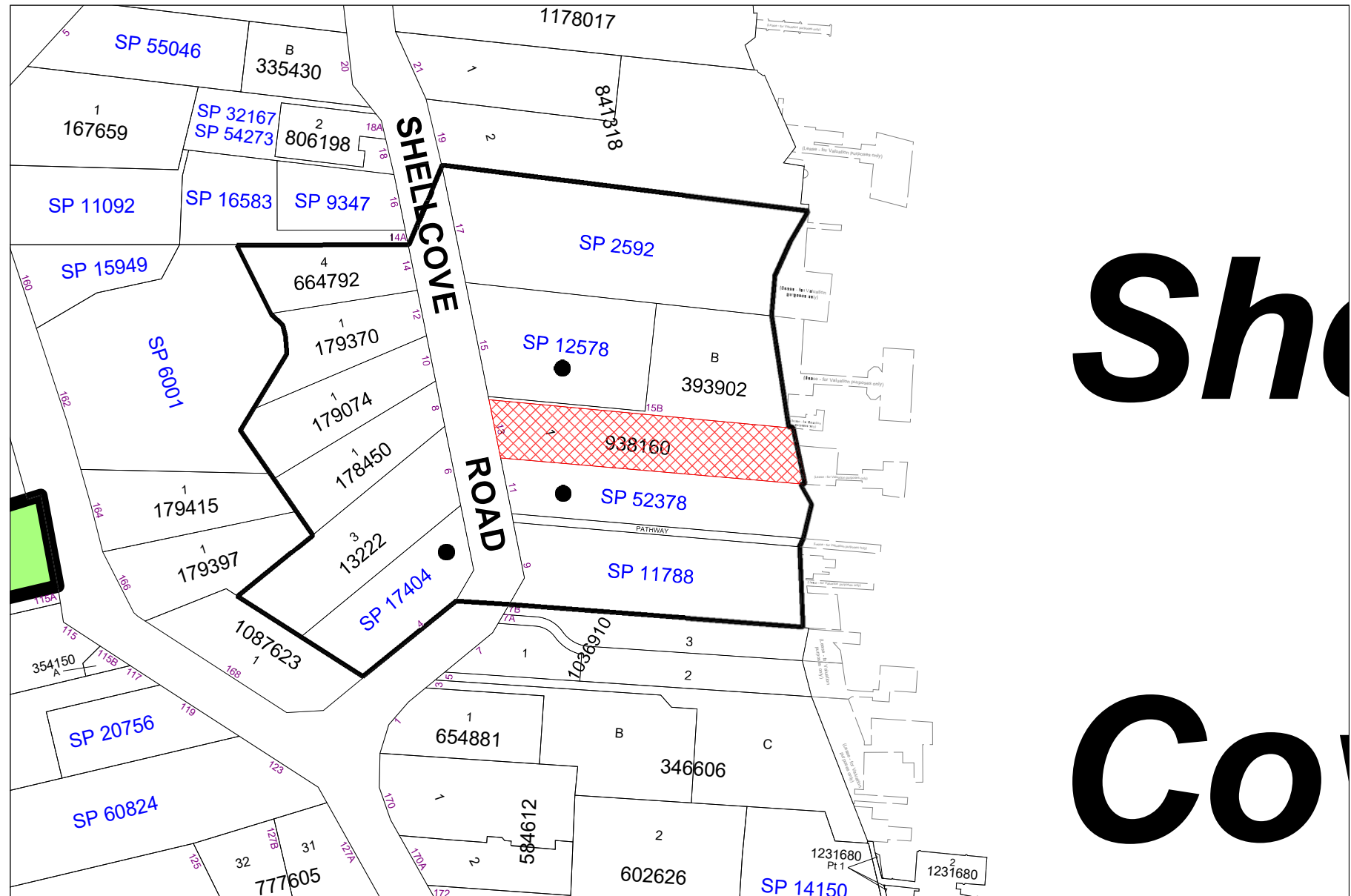
The applicant has submitted amended plans as requested by the NSLPP. Although some improvements have been made the amended plans are considered to not adequately address the criteria as detailed in the Minutes from the meeting held on 4 August 2021. Particularly, the Lower Ground 2 floor plan has not been treated as a “*largely subterranean level*”, and the amendments do not conceal its presentation as a visible level.

Following re-notification of the amended plans, Council received three (3) further submissions that raised concerns about the extent of excavation and structural stability, and the location and size of the proposed *Angophora costata* trees. The submissions have been considered in the assessment of the application where it is concluded that the proposal is unlikely to give rise to any unreasonable amenity impacts given the amended proposal is compliant with the key planning controls including site coverage and can be addressed by the recommended conditions.

The independent heritage assessment undertaken by Kemp and Johnson Heritage Consultants, in part supports the amended proposal, since the amendments are more sympathetic and in keeping with the character of the Arts and Craft style of the Heritage Item. However, the infill of the front porch for the purposes of new stairs to the lower level is considered an unacceptable adverse impact on the original fabric of the house. In addition, the large aluminium framed openings to the eastern and northern elevations remains as unsympathetic additions to the heritage dwelling. The independent heritage consultant has recommended conditions of consent to deal with outstanding concerns including the treatment of the eastern façade; the infill of the front porch, the proposed materials and finishes and the excessive glazing to ensure the works conserve the heritage significance of the Heritage Item and surrounding Conservation Area.

Following this assessment and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 (as amended), the application is recommended for **deferred commencement approval** subject to a re-design of the Lower Ground 2 floor plan in order to conceal its presentation as a visible level and address the heritage requirements as outlined in the independent heritage assessment.

LOCATION MAP



□ Property/Applicant    ● Submitters - Properties Notified

## DESCRIPTION OF AMENDED PROPOSAL

The amended development application seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to the existing heritage listed dwelling including excavation for two levels below the existing dwelling, a 15m pool, as well as internal and external alterations to the existing dwelling and associated landscaping works. This application was deferred by NSLPP at their meeting held on 4 August 2021. In deferring the application, the Panel Minutes stated:-

*“The Panel has decided that this matter be deferred to allow the applicant the opportunity to amend the plans to 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, Angophera 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”.*

The applicant lodged amended plans with Council on 31 August 2021 to address the requirements of the NSLPP. The application as amended proposes the following:-

### **Lower Ground 2 floor (RL10.01)**

- Excavation to allow for new:
  - Enclosed courtyard
  - Home theatre
  - Bathroom
  - Lift and stairs
    - Gym
    - Games room
    - Laundry and powder room
    - Terrace with BBQ area
  - Rainwater tank
- Lap Pool (15m long x 2.54m wide)
- New landscaping

**Lower Ground 1 Floor (RL13.01)**

- Excavation to allow for new:
  - TV Room
  - Void, lift and stairs
  - Piano room
  - Study
  - Powder room
  - Living, dining and kitchen (incl pantry)
- New external stairs

**Ground Floor (RL16.71)**

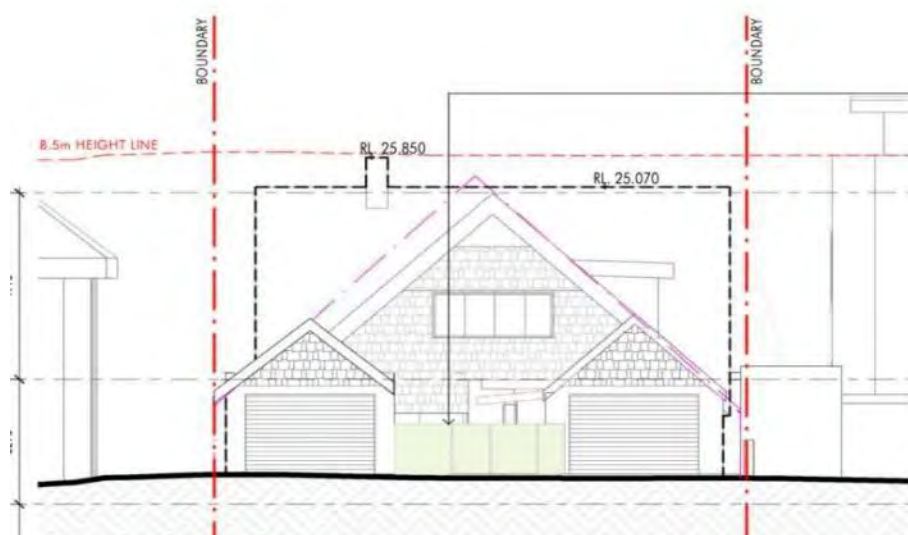
- Demolition of internal walls to allow reconfiguration of rooms
- Bedroom 2 and 3
- Bedroom 4 with new ensuite
- New stairs (RL16.47) located on existing front porch
- New lift
- New external void
- New front gate and fence
- Removal of trees and hedges

**Level 1 Floor (RL20.0)**

- Demolish internal walls to allow for a new master bedroom including:
  - Dresser 1 and 2
  - Ensuite and WC
- Store room
- New lift

**Below FSBL**

- New landscaping including new plantings



**Figure 2: Western / street elevation**



Figure 3: Original Eastern Elevation

Amended Eastern Elevation

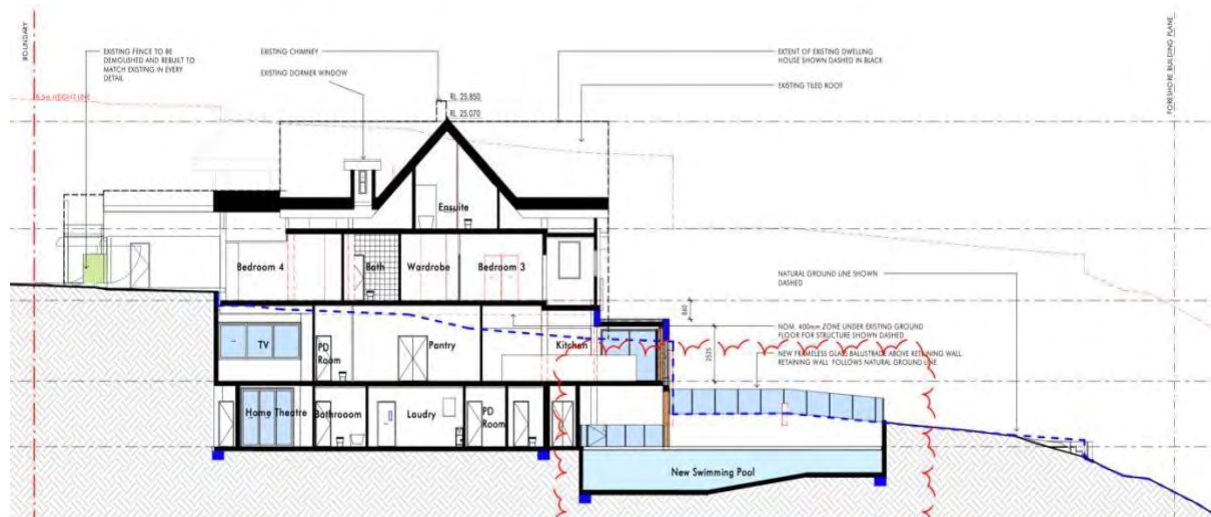


Figure 4 – Long Section

Below follows a summary of the amendments against the matters listed to be resolved by the NSLPP:-

- *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;*

**Comment:**

The amended plans deleted the external access stairs on the Lower Ground 2 plan from the terrace to the rear yard and introduced an altered stair configuration, adjoining the northern boundary, to allow access from the new dining room sliding door to the rear yard.

The entry porch is still proposed to be used for stair access to the lower levels.

The amended plans have not resolved to conceal the presentation of the Lower Ground 2 level as a visible level. Refer to detailed discussion under NSDCP section of this report.

- *The ensuites on the verandah are to be deleted and the open verandah reinstated. The ensuites may be reconfigured internally;*

**Comment:**

The amended plans have deleted the ensuites to the existing verandah however, the existing unsympathetic glass in-fill panels to the openings are being retained, in addition the internal configuration of the Ground Level has been retained as originally proposed.

The amendments have not adequately reinstated the characteristic element of an open verandah which is typical of the era of this heritage item. The heritage consultant has recommended appropriate conditions of consent to restore the verandah to its original open form.

- *The lower ground 1 eastern elevation shall be redesigned to include a greater proportion of sandstone to the façade to provide a more solid base to reflect the presentation of the dwelling;*

**Comment:**

The amended plans have increased the width of the sandstone columns on the Lower Ground 1 level to 1m wide at each end whilst the sandstone columns in between have been reduced to 800mm. The sandstone columns on the Lower Ground 2 level have also been thickened to 1m wide however only at the northern end (no change to southern end) whilst the two sandstone columns in between have been widened to 800mm.

This is considered an improvement to the additional use of sandstone on the eastern façade.

- *The Panel encourages the applicant where possible to reuse existing cut sandstone in the reconstruction of the building additions and landscaping;*

**Comment:**

The existing sandstone will be reused in the construction of the sandstone base, especially on the eastern elevation. A condition of consent has been recommended to achieve this desired outcome.

- *A more detailed landscape plan is required, and this includes the careful location of canopy trees, Angophera Costas, to enhance the development.*

**Comment:**

The amended Landscape Plans have not altered the location of the proposed two *Angophora costata* native trees (remain as originally proposed). The amended plans accommodate the reduction in the pool size allowing lawn/turf.

Refer to Council's Landscape Development Officer's comments under Referral section of this report. Generally, the plans are considered satisfactory subject to recommended conditions of consent.

- *The materials and finishes and proportions of the alterations and additions are to reflect/compliment the existing dwelling, with an appropriate material and finishes palette (clearly the Panel is not seeking to mimic the architecture).*

**Comment**

The amended plans seek to replace the original glass balustrades with steel balustrades on the eastern elevation, whilst the proposed glazing on the Lower Ground 1 and 2 levels were setback 300mm from the sandstone facade.

The proportions of the glazing have not been amended and the window frame materials remain nominated as aluminium. The independent heritage consultant is not supportive of the extent of glazing nor the use of aluminium window frames as proposed. Refer to the heritage referral section of this report for detailed discussion.

In summary, conditions of consent are recommended to allow all new external windows and doors to be timber framed whilst the glazing on the rear / eastern elevation Lower Ground 1 level is to be reconfigured to allow for timber framed multi-paned glazing which reflects the existing vertical window proportions.

- *The 6% non-compliance site coverage is to be addressed.*

**Comment**

The amended plans have reduced the size of the pool (reduction in length from 25m to 15m) resulting in full compliance with the site coverage controls resulting in more landscaped area. Refer to the NSDCP section of this report for detailed discussion.

**STATUTORY CONTROLS**

North Sydney LEP 2013

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes (Item of local significance)
- In Vicinity of Item of Heritage – Yes (No. 11 Shellcove Road, south of the subject site)
- Conservation Area – Yes (Kurraba Point Conservation Area)
- FSBL – Yes (8.7-11.5m (approx.) setback from MHWM)

Environmental Planning & Assessment Act 1979 (as amended)

SEPP No. 55 – Remediation of Lands

SEPP (Building Sustainability Index – BASIX) 2004



SREP (Sydney Harbour Catchment) 2005  
SEPP (Vegetation in Non-Rural Areas) 2017  
Draft Remediation of Land SEPP  
Foreshore Development  
Local Development

## **POLICY CONTROLS**

North Sydney DCP 2013  
Sydney Harbour Foreshore and Waterways Development Control Plan 2005  
North Sydney Local Infrastructure Plan 2020

## **DESCRIPTION OF SITE AND SURROUNDING LOCALITY**

The subject site is known as No. 13 Shellcove Road, Kurraba Point with a legal description of Lot 1 DP 938160 (refer to **Photo 1**). The subject site fronts Shellcove Road between Kurraba Road and Hollowforth Avenue. It has an irregular shape, with the following dimensions: -

- Northern boundary: 63.54m
- Southern boundary: 65.10m
- Western boundary (to Shellcove Rd): 12.725m
- Eastern boundary (to Shell Cove): 12.319m

The subject site has a total area of 768.9sqm. The site topography falls steeply away from Shellcove Road towards Shell Cove by approximately 15m, as has a slight cross fall towards the north. The existing development on the subject site consists of a part single, part two storey detached rendered brick and timber-shingle clad dwelling house with a tiled roof known as "St Agnes". The property is listed under the North Sydney Local Environmental Plan 2013 as having local heritage significance (Item No. 0687 in Schedule 5), as well as being located in the Kurraba Point Conservation Area.



**Figure 5: Aerial view of subject site and surrounding development** Source: SIX Maps



**Photo 2 – Existing Dwelling viewed from Shellcove Road**



**Photo 3 – View of existing rear/Eastern Elevation**



**Photo 4: Existing Sandstone base at rear of dwelling**

The subject site is highly visible, from public vantage points (refer to **Photos 5**). The subject site is situated within an established low-density residential area characterised by a mix of multi storey dwellings and existing apartment buildings.



**Photo 5: View of existing dwelling from Cremorne Point coastal walkway**

To the north the subject site, there is a multi storey residential flat building with an understorey parking level and a tiled roof, known as No. 15 Shellcove Road (refer to **Photos 6, 7, 8 & 9**). A driveway adjoining the northern side boundary of the subject site provides access to the understorey carparking of No. 15 and access to No. 15B Shellcove Road.



**Photo 6 & 7: No. 15 Shellcove Road and driveway access**



**Photo 8 – Rear of No. 15 Shellcove Road**



**Photo 9: No. 15B as viewed from the Boatshed of No. 13 Shellcove Road**

Adjoining the subject site to the south is No. 11 Shellcove Road (Heritage Item No. 0686) known as “Englemere”, a 4/5 storey apartment building – refer to **Photos 10 & 11**.



**Photo 10: No 11. Shellcove Road (Englemere)**



**Photo 11: Northern elevation of No 11 Shellcove Road as viewed from subject site**

## **RELEVANT HISTORY**

On 21 October 2019, an appeal was brought against the deemed refusal of development application DA249/2019 for the alterations and additions to an existing dwelling house on the subject site.

The appeal was discontinued by the applicant.

### ***Current application***

The subject application was previously reported to the NSLPP meeting held on 4 August 2021 where AKPlanning recommended refusal. At the meeting the NSLPP considered that amendments were necessary to resolve the relationship of the heritage dwelling having regard for the extensive alterations and additions proposed. The necessary amendments were set out in the Panel Minutes as previously detailed on Page 4 of this report.

The applicant lodged amended plans on the 31 August 2021, the amendments are listed on Page 4 & 5 of this report.

## **REFERRALS**

### **Heritage**

The amended proposal was referred to an independent Heritage Planner (Kemp and Johnson Heritage Consultants) whose report is provided within **Attachment 2**. The report under the heading Conclusion/Recommendation (p10) notes as follows:-

*“The proposal in the amended plans remains inconsistent and noncompliant with heritage objectives and controls of the North Sydney LEP 2013 and North Sydney DCP 2013 as outlined above, and does not adequately respond to the August NSLPP decision, and it is therefore considered unacceptable and is recommended for refusal in its current form, due to adverse impacts on the heritage significance of the heritage item, the adjacent heritage item and the CA16 Kurraba Point Heritage Conservation Area.*

*The consent authority should either:*

- 1) Refuse the application for the reasons cited above, and the failure to respond adequately to the 4 August 2021 decision of the NSLPP OR 2) Request further amended plans which:
  - a) Retain the western entry porch/verandah to the ground level and move the staircase entry to the proposed lower levels to the interior of the house, to the area of the proposed storage room, near the proposed lift and walk in wardrobe close to Bedroom 4 on the ground floor level. Insertion of the new staircase into this already altered area, while involving reduction in the size of the walk-in wardrobe, is unlikely to have adverse impacts on the heritage significance of the house.*
  - b) Show reinstatement of the eastern ground floor verandah/balcony to an open verandah through removal of late 20<sup>th</sup> century glazing;*
  - c) Redesign the eastern elevation of the basement levels to continue the engaged columns to the existing eastern façade down to the new ground level and arrange vertically proportioned timber-framed windows/doors around these engaged columns, sympathetic to the heritage listed house, and respond adequately to the August NSLPP decision.*
  - d) Show all new windows/doors to eastern and northern elevations as timber framed and vertically proportioned.*
  - e) Include a Schedule of Conservation Works to the house which should include restoration work to the timber shingling*
  - f) Accurately show existing elevations of the house which are not proposed to be altered (for example accurately depicting the existing eastern windows to the 1<sup>st</sup> floor level).**

### **Planning Comment**

It is considered that the amended proposal allows for more “solidness” with a greater proportion of sandstone being used at the corners of the building and the retention of heavier sandstone columns, which is characteristic of the traditional detailing associated with the Arts and Craft style dwelling. However, the eastern elevation still introduces large single pane aluminium glazing, which will visually compete in terms of character due to its modernist style and the extent of glazing.

A condition of consent to amend the plans to address the window and door materials; as well as window detailing, and proportions is recommended by the heritage consultant.

In addition, the amended design has not concealed the presentation of the Lower Ground 2 level as a visible level. As such it is considered not to adequately address the requirement set out in the Minutes of the NSLPP meeting of 4 August 2021. A deferred commencement condition is recommended in order to re-design the Lower Ground 2 level as recommended by the Panel and address the heritage requirements (*refer to Condition AA1(a-f)*).

It is considered that the proposal as amended by conditions of consent satisfy Clause 5.10 of the NSLEP.

### **Landscape**

The amended landscape plans were referred to Council's landscape officer who had no further comments.

The original comments remain:-

### **REQUIRED AMENDMENTS**

- *2 x Cyathea sp. (4-5m) are located to the west of the boatshed. These trees are not shown on any drawings but are a naturally occurring native species and they should be retained and protected and shown on amended drawings.*

*All previous conditions advised in the Landscape Comments provided on 16 March 2021 should remain.*

### **Planning comment**

The landscape comments are noted, and appropriate conditions of consent are recommended.

### **Engineering**

Council's Development Engineer raised no concerns with regards to the application subject to recommended conditions of consent.

It was noted that approval is sought from the Traffic Engineering Department given that the site has difficult access presenting difficulties during any construction phase. If the Panel were of a mind to approve the subject application, a Construction and Traffic Management Plan is required prior to the issue of any construction certificate (*refer to Condition B1*).

### **Planning Comment**

The comments are noted.

### **External Referrals**

### **Foreshore Committee**

## Planning comment

The application was referred to Foreshore Committee for comment, however at the time of writing this report no responses were received and therefore concurrence can be assumed pursuant to clause 29 of SREP (Sydney Harbour Catchment) 2005.

## SUBMISSIONS

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](https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs) and are available for review by NSLPP members.

Details of the submissions received in response to the original plans and first application amendment can be found within the previous assessment report (**Attachment 3**).

The amended plans were notified to adjoining properties inviting comment on the proposal between 10 and 24 September 2021. Council received three (3) submissions. In this regard, new issues not raised during the previous assessment are detailed below:-

### ***Basis of Submissions***

- Location and size of *Angophora costata* trees
- Traffic management during construction
- The extent of excavation
- Detrimental impact to the heritage significance of the dwelling

## CONSIDERATION

### *Original Plans*

A detailed assessment of the original application (as amended by the first set of amended plans) and reasons for refusal are provided in **Attachment 3**.

### *Amended Plans*

A detailed assessment of the amended plans received 30 August 2021 is provided below.

The relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

#### **i. SEPP 55 - Remediation of Land /Draft SEPP (Remediation of Land)**

The provisions of SEPP 55 require Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has previously been used for residential development and as such is unlikely to contain any contamination; therefore, the requirements of the SEPP and Draft Policy have been satisfactorily addressed.



**ii. SEPP (Building Sustainability Index – BASIX) 2004**

As the proposal involves building works which exceed \$50,000 in value, a valid BASIX certificate is required detailing energy efficiency commitments to be undertaken with the proposed works. It is noted that a valid BASIX certificate has been submitted (Certificate Number A401448 dated 17 December 2020) and commitments, where relevant, have been shown on the submitted plans. The proposed development is acceptable in this regard.

**iii. SEPP (Vegetation in Non-Rural Areas) 2017**

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

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

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

**iv. SREP (Sydney Harbour Catchment) 2005**

The amended plans would be generally consistent with the existing adjoining built forms in terms of height, bulk, scale and appearance. The proposal would not change the level of public access to the foreshore given that there is no formal public access to the subject site, and this proposal would not alter this arrangement.

For a full assessment refer to the previous assessment report at **Attachment 3**.

**v. Draft SEPP (Environment)**

This draft SEPP proposes to integrate the provisions of seven (7) SEPPs/SREPs including SREP (Sydney Harbour Catchment) 2005. The majority of the current provisions of SREP (Sydney Harbour Catchment) 2005 would be transferred to the draft SEPP with necessary updates and some amendments. This is discussed in the Explanation of Intended Effect (EIE) for the proposed Environment SEPP.

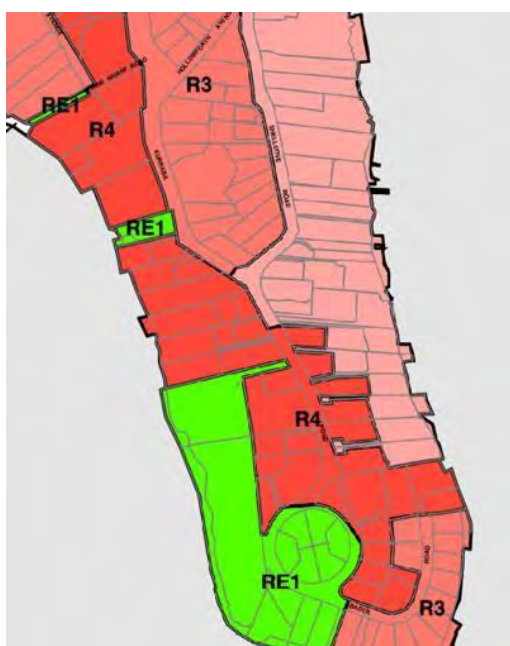
The amended proposal would not offend the relevant provisions of the draft SEPP in general terms due to the nature of the proposed development as there would be negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

## ***NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013***

### **1. Permissibility within the zone**

The site is zoned 'R2 Low Density Residential' under the provisions of the North Sydney Local Environmental Plan 2013 refer to **Figure 8** and is listed as a heritage item under Part 1 of Schedule 5 of the NSLEP 2013 as well as being located within the Kurraba Point Conservation area – refer to **Figure 9**.

The proposed alterations and amendments are a permissible form of development in this zone with development consent from Council.



**Figure 8: Zoning**



**Figure 9: Heritage**

### **2. R2 Low Density Residential zone objectives**

The amended proposal as amended by conditions of consent, is generally consistent with the objectives of Zone R2 (Low Density Residential) as outlined in the Land Use Table of NSLEP 2013.

### **3. Provisions of NSLEP 2013**

The application has been assessed against the relevant requirements in NSLEP 2013 and DCP 2013 as indicated in the following compliance tables.

#### **Clause 4.3 Heights of Building**

The subject site has a maximum permissible building height of 8.5m. The proposed development do not alter the existing height at 9.8m. The proposed development does not include any new works above 8.5m (or any works to the existing roof for that matter) and therefore complies with the development standard.

### Clause 5.10 Heritage Conservation

The application has been assessed against the relevant heritage objectives and provisions as contained in the North Sydney LEP 2013 and found to be generally satisfactory because the proposal, as amended by conditions of consent (*refer to Conditions AA1(a-f); C9 and C10*), is likely to retain the character and significance of the subject heritage listed dwelling.

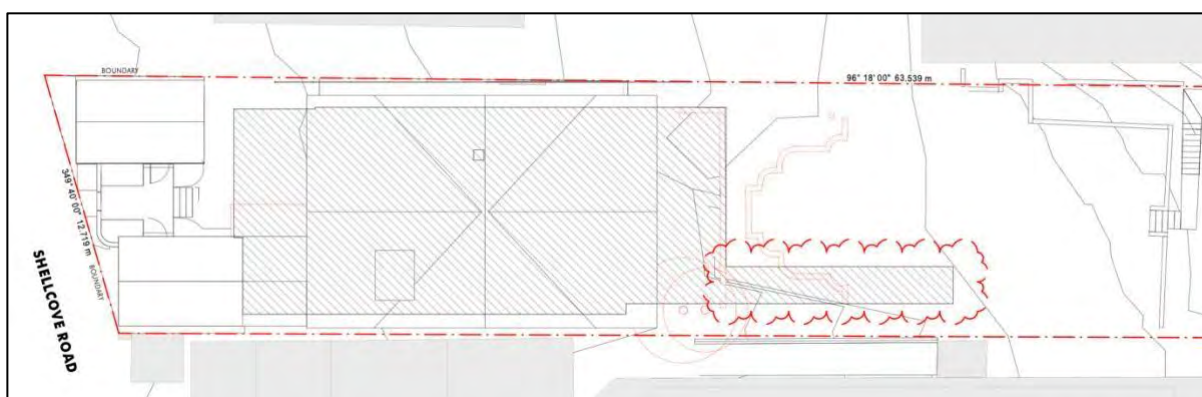
### Clause 6.9 Limited development on foreshore area

The majority of the proposed works would be carried out above the foreshore building line, with the only encroachment being new landscape plantings which clause 6.9 does not exclude Council's Landscape Officer raised no concern with the proposed planting forward of the LEP Foreshore Building Line. However, it was noted that two (2) trees located to the west of the existing boatshed (below MHWL) are not shown on any plans and should be retained. Appropriate conditions of consent to this effect has been included below (*refer to Condition C14*).

### Clause 6.10 Earthworks

The amended development involves excavation to accommodate two (2) habitable levels under the existing dwelling (lower ground levels 1 & 2), as well as a new 15m lap pool (see **Figure 10** below).

The excavation under the proposed dwelling extends beyond the footprint of the existing heritage dwelling and is located in close proximity to No. 11 Shellcove Roads entry way (which is also heritage listed). The excavation proposed represent 31.7% of the site, to a maximum depth of 7.1m.



**Figure 10: Demolition / proposed excavation plan**

The applicant has submitted a geotechnical report as well as a report prepared by a structural engineer detailing the proposed works.

The proposal has been assessed against the provisions of Clause 6.10(3) in NSLEP 2013 and is unlikely to cause disruptions or detrimental effects on drainage patterns, soil stability and vegetation.

Council’s Development Engineer has recommended appropriate engineering conditions including the requirements for the submission of dilapidation reports and further geotechnical certificates (**refer to Conditions C3; C4; C5; E6; and F8**).


In order to minimise adverse impacts on the amenity of the adjoining properties during the construction phase, Council’s Development Engineer has recommended appropriate conditions of consent relating to road safety; geotechnical stability during works; construction hours, air quality, noise/vibration, health and safety.


#### 4. North Sydney DCP 2013

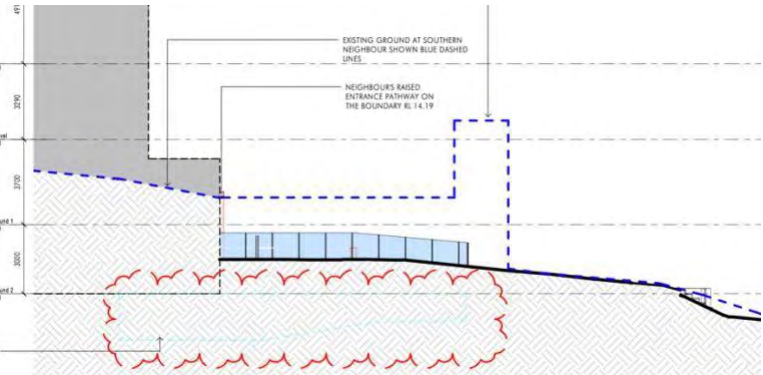
The application has been assessed against Part B, Section 1 ‘Residential Development’ and Section 13 “Heritage and Conservation” in NSDCP 2013 as detailed in the table below:

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
<b>Control</b>	<b>Complies</b>	<b>Comments</b>
<b>1.2 Social Amenity</b>		
Population Mix	Yes	The proposed development does not affect this consideration.
Maintaining Residential Accommodation		
Affordable Housing		
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Subject to condition	The amended proposal slightly reduces the extent of the excavation with a reduction to the pool size but the excavation underneath the dwelling still remains.  Council’s Development Engineer raised no concern with the proposed extend of excavation subject to conditions of consent (refer to Conditions C3; C4; C5; E6; and F8). Moreover, NSLPP was not opposed to the proposed excavation, subject to satisfying the engineering requirements to ensure the structural integrity of the existing building and that of adjoining properties is maintained.
<b>1.3.4 Properties with a foreshore frontage</b>	Yes	The proposal generally satisfies the provisions and objectives of SREP (Sydney Harbour Catchment) 2005 – refer to assessment against SREP above. The proposal does not include works forward of the FSBL other than additional landscape plantings that was found to be appropriate by Council’s Landscape Officer.
<b>1.3.5 Visual Impact</b>	Subject Condition	The subject site is highly visible from public vantage points (Cremorne Point foreshore walkway) and Shell Cove.  It is considered that the amended development application improves the visual character from what was originally proposed, however the Lower Ground 2 level has not been concealed as a visible level and as such a deferred commencement condition is recommended to ensure that this level is treated as a largely subterranean level (refer to Condition AA1(a)).
<b>1.3.6 Views</b>	Yes	The amended plans do not alter the original assessment with regards to view impacts (refer to Attachment 3). In summary, the application will have no material impact on views.
<b>1.3.7 Solar Access</b>	Yes	The amended plans do not alter the original assessment with regards to overshadowing (refer to Attachment 3). In summary, the proposal will retain a minimum of 3 hours of solar access to main internal living areas and the principal private open spaces of adjoining properties.

<p><b>1.3.10 Visual Privacy</b></p>	<p>Yes</p>	<p>The amended plans do not alter the original assessment with regards to privacy in general (refer to Attachment 3). However, the impact of the proposed amendments are discussed below:-</p> <ul style="list-style-type: none"> <li>• Lower Ground 2 Floor Plan (Pool)</li> </ul> <p>The swimming pool is located 1.2m from the southern boundary for a length of 15m. The finished coping level is well below the EGL (5m-1.1m) preventing any opportunity for overlooking. In addition, the landscape plan allows for 20 Lilly Pilly's along the southern boundary, further minimising any opportunity for overlooking</p> <ul style="list-style-type: none"> <li>• Lower Ground 1 floor Plan (Northern elevation)</li> </ul> <p>The amended plans allow for a sliding door and a window within the dining room. This opening is elevated and setback 1.8m from the common boundary. The window and glass door would overlook the carpark and the driveway of No. 15A Shellcove Road with no opportunity for direct overlooking of habitable rooms or private open spaces.</p>																																																							
<p><b>1.4 Quality built form</b></p>																																																									
<p><b>1.4.1 Context</b></p>	<p>Yes, by condition of consent</p>	<p>The proposed development as amended by conditions of consent is considered (Condition AA1) consistent with the context of the Kurraba Point Conservation Area for the reasons provided within the Heritage assessment and throughout this report.</p>																																																							
<p><b>1.4.3 Streetscape</b></p>	<p>Yes</p>	<p>Conditions are proposed to ensure that Council's infrastructure and footpaths are not damaged (refer to conditions C2 and C13),</p>																																																							
<p><b>1.4.5 Siting</b></p>	<p>Yes</p>	<p>The characteristic building orientation and siting is maintained. The heritage assessment raised no concern with the siting of the proposed development.</p>																																																							
<p><b>1.4.6 Setbacks – Front</b></p>	<p>Yes</p>	<p>No change to existing.</p>																																																							
<p><b>Setback – Side Ground floor (up to 4m) = 900mm 2nd storey (up to 7m) = 1.5m 3rd storey (above 7m) = 2.5m</b></p>	<p>Existing noncompliance (Acceptable on merit)</p>	<p>A DCP side boundary setback compliance table is provided below.</p> <table border="1" data-bbox="612 1261 1410 1603"> <thead> <tr> <th>Elevation</th> <th>Existing</th> <th>Proposed</th> <th>Control</th> <th>Comply</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>N Elevation</b></td> </tr> <tr> <td>LG2</td> <td>-</td> <td>1.36 (below EGL)</td> <td>1m</td> <td>Yes</td> </tr> <tr> <td>LG1</td> <td>-</td> <td>1.36 (part below EGL)</td> <td>1m</td> <td>Yes</td> </tr> <tr> <td>GL</td> <td>1.3m</td> <td>1.3m</td> <td>900mm</td> <td>Yes</td> </tr> <tr> <td>L1</td> <td>1.3m</td> <td>1.3m</td> <td>1.5</td> <td>No (existing)</td> </tr> <tr> <td colspan="5"><b>S Elevation</b></td> </tr> <tr> <td>LG2</td> <td>-</td> <td>900mm (below EGL)</td> <td>1m</td> <td>Yes</td> </tr> <tr> <td>LG1</td> <td>-</td> <td>900mm (below EGL)</td> <td>1m</td> <td>Yes</td> </tr> <tr> <td>GL L1</td> <td>900mm</td> <td>900mm</td> <td>900mm</td> <td>Yes</td> </tr> <tr> <td></td> <td>900mm</td> <td>900mm</td> <td>1.5mm</td> <td>No (existing)</td> </tr> </tbody> </table> <p>The amended plans allow new wall heights on the northern elevation; however these are now limited to 4m high and setback 1.3m from the common boundary, satisfying the side setback provision.</p> <p>The non-complying wall heights are existing and remain unchanged by the proposal.</p>	Elevation	Existing	Proposed	Control	Comply	<b>N Elevation</b>					LG2	-	1.36 (below EGL)	1m	Yes	LG1	-	1.36 (part below EGL)	1m	Yes	GL	1.3m	1.3m	900mm	Yes	L1	1.3m	1.3m	1.5	No (existing)	<b>S Elevation</b>					LG2	-	900mm (below EGL)	1m	Yes	LG1	-	900mm (below EGL)	1m	Yes	GL L1	900mm	900mm	900mm	Yes		900mm	900mm	1.5mm	No (existing)
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	900mm	900mm	1.5mm	No (existing)																																																					
<p><b>Setback – Rear</b></p>	<p>Yes</p>	<p>In principle the works do not result in a technical non-compliance with the rear setback alignment as there is no predominant rear building alignment.</p>																																																							
<p><b>1.4.7 Form Massing &amp; Scale</b>  <b>1.4.8 Built Form Character</b></p>	<p>No (Amended plans via deferred commencement condition)</p>	<p>During the meeting of 4 August 2021, the NSLPP did not consider the visibility of the Lower Ground 2 level, as acceptable in its current form.</p> <p>The Panel deferred the application and recommended that the plans be amended to better resolve the relationship of the heritage dwelling and the extensive alterations and additions proposed. Specifically the plans were to allow the Lower Ground 2 level to be treated as a largely subterranean level so as to "conceal its presentation as a visible level."</p>																																																							

		<p>The amended development application improves the visual character from that originally proposed, through the inclusion of greater use of sandstone proportionally to allow for thicker sandstone columns. However, the amended plans have not resolved to conceal the presentation of the Lower Ground 2 level as a visible level. A deferred commencement condition (refer to Condition AA1(a)) is recommended in order for the plans to be amended further so as to address the outstanding heritage requirements as well as the presentation of the lower ground 2 level.</p> <p>In addition, the proposed window proportions, the extent of the glazing as well as the material selection remains inappropriate and not in keeping with the style and built form character of the existing heritage listed arts and craft style dwelling. The heritage consultant recommended conditions of consent to address the extent of glazing and material selection (refer to Condition AA1(e and f)).</p>  <p>Figure 16: Non-complying height plane diagram – in this instance used to demonstrate massing</p> <p>The amended plans removed the ensuites from the existing rear verandah, however it fails to reinstate an open veranda by removing the existing unsympathetic glazing infill. The heritage consultant recommended a condition of consent for the glazing to be removed (refer to Condition AA1(c)).</p> <p>Note          The eastern elevation plan (DA033) is inconsistent with the existing situation.</p> <p>The architectural plans show the window to the master bedroom (Level 1) as 3 panels (annotated as existing timber framed windows). However, the existing opening accommodates 5 casement windows.</p> <p>No approval is given or implied in this consent for the alterations to existing window or door openings, not covered by this consent (refer to Condition A4).</p>
<p><b>1.4.9 Dwelling Entry</b></p>	<p>To be amended by condition</p>	<p>The amended plans maintain access to the lower levels from the existing porch seeking to introduce new stairs into this space.</p> <p>The infill and use of the existing porch for new access stairs and lift is not supported by the heritage consultant – refer to Attachment 2. A condition of consent is recommended which requires the relocation of the staircase internally (refer to Condition AA1(b)).</p>

		 <p style="text-align: center;"><b>Photo 17: Existing entry porch proposed to be in-filled</b></p>
<b>1.4.10 Roofs</b>	Yes	The roof form of the dwelling generally remains unchanged.
<b>1.4.12 Colours &amp; Materials</b>	Yes (Via condition)	<p>The rear addition utilises sandstone which is characteristic of the site and conservation area and is an appropriate material.</p> <p>However, the use of aluminium framed windows is not supported by the heritage consultant. Moreover, the extensive glazing is not consistent with the characteristics of the heritage item or the conservation area.</p> <p>The proposed materials for the replacement of the front fence are a like for like replacement which is considered acceptable by the independent heritage consultant.</p> <p>Appropriately proportioned and scaled, timber framed windows could be achieved via a condition of consent as recommended by the independent heritage consultant (refer to Condition of Consent AA1(f) and C8).</p>
<b>Front Fences</b>	Yes (via condition)	<p>The proposal allows for the demolition of the existing front fence for construction purposes and the reinstatement thereof to “match existing in every detail” to a maximum height of 1.5m.</p> <p>In this regard the Heritage consultant noted – refer to original assessment: -</p> <p>The existing front fence constructed in 1983 is inconsistent with the surrounding context, being much higher than existing low sandstone walls on the low side of the street, and low brick walls on the high side – some dwellings have no front fences with only garage structures in front setbacks. New work needs to comply with current relevant objectives and controls and reflect the style of the house – such as a low sandstone fence with timber gate approx. 1.2m in height.</p> <p>A condition of consent is recommended to allow for a low sandstone fence /wall to a maximum height of 1.2m (refer to Condition C1).</p>
<b>1.5 Quality Urban Environment</b>		
<b>1.5.2 Lightwells</b>	Subject to Condition	<p>The proposed void space / lightwell is the only light and ventilation source to the home theatre and TV room contrary to P1.</p> <p>The application has not been assessed in respect of the National Construction Code (NCC), however a condition of consent requiring compliance with the NCC is recommended. Should significant amendments be needed for release of a Construction Certificate, a Section 4.55 modification may be required (refer to Condition F1).</p>
<b>1.5.4 Vehicle Access and Parking</b>	On merit / existing situation	
<b>1.5.5 Site Coverage</b>	Yes	The table below provides a summary of the compliance with the relevant site coverage, landscaped area and unbuilt upon areas provisions in NSDCP 2013 -:

<b>1.5.6 Landscape Area and Un-built Area</b>	Yes	<table border="1"> <thead> <tr> <th>Site Area</th> <th>Existing</th> <th>Amended Proposal</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage (Max. of 35%)</td> <td>264sqm 34.3%</td> <td>269.1sqm 34.99%</td> <td>Yes</td> </tr> <tr> <td>Landscape Area (Min. of 45%)</td> <td>376.7sqm 49%</td> <td>423.4sqm 55.1%</td> <td>Yes</td> </tr> <tr> <td>Un-built upon area (Max of 20%)</td> <td>128.3sqm 16.7%</td> <td>110.4sqm 14.4%</td> <td>Yes</td> </tr> </tbody> </table>	Site Area	Existing	Amended Proposal	Complies	Site Coverage (Max. of 35%)	264sqm 34.3%	269.1sqm 34.99%	Yes	Landscape Area (Min. of 45%)	376.7sqm 49%	423.4sqm 55.1%	Yes	Un-built upon area (Max of 20%)	128.3sqm 16.7%	110.4sqm 14.4%	Yes
Site Area	Existing	Amended Proposal	Complies															
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Un-built upon area (Max of 20%)	128.3sqm 16.7%	110.4sqm 14.4%	Yes															
<b>1.5.7 Landscaping</b>	Yes	Council's Landscape Officer raised no concern subject to appropriate conditions of consent.																
<b>1.5.8 Front gardens</b>	On merit	<p>The existing front garden is dominated by built form (two single garages and paving). The proposed development intends to retain the existing garages whilst introducing a new void space within the front garden.</p> <p>Council's Landscape Development Officer raised no concerns subject to conditions of consent.</p>																
<b>1.5.9 Private open space 50sqm</b>	Yes	The proposal allows for ample rear garden private open space (143.4sqm).																
<b>1.5.10 Swimming Pools and Spas</b>		<table border="1"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Comply</th> </tr> </thead> <tbody> <tr> <td>Side setback = 1.2m</td> <td>1.3m</td> <td>Yes</td> </tr> <tr> <td>Distance from nearest habitable room = 6.5m</td> <td>3.3m</td> <td>No*</td> </tr> <tr> <td>Height above EGL = 500mm</td> <td>Below EGL</td> <td>Yes</td> </tr> </tbody> </table> <p>*The proposed pool is setback a minimum of 3.3m from habitable rooms within the adjoining property at No. 11 Shellcove Road contrary to P4. The proposed pool is however located below the existing ground level of No. 11 Shellcove Road as well as below the enclosed entry walkway with structures built to the boundary of the subject site (refer to Figure 17).</p> <p>The landscape plan allows for 20 Lilly Pilly trees to be planted along the southern boundary, minimising the opportunity for overlooking.</p>  <p><b>Figure 17: Extract from Section G-G</b></p> <p>Several standard conditions relating to swimming pools are recommended (refer to Conditions C19 C20 C21 G2 and I1).</p>	Control	Proposed	Comply	Side setback = 1.2m	1.3m	Yes	Distance from nearest habitable room = 6.5m	3.3m	No*	Height above EGL = 500mm	Below EGL	Yes				
Control	Proposed	Comply																
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<b>1.6 Efficient Use of Resources</b>																		
<b>1.6.1 Energy Efficiency</b>	Yes	The application is accompanied by a BASIX Certificate.																
<b>Part B Section 13 Heritage and Conservation</b>																		
<b>Heritage and Conservation</b>	Yes	An independent heritage referral/assessment has been undertaken by Kemp and Johnson Heritage Consultants (see Attachment 2).																



### **South Cremorne Planning Area (Kurraba Point Conservation Area)**

The proposal, as amended by the deferred commencement conditions, is generally consistent with Part C of North Sydney DCP 2013 in particular Section 6 of the Character Statement for South Cremorne Planning Area and Section 6.2 for the Kurraba Point Conservation Area. The requirement for the modifications to the design of the Lower Ground 2 Level would minimise the visual impacts of the original proposal on the heritage significance and address the outstanding heritage requirements.

It is not considered reasonable to refuse the application provided the amendments as recommended are made.

#### **5. Section 7.12 Infrastructure Contribution**

North Sydney Local Infrastructure Contributions Plan 2020.

Under Council's Infrastructure Contributions Plan implemented on 1 March 2021 the proposed development would be subject to a contribution pursuant to section 7.12 of the Act. The contribution is based on the cost of works which was nominated as \$2,954,363.00. The total contribution payable is \$29,544.00 and is required to be paid prior to the issue of the any Construction Certificate.

#### **SITE SUITABILITY**

The proposed development, as amended, is considered to be suitable for the subject site for the reasons provided within this report.

#### **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing Facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes

8.	Site Management Issues	Yes
9.	All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

### **SUBMITTERS CONCERNS**

Relevant submitter concerns have largely been addressed in the previous assessment report. Additional comments are provided as follows:-

- *Location and size of Angophora costata trees*

The applicants plant schedule nominates a mature height of 15-20m and a mature spread of 812m for the proposed Sydney Red Gums (*Angophora costata*). Council's Landscape Development Officer raised no concern with the size and location of the proposed two native trees.

- *Traffic Management during construction*

#### **Comment:**

Appropriate conditions of consent are recommended by Council's Engineers which includes a traffic management plan during the construction phase.

- *The extent of excavation*

#### **Comment:**

Appropriate conditions of consent are recommended by Council's Engineers which include further geo-technical reporting and design requirements to manage the excavation and construction works.

- *Detrimental impact to the heritage significance of the dwelling*

#### **Comment:**

The application was assessed by an independent heritage consultant. On balance it is considered that the proposal could satisfy clause 5.10 subject to the recommended conditions of consent.

### **PUBLIC INTEREST**

The proposal, as amended, is considered to be generally in the public interest for the reasons provided throughout this report.

## CONCLUSION & REASONS

The amended development application has been assessed against the North Sydney Local Environmental Plan 2013, the North Sydney Development Control Plan 2013 and the relevant State Planning Policies and found to be satisfactory in the site circumstances.

The applicant has submitted amended plans as requested by NSLPP and the plans have generally met the criteria as detailed in the Minutes from their meeting on 4 August 2021, including achieving full compliance with the site cover control. However it is recommended that a deferred commencement condition be imposed requiring design modifications to the Lower Ground 2 level to conceal its presentation as a visible level as per the Panel's recommendation, and to address the outstanding heritage requirements (**refer to Condition AA1(a-f)**).

Following the notification of the amended plans, Council received three (3) submissions that raised concerns about the extent of excavation and structural stability, and the location and size of the *Angophora costata* trees. The submissions have been considered in the assessment of the application where it is concluded that the proposal is unlikely to give rise to any unreasonable amenity impacts or have been addressed by the recommended conditions. Operational conditions of consent are also recommended by Council's Senior Development Engineer requiring dilapidation and structural adequacy reports (**Conditions C2 and C3**) as well as a more detailed geotechnical report (**Condition C5**) to be submitted prior to the issue of any construction certificate to ensure the protection and support of adjoining properties.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act, 1979* (as amended), it is not considered reasonable to refuse the application provided the recommended amendments are made in accordance with the deferred commencement condition.

### ***How community views were taken into account in making the decision***

The first notification period attracted a total of eight (8) submissions objecting to the proposal. The first set of amended attracted a further five (5) submission. In summary the submissions raised particular concerns with the non-compliances with site coverage; the detrimental impact on the Heritage Item; the extent of the proposed excavation; overshadowing; acoustic and visual privacy; traffic and parking during construction; as well as structural damage to adjoining properties.

Notification of the second set of amended plans (the subject of this report) attracted three (3) further submissions raising concern regarding the allocation and size of *Angophora costata* and the extent of excavation. The issues raised in the submissions have been Considered in the assessment where it is considered amenity impacts are not unreasonable subject to the recommended conditions of consent.

## RECOMMENDATION

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

**THAT** the North Sydney Local Planning Panel, as the consent authority, assume the concurrence of the Minister of Planning, Industry and Environment, and **grant deferred commencement consent** to Development Application No.33/21 for alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 15m pool, internal and external alterations to existing dwelling, landscaping works at No. 13 Shellcove Road, Kurraba Point subject to the following site specific conditions and the attached conditions:

### ***AA. Deferred Commencement Condition***

This consent shall not operate until the following deferred commencement condition has been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 6 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 6 months of the date of the grant of this consent this consent will lapse in accordance with Section 95(6) of the Environmental Planning and Assessment Act 1979.**

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

### ***Deferred Commencement Matters***

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

- a) The Lower Ground 2 level is to be treated as a subterranean level so as to conceal its presentation as a visible level to the eastern elevation. The terrace is to be deleted and the eastern external wall is to be relocated to the west so as to adjoin the proposed games room.
- b) The proposed swimming pool is to be relocated further to the east at a grade which would allow the finished levels of the pool and surrounds to not exceed 500mm above the existing ground level.

- c) Relocate the staircase proposed within the front porch/veranda on the ground level, internally to the area of the proposed storeroom, near the proposed lift and walk in wardrobe close to Bedroom 4, to provide access to the lower ground levels.
- d) Remove the existing late 20th century glazing to the existing eastern verandah so as to reinstate it as an open verandah.
- e) Redesign the eastern elevation of the Lower Ground level 1 to continue the engaged columns within the existing eastern façade down to the new ground level and arrange timber-framed vertically proportioned windows/doors around these engaged columns.
- f) The glazing on the rear / eastern elevation to Lower Ground Level 1, is to be amended such that it is vertically proportioned with multi-panned glazing (not less than two) within each opening.
- g) All new external windows and doors are to be timber framed.

(Reason: To ensure that the character of the Arts and Craft style heritage listed dwelling is retained)

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

**B. Subject to the above deferred commencement condition being satisfied within 6 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following standard and site specific conditions:**

#### **Terms of Consent (D33/21)**

A4. No approval is given or implied in this consent for the alterations to existing window or door openings, not covered by this consent and any other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.

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

#### **Front fence**

C1. The front fence is to consist of a sandstone wall to a maximum height of 1.2m above the existing footpath level adjacent, including a timber pedestrian gate (with similar or lower height).

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 provide safety and security to the dwelling without adversely impacting on the character of the street)

### **Single Occupancy**

- I1. The subject four-level detached dwelling, including all residential accommodation on ALL levels, must be used as a single occupancy at all times.

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

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

**Annelize Kaalsen**  
**INDEPENDENT ASSESSMENT**

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### **Note by Manager Development Services.**

This report has been reviewed for content, quality and completeness and is considered to be of appropriate standard for the consideration of the Sydney North Planning Panel. No material alteration has been made to the original drafting of the report and it may be considered an independent assessment of this Development Application.

**Stephen Beattie**  
**MANAGER DEVELOPMENT SERVICES**

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**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**NO. 13 SHELLCOVE ROAD, KURRABA POINT**  
**DEVELOPMENT APPLICATION NO. 33/21**

**AA. *Deferred Commencement Conditions***

This consent shall not operate until the following deferred commencement condition has been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 6 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 6 months of the date of the grant of this consent this consent will lapse in accordance with Section 95(6) of the Environmental Planning and Assessment Act 1979.**

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 97 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

**Deferred Commencement Matters**

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

- a) The Lower Ground 2 level is to be treated as a subterranean level so as to conceal its presentation as a visible level to the eastern elevation. The terrace is to be deleted and the eastern external wall is to be relocated to the west so as to adjoin the proposed games room.
- b) The proposed swimming pool is to be relocated further to the east at a grade which would allow the finished levels of the pool and surrounds to not exceed 500mm above the existing ground level.
- c) Relocate the staircase proposed within the front porch/veranda on the ground level, internally to the area of the proposed storeroom, near the proposed lift and walk in wardrobe close to Bedroom 4, to provide access to the lower ground levels.
- d) Remove the existing late 20th century glazing to the existing eastern verandah so as to reinstate it as an open verandah.

**13 SHELLCOVE ROAD, KURRABA POINT  
DEVELOPMENT APPLICATION NO. 33/21**

Page 2 of 33

- e) Redesign the eastern elevation of the Lower Ground level 1 to continue the engaged columns within the existing eastern façade down to the new ground level and arrange timber-framed vertically proportioned windows/doors around these engaged columns.
- f) The glazing on the rear / eastern elevation to Lower Ground Level 1, is to be amended such that it is vertically proportioned with multi-panned glazing (not less than two) within each opening.
- g) All new external windows and doors are to be timber framed.

(Reason: To ensure that the character of the Arts and Craft style heritage listed dwelling is retained)

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

**Upon satisfaction of the deferred commencement condition, the following conditions apply:**

**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans/documentation**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions and this consent.

Drawing Number	Rev	Title	Drawn By	Dated
<b>Architectural Plans</b>				
DA002	A	Site Plan	Nettleontirbe	24/08/21
DA003	A	Demolition Plan	Nettleontirbe	24/08/21
DA004	A	Demolition Plan – Front fence	Nettleontirbe	24/08/21
DA013	A	Lower Ground 2 Floor Plan	Nettleontirbe	24/08/21
DA014	A	Lower Ground 1 Floor Plan	Nettleontirbe	24/08/21
DA015	A	Ground Floor Plan	Nettleontirbe	24/08/21
DA016	A	Level 1 Floor Plan	Nettleontirbe	24/08/21
DA017	A	Roof Level Plan	Nettleontirbe	24/08/21
DA021	A	Section A-A	Nettleontirbe	24/08/21
DA022	A	Section B-B	Nettleontirbe	24/08/21
DA023	A	Section C-C & D-D	Nettleontirbe	24/08/21
DA024	A	8.5m Height Plane	Nettleontirbe	24/08/21
DA025	A	Section F-F	Nettleontirbe	24/08/21
DA026	A	Section G-G	Nettleontirbe	24/08/21
DA027	A	Section H-H	Nettleontirbe	24/08/21
DA031	A	North Elevation	Nettleontirbe	24/08/21
DA032	A	South Elevation	Nettleontirbe	24/08/21
DA033	A	East & West Elevation	Nettleontirbe	24/08/21
DA064	A	Site coverage, Landscape Area & Un-built upon area	Nettleontirbe	24/08/21
<b>Landscape Plans</b>				
L01	I	Lower ground 2 and ground floor plan	Site Design Studios	20/08/21
L02	I	Planting schedule and image	Site Design Studios	20/08/21
L03	I	Landscape irrigation and maintenance	Site Design Studios	20/08/21
L04	I	Planting Details	Site Design Studios	20/08/21



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

**Plans on Site**

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

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

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

**No Demolition of Extra Fabric**

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

(Reason: To ensure compliance with the approved development)

**Terms of Consent (D33/21)**

A4. No approval is given or implied in this consent for the alterations to existing window and door openings, not covered by this consent and any other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.

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

**B. *Matters to be Completed before the lodgement of an Application for a Construction Certificate***

**Construction and Traffic Management Plan**

B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:

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- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
  - ii. RMS signage type and location to manage pedestrians in the vicinity;
  - iii. The locations of any proposed Work Zones in the frontage roadways;
  - iv. Locations and type of any hoardings proposed;
  - v. Area of site sheds and the like;
  - vi. Location of any proposed crane standing areas;
  - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
  - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following: -
- i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
  - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.
- A copy of this route is to be made available to all contractors, and must be clearly depicted at a location within the site.
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and

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- g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Traffic Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site. To obtain the permit, an application must be made to Council on a 'Application to satisfy development consent' form with payment of the adopted assessment.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

**A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.**

Notes:

1. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
2. Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
3. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
4. Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

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

- C1. The front fence is to consist of a sandstone wall to a maximum height of 1.2m above the existing footpath level adjacent, including a timber pedestrian gate (with similar or lower height).

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 provide safety and security to the dwelling without adversely impacting on the character of the street)

**Dilapidation Report Damage to Public Infrastructure**

- C2. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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

**Dilapidation Report Private Property (Excavation)**

- C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

(Reason: To record the condition of property/ies prior to the commencement of construction)

**Shoring for Adjoining Property**

- C4. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of excavation, encroachment and the method of removal and de-stressing of shoring elements, backfilling and compacting of over-excavated cavities on Council's and/or private property with fill suitable for its purpose, must be submitted to the Certifying Authority for approval with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Backfilling and compacting of over-excavated cavities must be addressed as the build-up is progressing through the basements to ensure that compaction is reliable. To obtain the permit for tieback anchors, an *'Application to satisfy development consent'* form with payment of the adopted assessment fees, must be made to Council. **Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorize a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.**

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

**Geotechnical Report**

- C5. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:-

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- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) The existing groundwater levels in relation to the basement structure, where influenced;
- e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and
- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

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The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

**Sediment Control**

- C6. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

- a) All details of drainage to protect and drain the site during the construction processes;

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

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

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

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

**Work Zone**

- C7. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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)

**External Colours and Finishes**

- C8. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development.



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

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

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

**Heritage Architect to be commissioned**

- C9. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require an application under s4.55 of the Environmental Planning and Assessment Act 1979 or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

**Schedule of Conservation Works**

- C10. A Schedule of Conservation Works is to be prepared and submitted to the satisfaction and approval of the Certifying Authority, which should include restoration work to the timber shingling, prior to the issue of any Construction Certificate.

A heritage conservation architect is to be engaged to oversee works outlined in the Schedule of Conservation Works to the house, with works to be completed prior to the issue of an Occupation Certificate.

(Reason: to ensure appropriate conservation works are undertaken to the house in accordance with Heritage item DCP controls)

**Waste Management Plan**

- C11. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to: -

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- 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)

**Stormwater Management and Disposal Design Plan**

C12. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to Shellcove Bay waters.
- c) Provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property, or concentrated as a result of the proposed works.
- d) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- e) 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.
- f) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Details demonstrating compliance are to be submitted with the Construction Certificate.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

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

- C13. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$7,000.00 to be held by Council for the payment of cost for any/all of the following:
- a. making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
  - c. Remedying any defects in any such public work that arise within 1 year for stormwater and 6 months for major road works and 2 months for vehicular crossing & small associated footpath works, after the work is completed.

The security in accordance with the schedule contained later in these conditions and must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of defect risk period for the particular type of work as specified above (under c)), from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

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

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

**Protection of Trees**

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

Tree	Location	Height
2 x <i>Cyathea</i> sp.	west of the boatshed-13 Shellcove Rd	(4-5m)

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

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

(Reason: Protection of existing environmental and community assets)

**Section 7.12 Contributions**

- C15. 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 Contributions Plan, to be provided for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$29,544.00.

**Indexation**

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

**Timing of payment**

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

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

- C16. 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:

<b>Security deposit/ guarantee</b>	<b>Amount (\$)</b>
Infrastructure Damage Bond	\$7,000.00
<b>TOTAL BONDS</b>	<b>\$7,000.00</b>

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Note: The following fees applicable

<b>Fees</b>	
Section 7.12 Contribution	\$29,544.00
<b>TOTAL FEES</b>	<b>\$29,544.00</b>

(Reason: Compliance with the development consent)

**Approval for removal of Trees**

C17. The following tree(s) are approved for removal in accordance with the development consent:

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
T1 & T2 <i>XCupressocyparis leylandii</i>	SE corner of the existing dwelling-13 Shellcove Rd	(12m)
T3-T5 <i>Archontophoenix cunninghamiana</i>	the NE corner of the building -13 Shellcove Rd	(6-7m)
G6 <i>Murraya paniculata</i>	the NE corner of the building -13 Shellcove Rd	(5m)
G7 <i>XCupressocyparis leylandii</i>	Southern boundary, rear setback -13 Shellcove Rd	(5m)
T8 <i>Cyathea cooperi</i>	adjacent to the northern garage -13 Shellcove Rd	(6m)

Removal of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

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

(Reason: Protection of existing environmental and community assets)

**BASIX Certificate**

C18. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A401448 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Swimming Pool Pumps on Residential Premises**

C19. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises 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 8.00pm on any Sunday or Public Holiday; or
  - (ii) before 7.00am or after 8.00pm 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 Industrial Noise Policy shall 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 Industrial Noise Policy published by the NSW Environment Protection Authority.

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

**Pool Access**

C20. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

**Swimming Pool Water to Sewer**

- C21. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/ requirements of Sydney Water must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

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

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

**Temporary Fences and Tree Protection**

- D2. All protected trees on-site that are specifically nominated as per condition C14 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

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

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

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**Public Liability Insurance – Works on Public Land**

- D3. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

**Commencement of Works Notice**

- 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***

**Re-use of Sandstone**

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

*Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)*

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**Parking Restrictions**

- E2. 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.



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

**Road Reserve Safety**

- E3. 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)

**Service adjustments**

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

(Reason: To ensure the service requirements are met)

**Temporary Disposal of Stormwater Runoff**

- E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

**Geotechnical Stability during Works**

- E6. 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 hydro geological 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)

**Removal of Extra Fabric**

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

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

**Dust Emission and Air Quality**

- E8. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
  - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
  - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
  - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

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**Noise and Vibration**

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

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

**No Work on Public Open Space**

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

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

**Developer's Cost of Work on Council Property**

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

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

**No Removal of Trees on Public Property**

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

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

**Protection of Trees**

- E13. 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.

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- b. An application to modify this consent pursuant to Section 96 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)

**Trees to be Removed**

- E14. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal: -

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
T1 & T2 <i>XCupressocyparis leylandii</i>	SE corner of the existing dwelling -13 Shellcove Rd	(12m)
T3-T5 <i>Archontophoenix cunninghamiana</i>	the NE corner of the building -13 Shellcove Rd	(6-7m)
G6 <i>Murraya paniculata</i>	the NE corner of the building -13 Shellcove Rd	(5m)
G7 <i>XCupressocyparis leylandii</i>	Southern boundary, rear setback -13 Shellcove Rd	(5m)
T8 <i>Cyathea cooperi</i>	adjacent to the northern garage -13 Shellcove Rd	(6m)

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

**Noxious Plants**

- E15. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

**Special Permits**

- E16. 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)

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**Construction Hours**

- E17. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table

<b>Standard Construction Hours</b>		
<b>Location</b>	<b>Day</b>	<b>Hours</b>
<b>All other zones</b>	Monday - Friday	7.00am – 5.00pm
	Saturday	8.00am – 1.00pm
	Sunday, public holiday	No work permitted

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

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

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

**Installation and Maintenance of Sediment Control**

- E18. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

**Sediment and Erosion Control Signage**

- E19. 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**

- E20. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Health and Safety**

- E21. 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](http://www.workcover.nsw.gov.au)

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

**Prohibition on Use of Pavements**

- E22. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

**Plant & Equipment Kept Within Site**

- E23. 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.

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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](http://www.northsydney.nsw.gov.au).

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

**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)

**Asbestos Removal**

E25. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

**F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation***

**National Construction Code**

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

(Reason: Prescribed - Statutory)

**Home Building Act**

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

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



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- i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

**Appointment of a Principal Certifying Authority (PCA)**

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

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

**Construction Certificate**

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

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

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**Occupation Certificate**

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

(Reason: Statutory)

**Critical Stage Inspections**

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

(Reason: Statutory)

**Commencement of Works**

- F7. 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 the erection of the building.

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

**Excavation/Demolition**

- F8. 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)

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**Protection of Public Places**

- F9. 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**

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

**G. *Prior to the Issue of an Occupation Certificate*****Infrastructure Repair and Completion of Works**

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

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

(Reason: Maintain quality of Public assets)

**Pool Access**

- G2. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

**Damage to Adjoining Properties**

- G3. 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**

- G4. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

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**Asbestos Clearance Certificate**

G5. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

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

**Certification of Tree Condition**

G6. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
2 x <i>Cyathea</i> sp.	west of the boatshed-13 Shellcove Rd	(4-5m)
3 x adv. <i>Howea forsteriana</i>	front setback-13 Shellcove Rd	(min trunk height 2m)
Various plantings	west of the front boundary wall-13 Shellcove Rd	various

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

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

**BASIX Completion Certificate**

G7. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

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

### **Landscaping**

- G8. The landscaping shown in the approved landscape plan numbered L01 – L04 prepared by Site Design Studios dated 20/08/2021 and received by Council on 31 August 2021 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Unpaved Verge**

- G9. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

### ***I. On-Going / Operational Conditions***

#### **Pool Filter**

- I1. The swimming pool pump installed at the premises must not operate so as to:
- (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);
    - (j) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
    - (ii) before 7.00am or after 8.00pm 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 Industrial Noise Policy shall 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 Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

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**Single Occupancy**

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

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

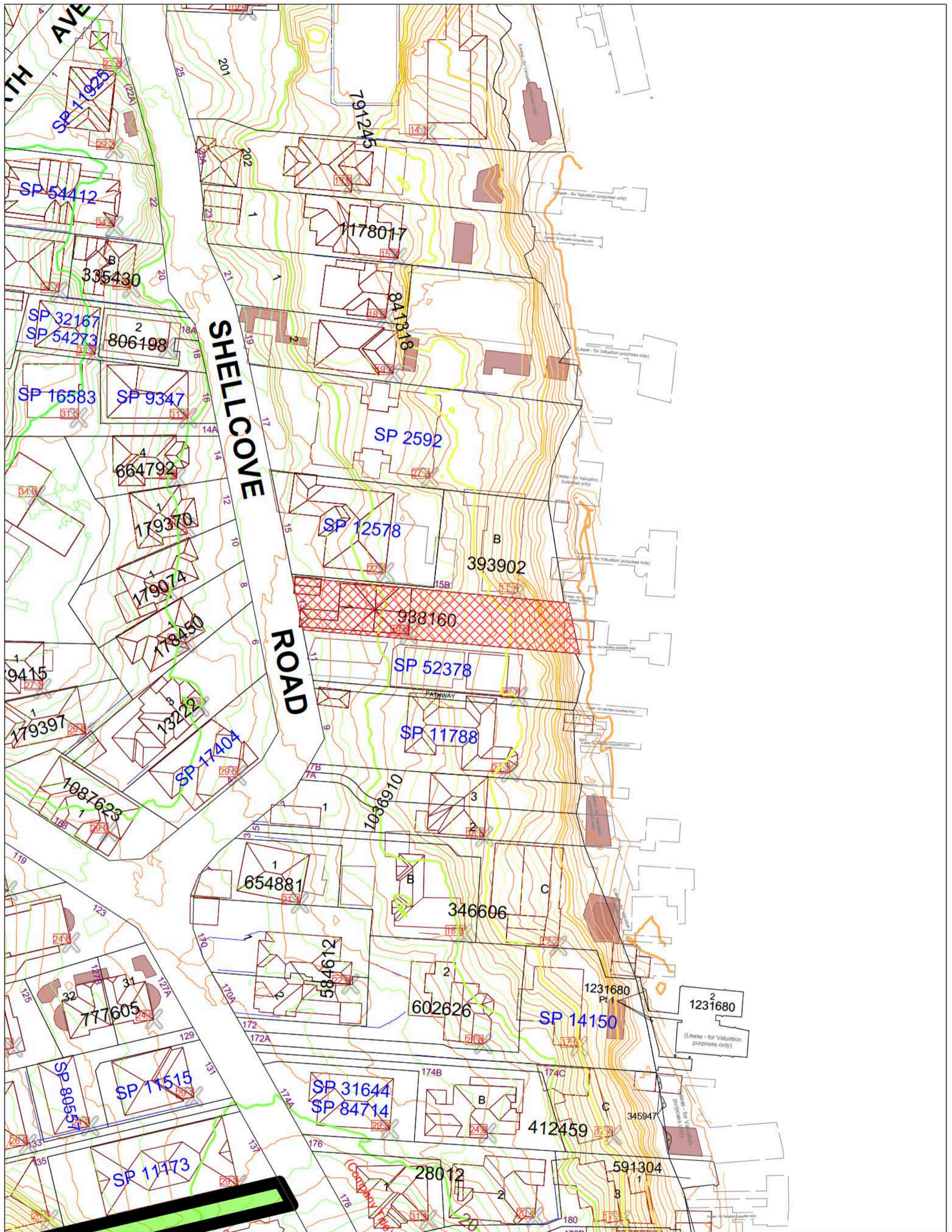
(Reason: To ensure the use of the existing dwelling as a single occupancy)

**Maintenance of Approved Landscaping**

13. The owner of the premises at 13 Shellcove Road is to maintain the landscaping approved by this consent generally in accordance with the Landscape Plans prepared by Site Design Studio dated 20/08/2021 as modified by Condition C14.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)



**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](mailto:mapping@northsydney.nsw.gov.au).





LOCATION MAP

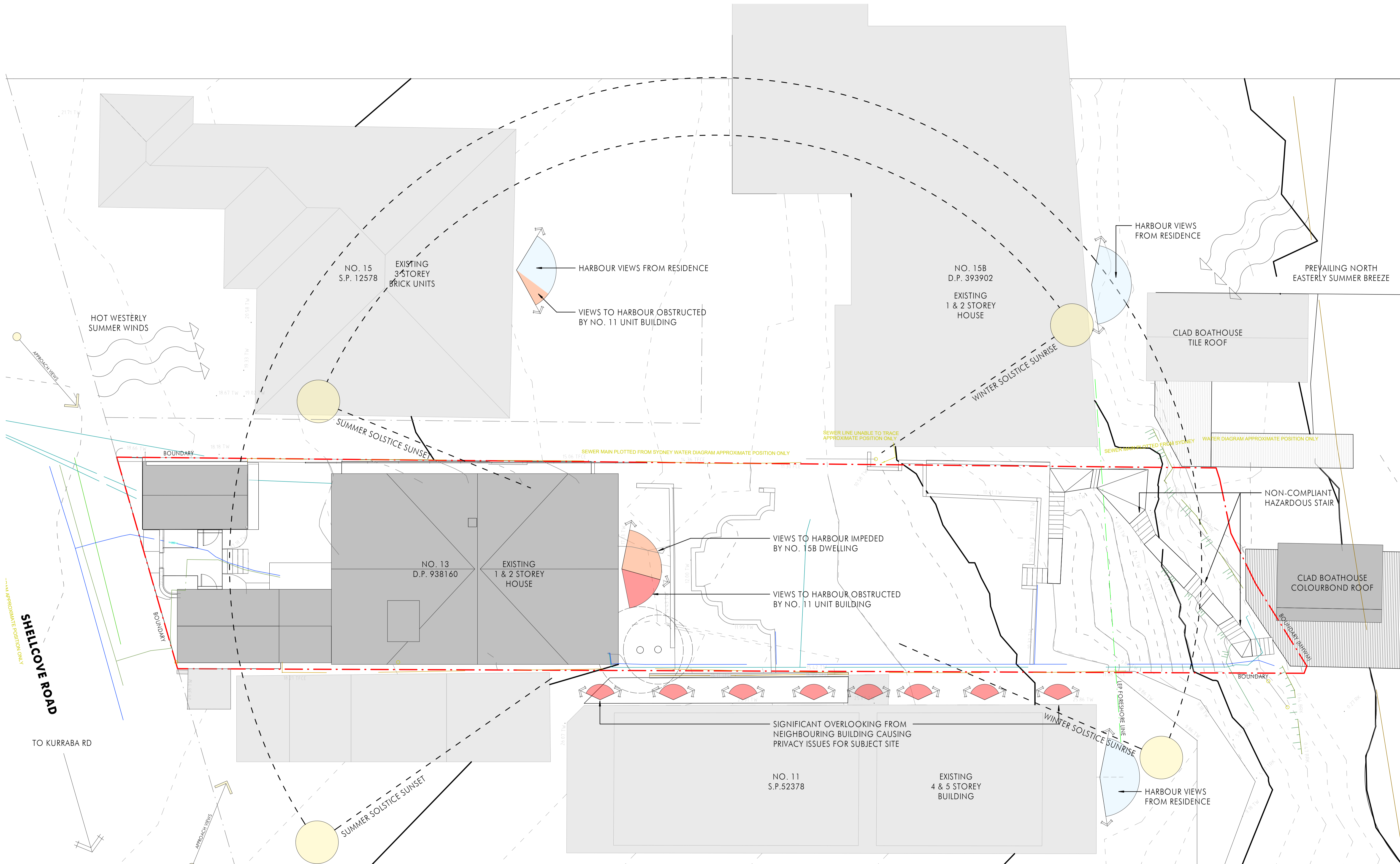
VV	SHEET NAME	DATE
DA000	Coverpage	24.08.21
DA001	Site Analysis	24.08.21
DA002	Site Plan	24.08.21
DA003	Demolition Plan	24.08.21
DA004	Notification Plan	24.08.21
DA005	Demolition Plan - Front Fence	24.08.21
DA013	Lower Ground 2 Floor Plan	24.08.21
DA014	Lower Ground 1 Floor Plan	24.08.21
DA015	Ground Floor Plan	24.08.21
DA016	Level 1 Floor Plan	24.08.21
DA017	Roof Level Plan	24.08.21
DA021	Section A-A	24.08.21
DA022	Section B-B	24.08.21
DA023	Section C-C & D-D	24.08.21
DA024	8.5m Height Plane	24.08.21
DA025	Section F-F	24.08.21
DA026	Section G-G	24.08.21
DA027	Section H-H	24.08.21
DA031	North Elevation	24.08.21
DA032	South Elevation	24.08.21
DA033	East & West Elevation	24.08.21
DA041	Solar Analysis - Summer 9am	24.08.21
DA042	Solar Analysis - Summer 12pm	24.08.21
DA043	Solar Analysis - Summer 3pm	24.08.21
DA044	Solar Analysis - Aut/Spri 9am	24.08.21
DA045	Solar Analysis - Aut/Spri 12pm	24.08.21
DA046	Solar Analysis - Aut/Spri 3pm	24.08.21
DA047	Solar Analysis - Winter 9am	24.08.21
DA048	Solar Analysis - Winter 12pm	24.08.21
DA049	Solar Analysis - Winter 3pm	24.08.21
DA064	Site Coverage, Landscaped Area & Un Built Upon Area	24.08.21
DA068	Solar Analysis_11 Shellcove Road_ Aut/Spri 9 am	24.08.21
DA069	Solar Analysis_11 Shellcove Road_ Aut/Spri 12 pm	24.08.21
DA070	Solar Analysis_11 Shellcove Road_ Aut/Spri 3 pm	24.08.21

VV	SHEET NAME	DATE
DA071	Solar Analysis_11 Shellcove Road_ Summer 9 am	24.08.21
DA072	Solar Analysis_11 Shellcove Road_ Summer 12 pm	24.08.21
DA073	Solar Analysis_11 Shellcove Road_ Summer 3 pm	24.08.21
DA074	Solar Analysis_11 Shellcove Road_ Winter 9 am	24.08.21
DA075	Solar Analysis_11 Shellcove Road_ Winter 12 pm	24.08.21
DA076	Solar Analysis_11 Shellcove Road_ Winter 3 pm	24.08.21

# 13 Shellcove Road

Kurraba Point, Sydney, 2089.

Development Application  
December 2020



1 Site Analysis  
1 : 100

For Approval

13 Shellcove Road  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
PI0	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
IN	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND

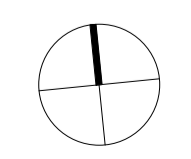
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- = ELECTRICITY LINES (OVERHEAD)
- = ELECTRICITY LINE (UNDERGROUND)
- = GAS LINE (UNDERGROUND)
- = SEWER LINE (UNDERGROUND)
- = SEWER LINE (UNDERGROUND) PLOTTED FROM SYDNEY WATER DIAGRAM, COULD NOT BE CONNECTED TO BY SERVICE LOCATOR
- = UNKNOWN SERVICE (UNDERGROUND)
- = WATER LINE (UNDERGROUND)

Title  
Scale  
Sheet Size  
Date  
Number

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24.08.21  
10506\_DA001

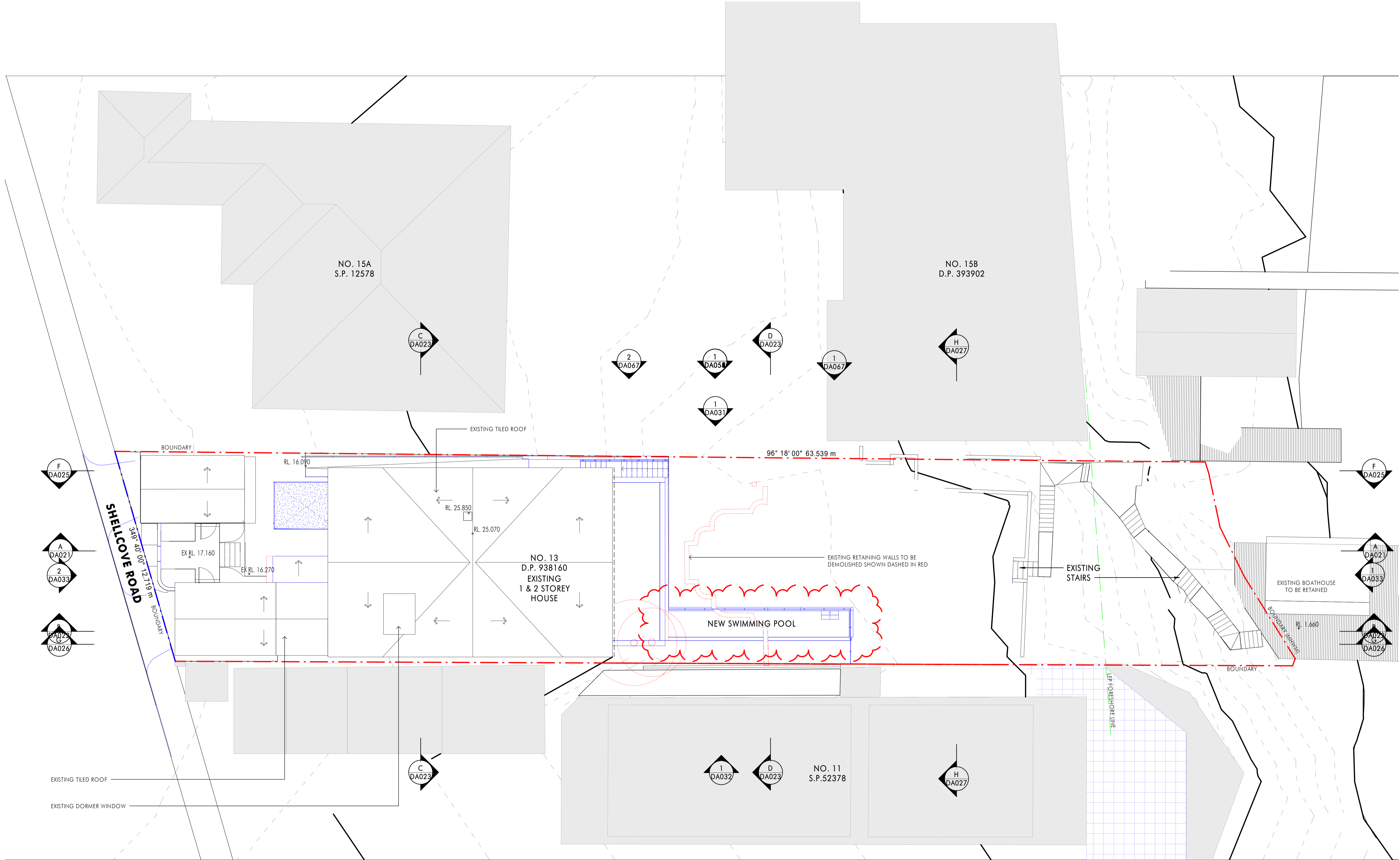


Site Analysis



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F DA025  
A DA021  
2 DA033  
G DA023  
DA026

F DA025  
A DA021  
1 DA033  
G DA023  
DA026

1 Site Plan  
1:100

For Approval

13 Shellcove Road  
Kurraba Point, Sydney, 2089.

D.P. 938160

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

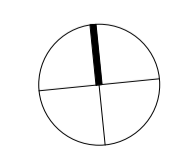
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- = ELECTRICITY LINE (UNDERGROUND)
- = GAS LINE (UNDERGROUND)
- = SEWER LINE (UNDERGROUND)
- = SEWER LINE (UNDERGROUND) PLOTTED FROM SYDNEY WATER DIAGRAM, COULD NOT BE CONNECTED TO BY SERVICE LOCATOR
- = UNKNOWN SERVICE (UNDERGROUND)
- = WATER LINE (UNDERGROUND)

Title  
Scale  
Sheet Size  
Date  
Number

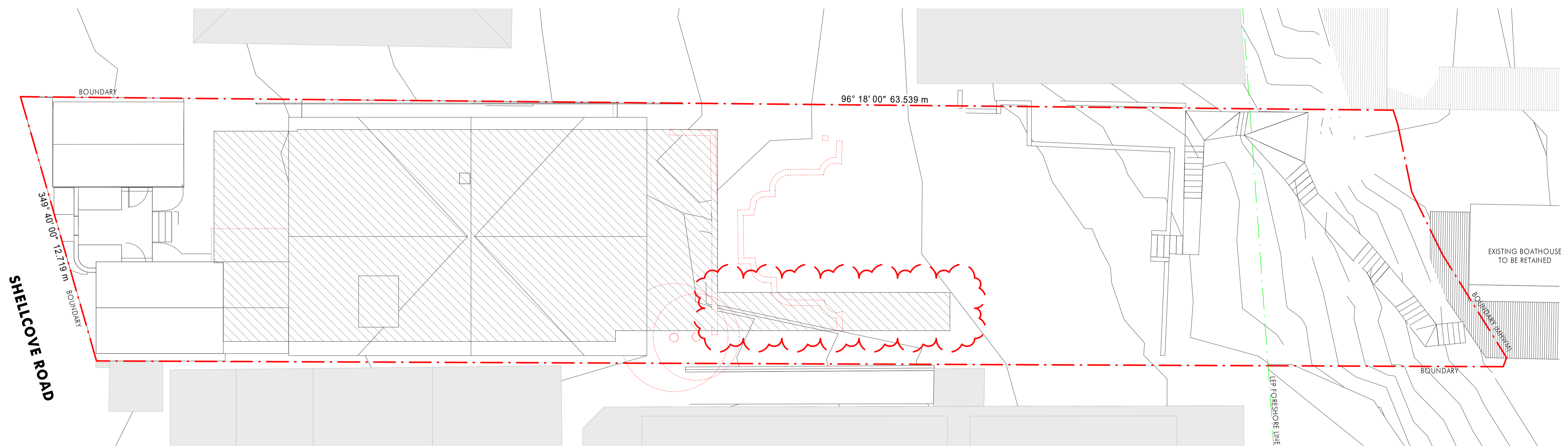
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24.08.21  
10506\_DA002  
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Site Plan



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1 Demolition Plan  
1 : 100

For Approval

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.  
D.P. 938160

Issue	Description	Date
A	Amended Development Application	24.08.21
P12	Amended Development Application	16.08.21
P11	Amended Development Application	12.08.21
P10	Amended Development Application	06.05.21
P9	Amended Development Application	04.05.21
P8	Amended Development Application	03.05.21
P7	Amended Development Application	30.04.21
P6	Issue For Development Application	10.02.21
P5	Issue For Development Application	17.12.20
P4	Issue For Information	16.12.20
P3	Issue For Information	10.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

**LEGEND**

- EXISTING
- DEMOLITION
- EXCAVATION ZONE

Title  
**Demolition Plan**

Scale  
As indicated

Sheet Size  
A1

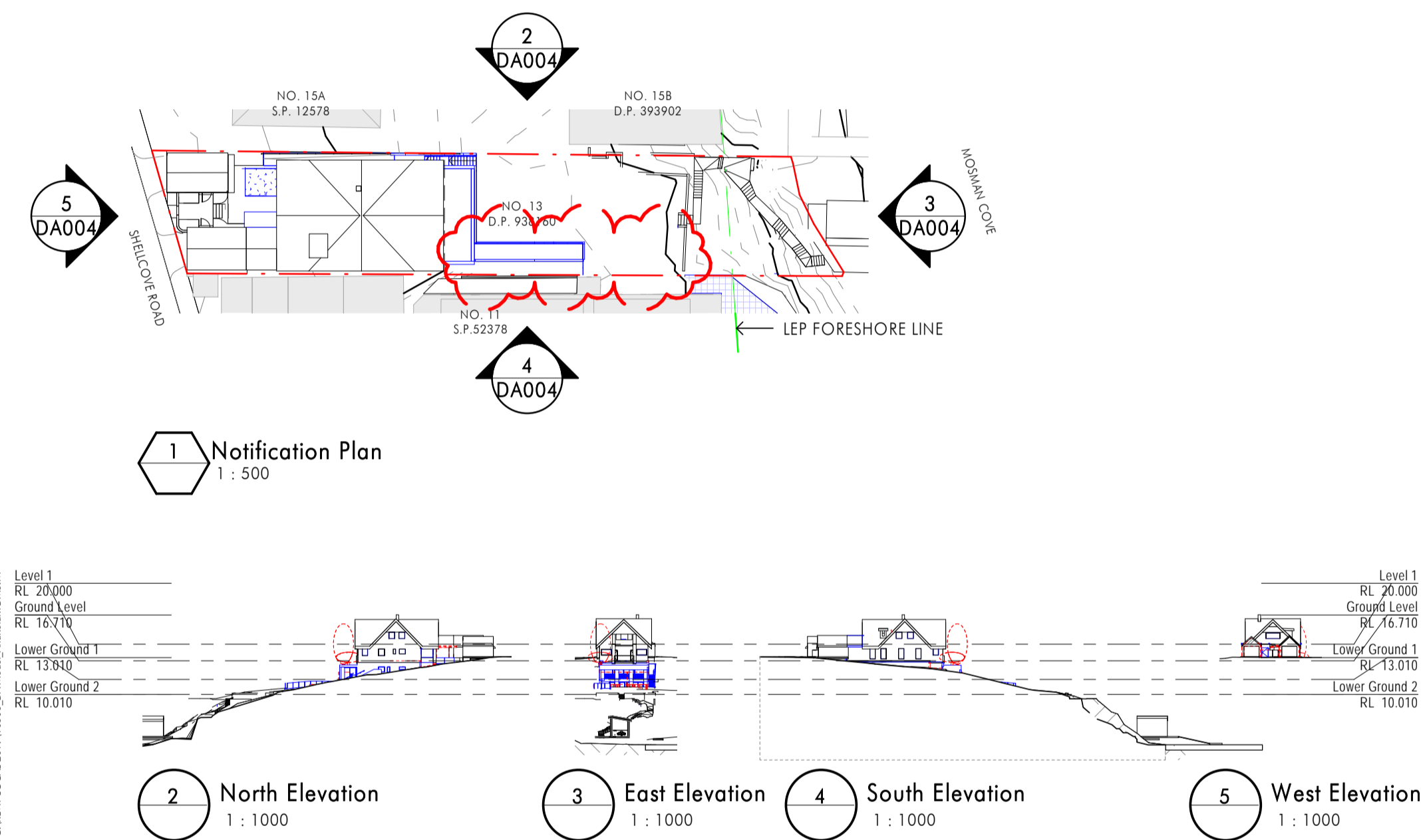
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Number  
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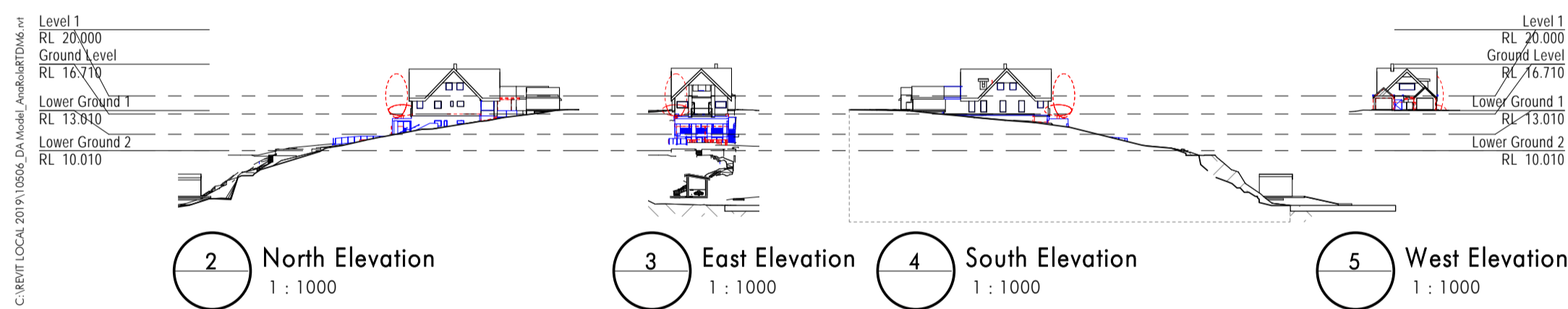
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1 Notification Plan  
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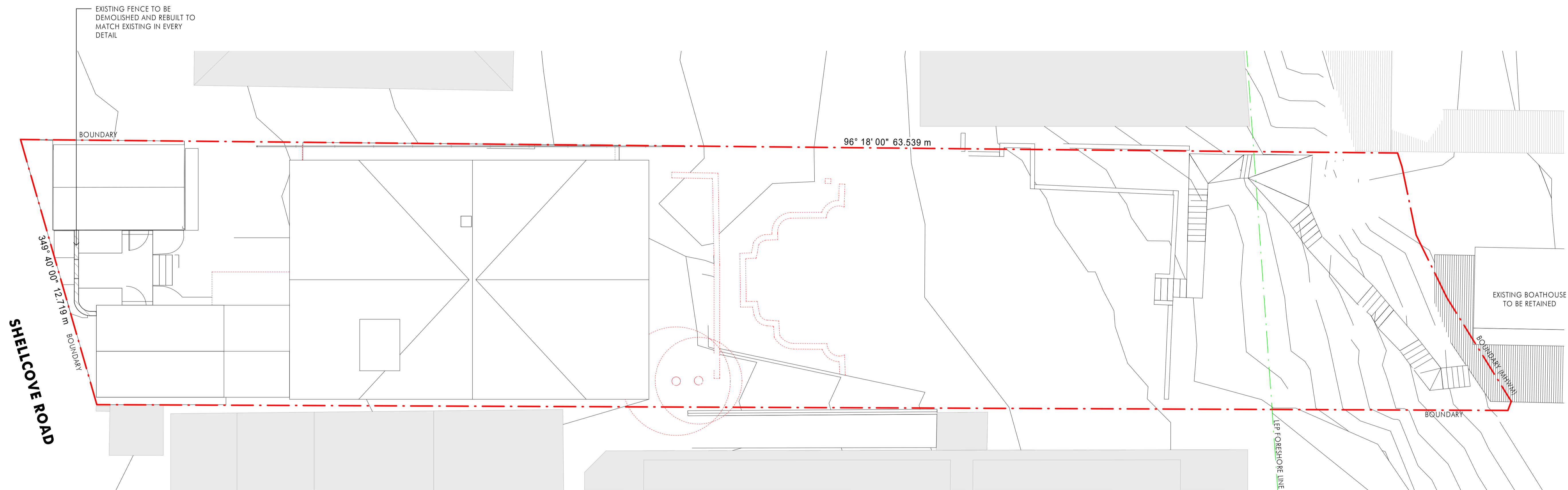


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**LEGEND**  
 ■ EXISTING  
 ■ DEMOLITION  
 ■ NEW CONSTRUCTION

Project Name  
**13 Shellcove Road**  
 Project Address  
**Kurraba Point, Sydney,  
 2089.**

Drawing Title:  
**Notification Plan**  
 Date:  
**24.08.21**  
 Drawing Number:  
**10506\_DA004**  
 For Approval

Sheet Size:  
**A4**  
 Scale:  
**As Drawing**  
 nettletontribe  
 0 20000



1 Demolition Plan\_ Garages and Front Fence  
1 : 100

NOTE: DEMOLITION IS PROPOSED TO FACILITATE CONSTRUCTION WITHOUT CREATING AN EXTENDED CONSTRUCTION ZONE WHICH WILL TEMPORARILY REDUCE EXISTING ON-STREET PARKING SPACES.

For Approval

Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P6	Amended Development Application	16.08.21
P5	Amended Development Application	12.08.21
P4	Amended Development Application	06.05.21
P3	Amended Development Application	04.06.21
P2	Amended Development Application	03.05.21
P1	Amended Development Application	30.04.21

LEGEND

Title  
Demolition Plan\_ Front Fence

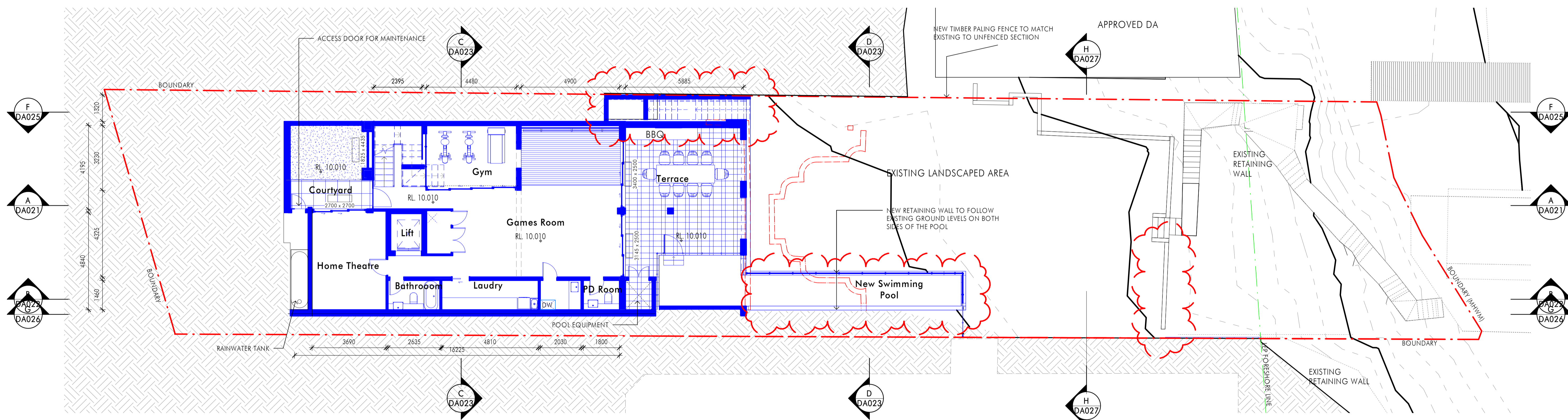
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Sheet Size  
Date  
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Number  
10506\_DA005

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1 Lower Ground 2  
1 : 100

NOTE:  
REFER TO BASIX CERTIFICATE FOR THERMAL  
INSULATION REQUIREMENTS TO NEW &  
ALTERED FLOORS, WALLS & CEILINGS

For Approval

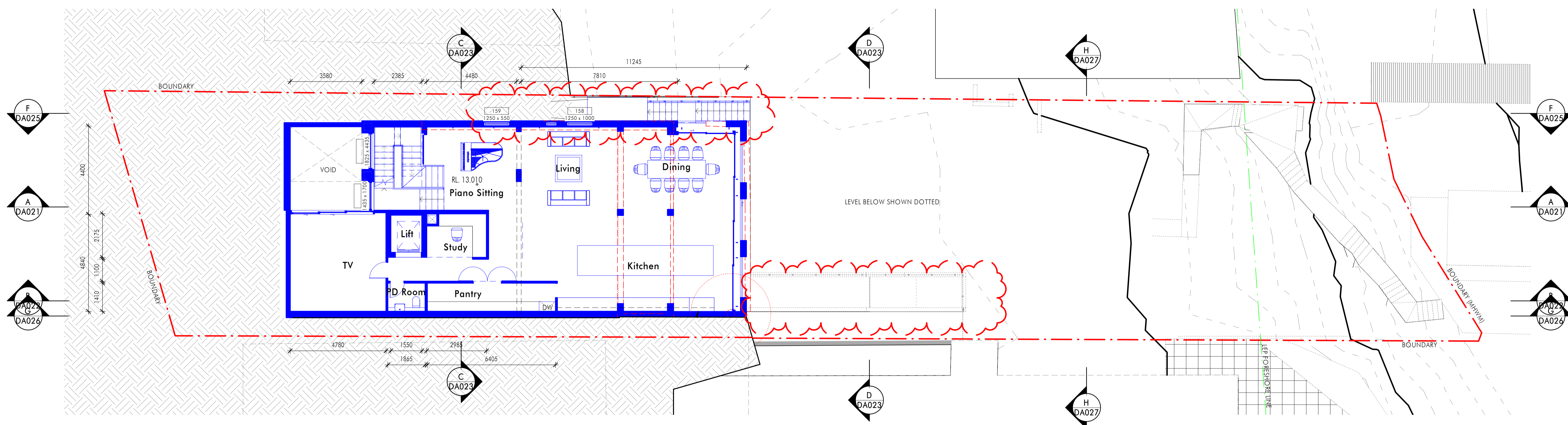
Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND  
 EXISTING  
 DEMOLITION  
 NEW CONSTRUCTION

Title: Lower Ground 2 Floor Plan  
 Scale: As indicated  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA013  
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1 Lower Ground 1  
1:100

NOTE:  
REFER TO BASIX CERTIFICATE FOR THERMAL  
INSULATION REQUIREMENTS TO NEW &  
ALTERED FLOORS, WALLS & CEILINGS

For Approval

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

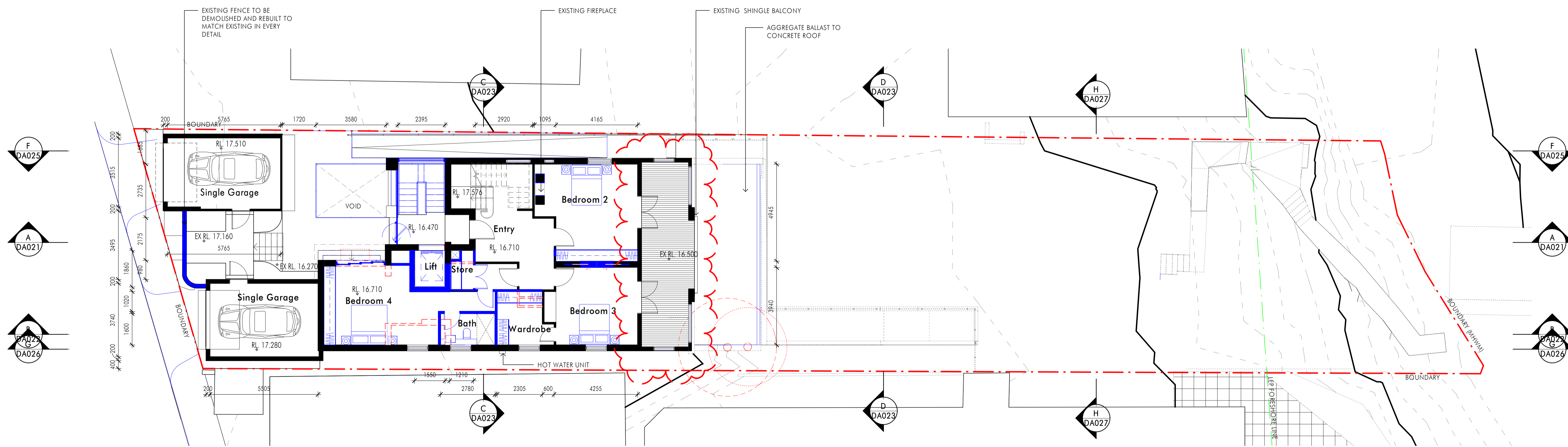
Issue	Description	Date
A	Amended Development Application	24.08.21
P9	Amended Development Application	16.08.21
P8	Amended Development Application	12.08.21
P7	Amended Development Application	06.05.21
P6	Amended Development Application	04.05.21
P5	Amended Development Application	03.05.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND  
 EXISTING  
 DEMOLITION  
 NEW CONSTRUCTION

Title: **Lower Ground 1 Floor Plan**  
 Scale: As indicated  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA014  
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1 Ground Level  
1:100

NOTE:  
REFER TO BASIX CERTIFICATE FOR THERMAL  
INSULATION REQUIREMENTS TO NEW &  
ALTERED FLOORS, WALLS & CEILINGS

For Approval

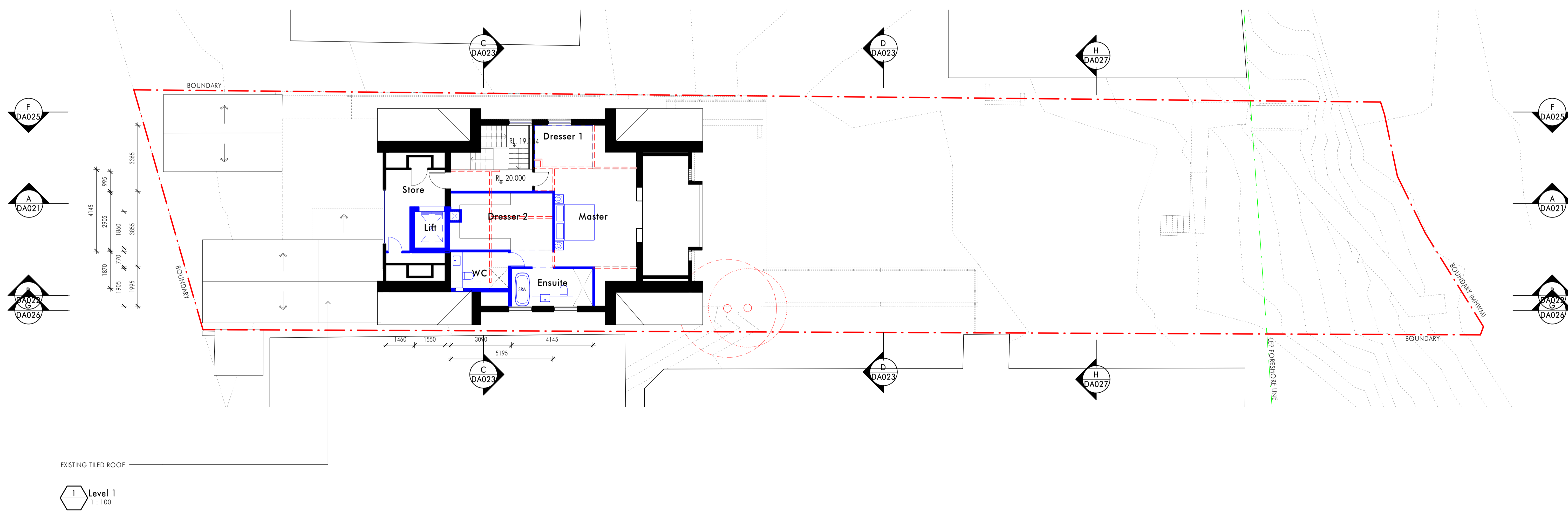
Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND  
 EXISTING  
 DEMOLITION  
 NEW CONSTRUCTION

Title: **Ground Floor Plan**  
 Scale: As indicated  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DAO15  
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EXISTING TILED ROOF  
 Level 1  
 1:100

NOTE:  
 REFER TO BASIX CERTIFICATE FOR THERMAL  
 INSULATION REQUIREMENTS TO NEW &  
 ALTERED FLOORS, WALLS & CEILINGS

For Approval

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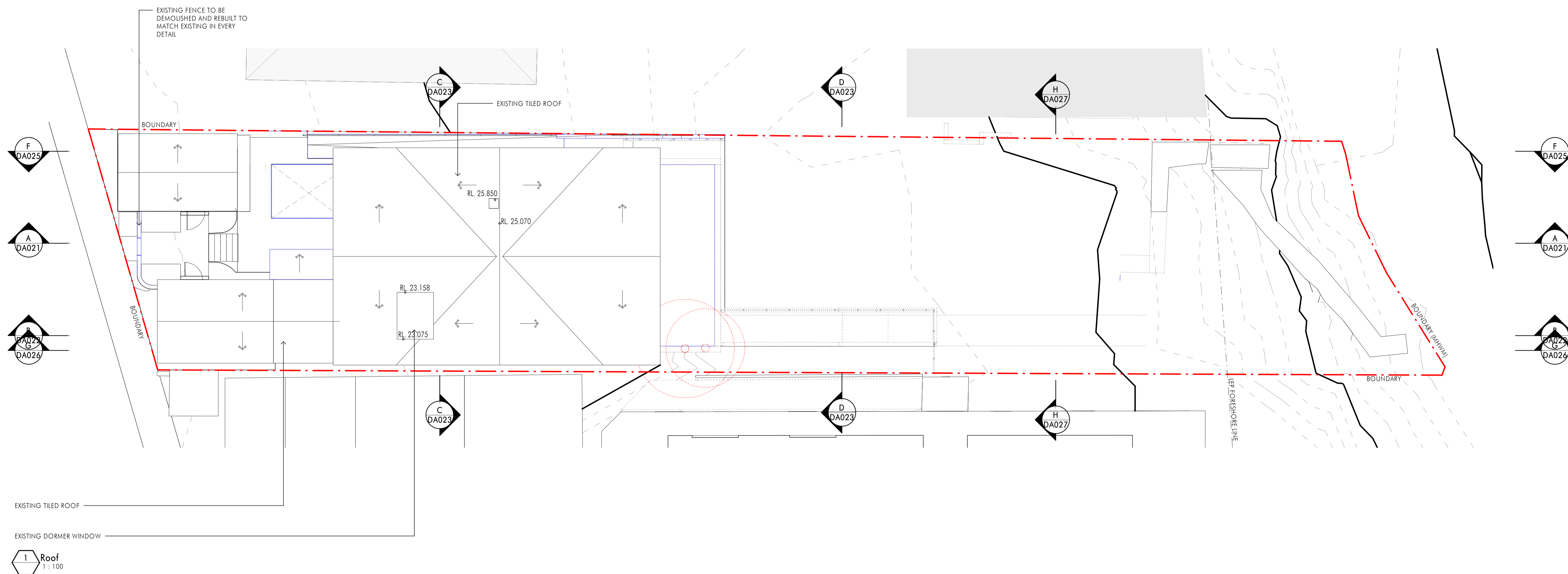
Project  
 13 Shellcove Road  
 Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND  
 ■ EXISTING  
 ■ DEMOLITION  
 ■ NEW CONSTRUCTION

Title: Level 1 Floor Plan  
 Scale: As indicated  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA016  
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NOTE:  
REFER TO BASIX CERTIFICATE FOR THERMAL INSULATION REQUIREMENTS TO NEW & ALTERED FLOORS, WALLS & CEILINGS

For Approval

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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P9	Amended Development Application	16.08.21
P8	Amended Development Application	12.08.21
P7	Amended Development Application	06.05.21
P6	Amended Development Application	04.05.21
P5	Amended Development Application	03.05.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION

Title: Roof Level Plan

Scale: As indicated

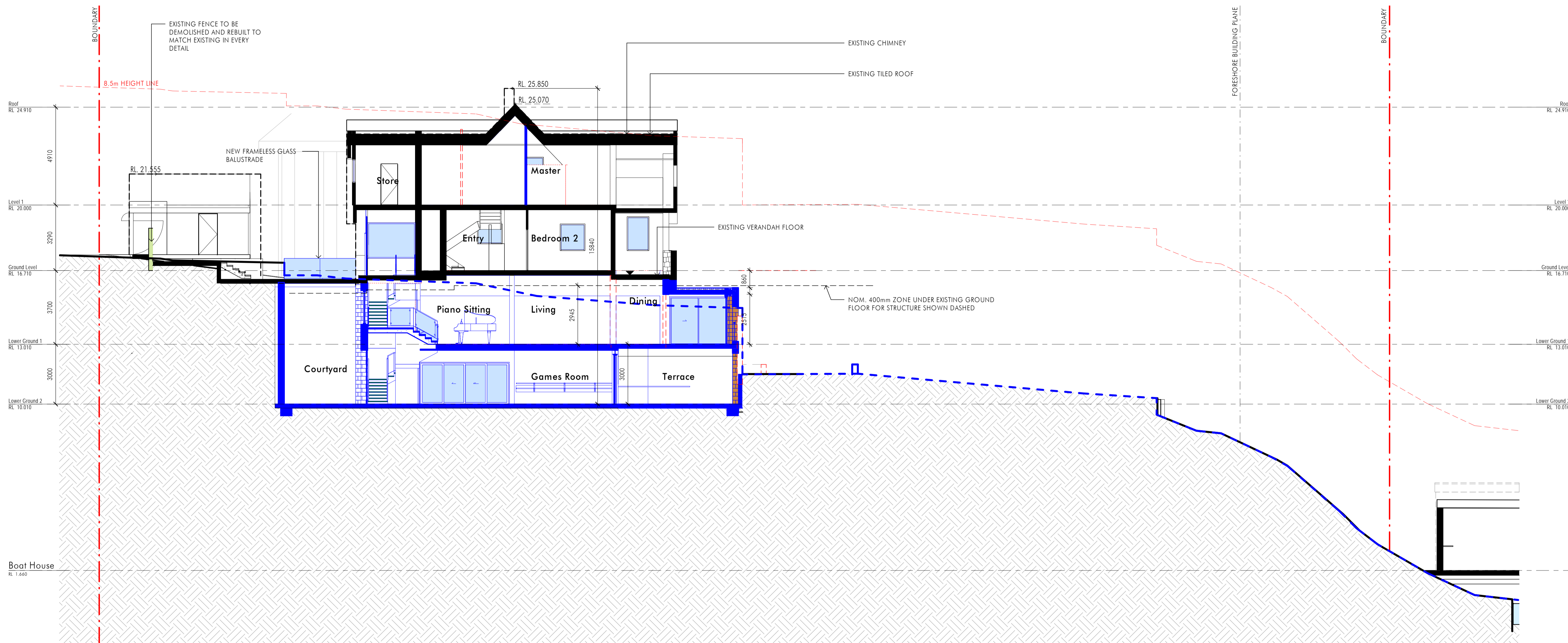
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Date: 24.08.21

Number: 10506\_DA017

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A Section A-A  
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For Approval

Project  
**13 Shellcove Road**  
**Kurraba Point, Sydney, 2089.**

Issue	Description	Date
A	Amended Development Application	24.08.21
P12	Amended Development Application	16.08.21
P11	Amended Development Application	12.08.21
P10	Amended Development Application	06.05.21
P9	Amended Development Application	04.05.21
P8	Amended Development Application	03.05.21
P7	Amended Development Application	30.04.21
P6	Issue For Development Application	17.12.20
P5	Issue For Information	16.12.20
P4	Issue For Information	09.12.20
P3	Issue For Information	03.12.20
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P1	Issue For Information	20.11.20

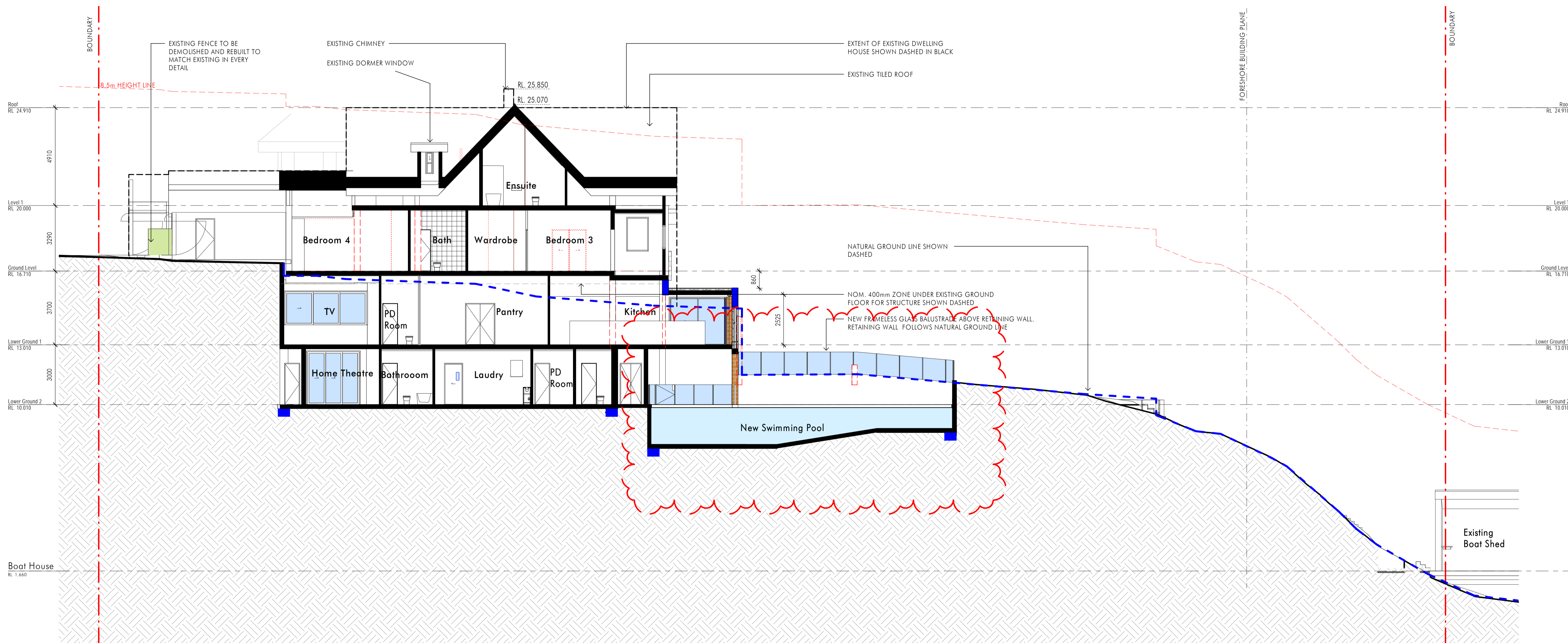
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<span style="color: grey;">■</span>	METAL
<span style="color: lightgrey;">■</span>	FIBRE CEMENT / CEMENT RENDER
<span style="color: yellow;">■</span>	ROOFTILES
<span style="color: brown;">■</span>	TIMBER

Title  
Scale As indicated  
Sheet Size A1  
Date 24.08.21  
Number  
10506\_DA021  
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Section A-A

**nettletontribe**



**B** Section B-B  
1 : 100

For Approval

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P13	Amended Development Application	16.08.21
P12	Amended Development Application	12.08.21
P11	Amended Development Application	06.05.21
P10	Amended Development Application	04.05.21
P9	Amended Development Application	03.05.21
P8	Amended Development Application	30.04.21
P7	Issue For Development Application	17.12.20
P6	Issue For Information	16.12.20
P5	Issue For Information	10.12.20
P4	Issue For Information	09.12.20
P3	Issue For Information	04.12.20
P2	Issue For Information	04.12.20
P1	Issue For Information	20.11.20

**LEGEND**

- CONCRETE
- TILE
- GLASS
- SANDSTONE
- METAL
- FIBRE CEMENT / CEMENT RENDER
- ROOFTILES
- TIMBER

Title  
Scale  
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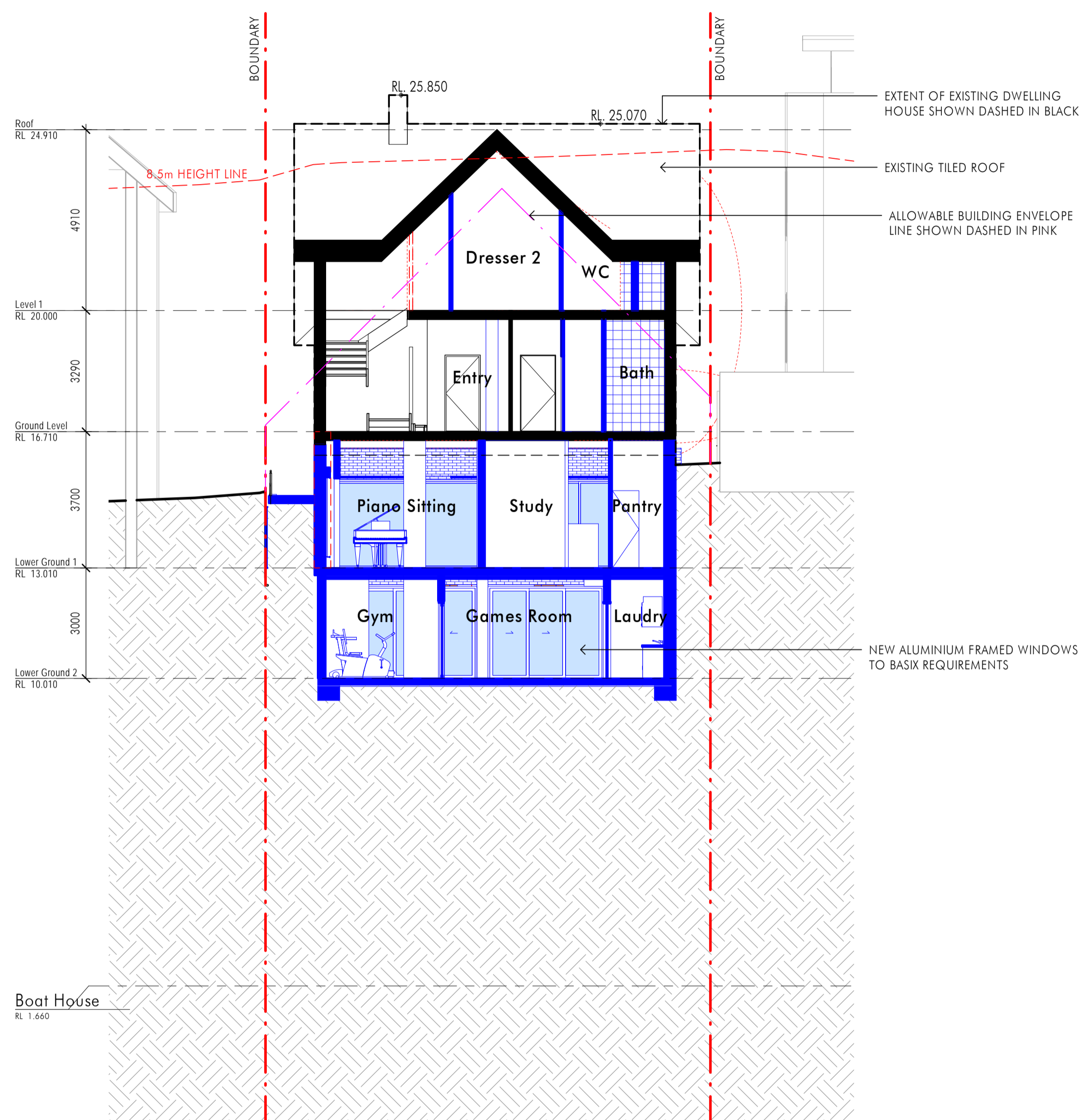
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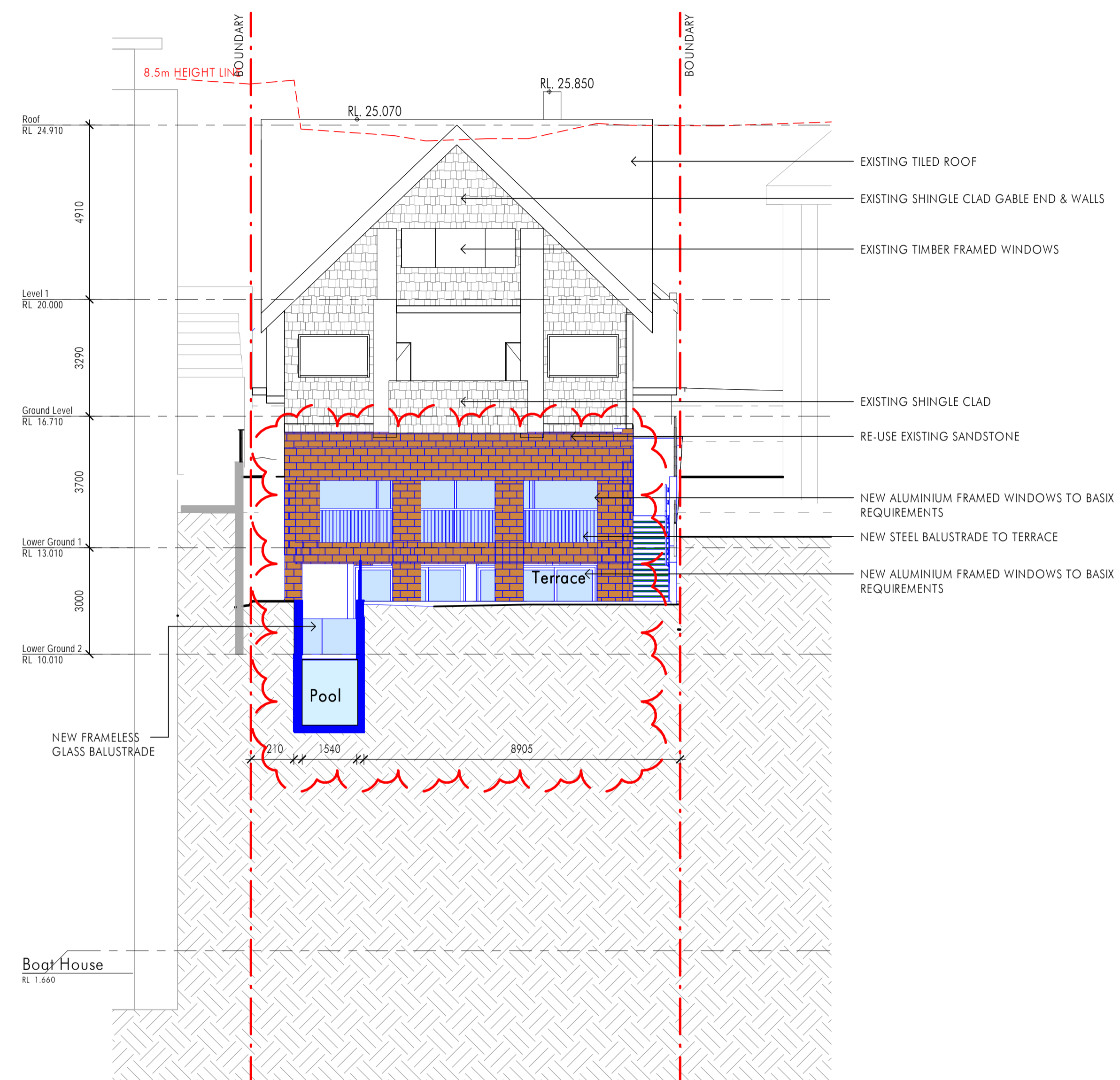
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C Section C-C  
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D Section D-D  
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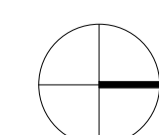
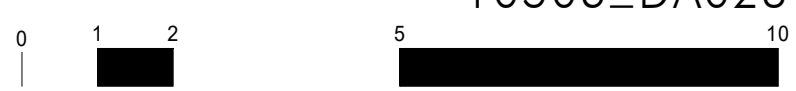
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**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

**LEGEND**

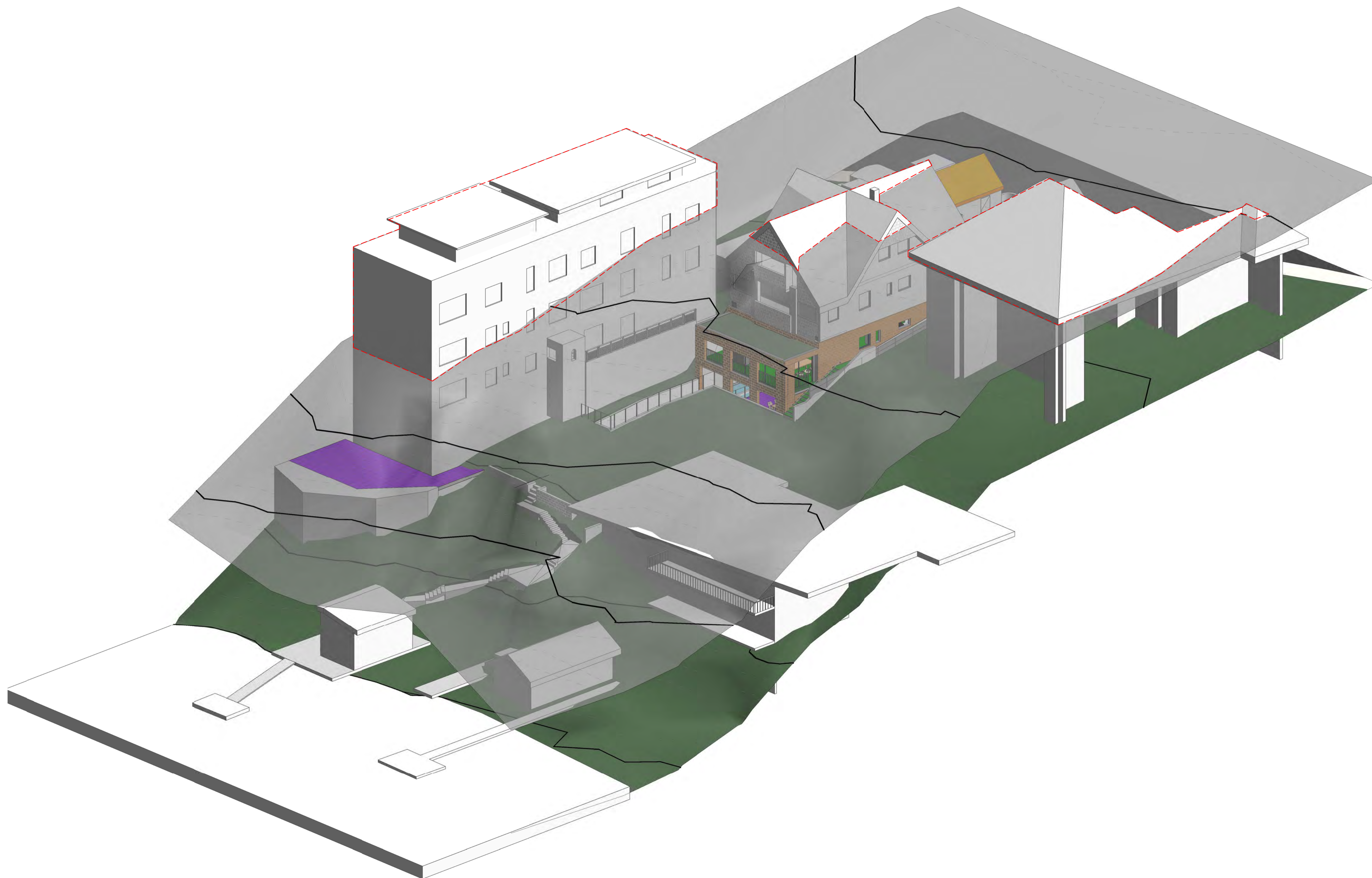
- CONCRETE
- TILE
- GLASS
- SANDSTONE
- METAL
- FIBRE CEMENT / CEMENT RENDER
- ROOFTILES
- TIMBER

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 Scale: As indicated  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA023  
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For Approval

**nettletontribe**



1 Height Diagram

For Approval

Project  
 13 Shellcove Road  
 Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
I4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

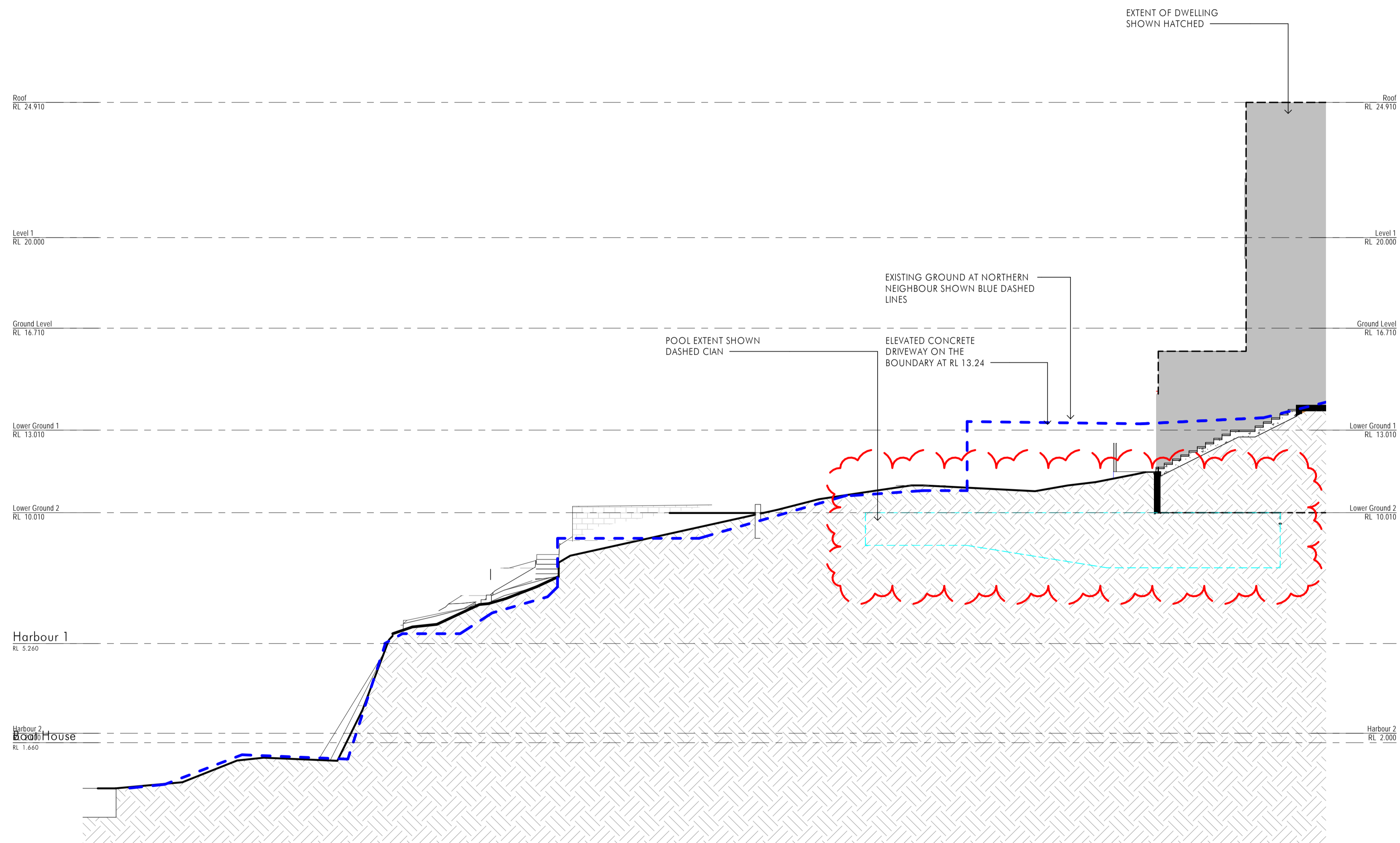
**LEGEND**

- 8.5m HEIGHT PLANE
- NATURAL GROUND LEVEL
- CONCRETE
- TILE
- GLASS
- SANDSTONE
- METAL
- FIBRE CEMENT / CEMENT RENDER
- ROOFTILES
- TIMBER

Title: 8.5m Height Plane  
 Scale: 1 : 1  
 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA024  
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23/08/2021 6:49:09 PM C:\BENT\DCAL\201\10506\_DA\Modelling\BentDraw.dwg



**F** Section F-F\_Pool cross section and existing ground at northern neighbour  
1 : 100

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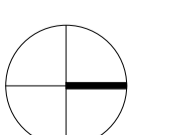
Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P6	Amended Development Application	16.08.21
P5	Amended Development Application	12.08.21
P4	Amended Development Application	06.05.21
P3	Amended Development Application	04.05.21
P2	Amended Development Application	03.05.21
P1	Amended Development Application	30.04.21

LEGEND

Title  
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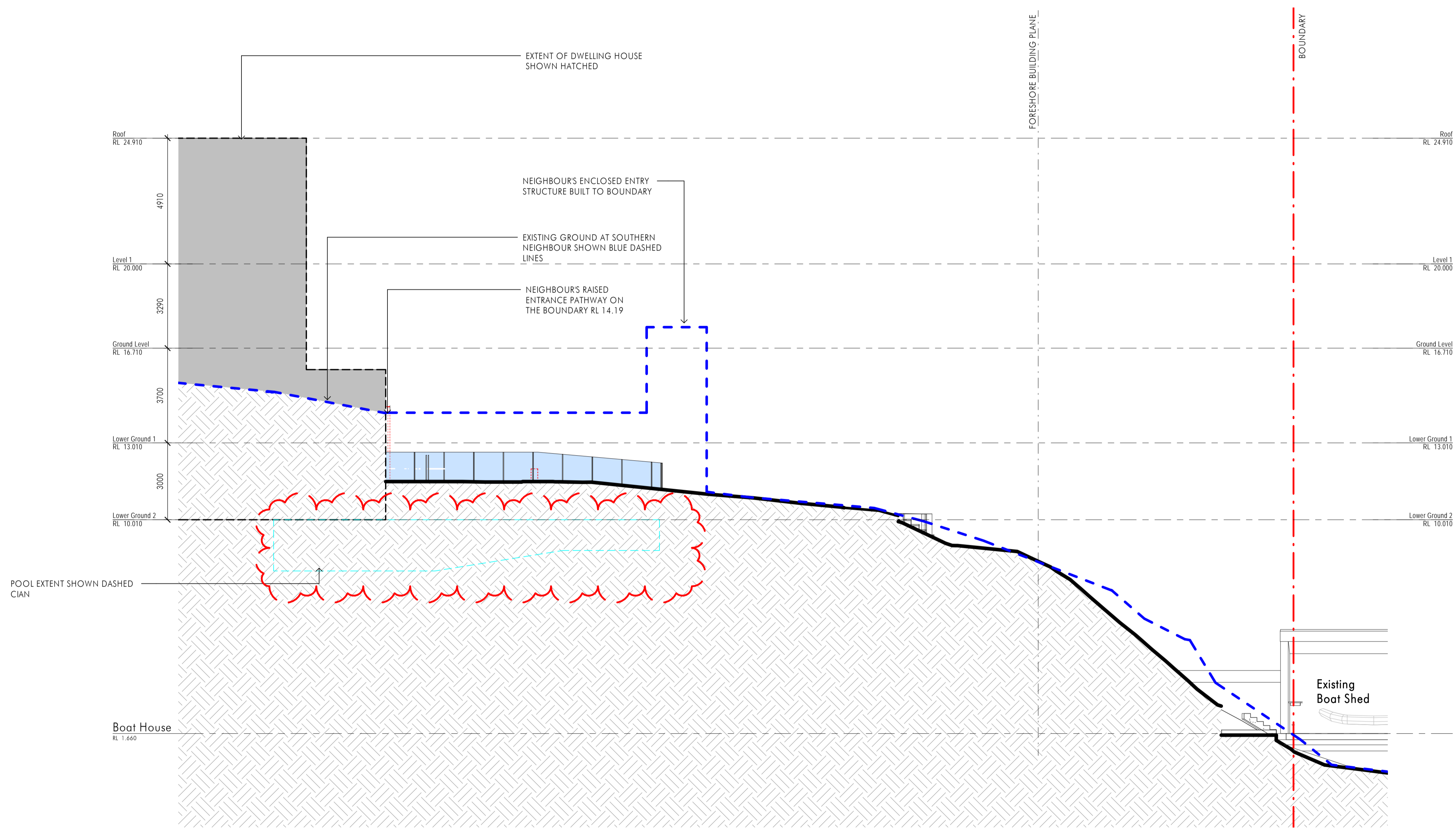
Section F-F



For Approval

**nettletontribe**





**G** Section G-G Pool Cross Section and existing ground at southern neighbour  
1 : 100

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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P6	Amended Development Application	16.08.21
P5	Amended Development Application	12.08.21
P4	Amended Development Application	06.05.21
P3	Amended Development Application	04.05.21
P2	Amended Development Application	03.05.21
P1	Amended Development Application	30.04.21

LEGEND

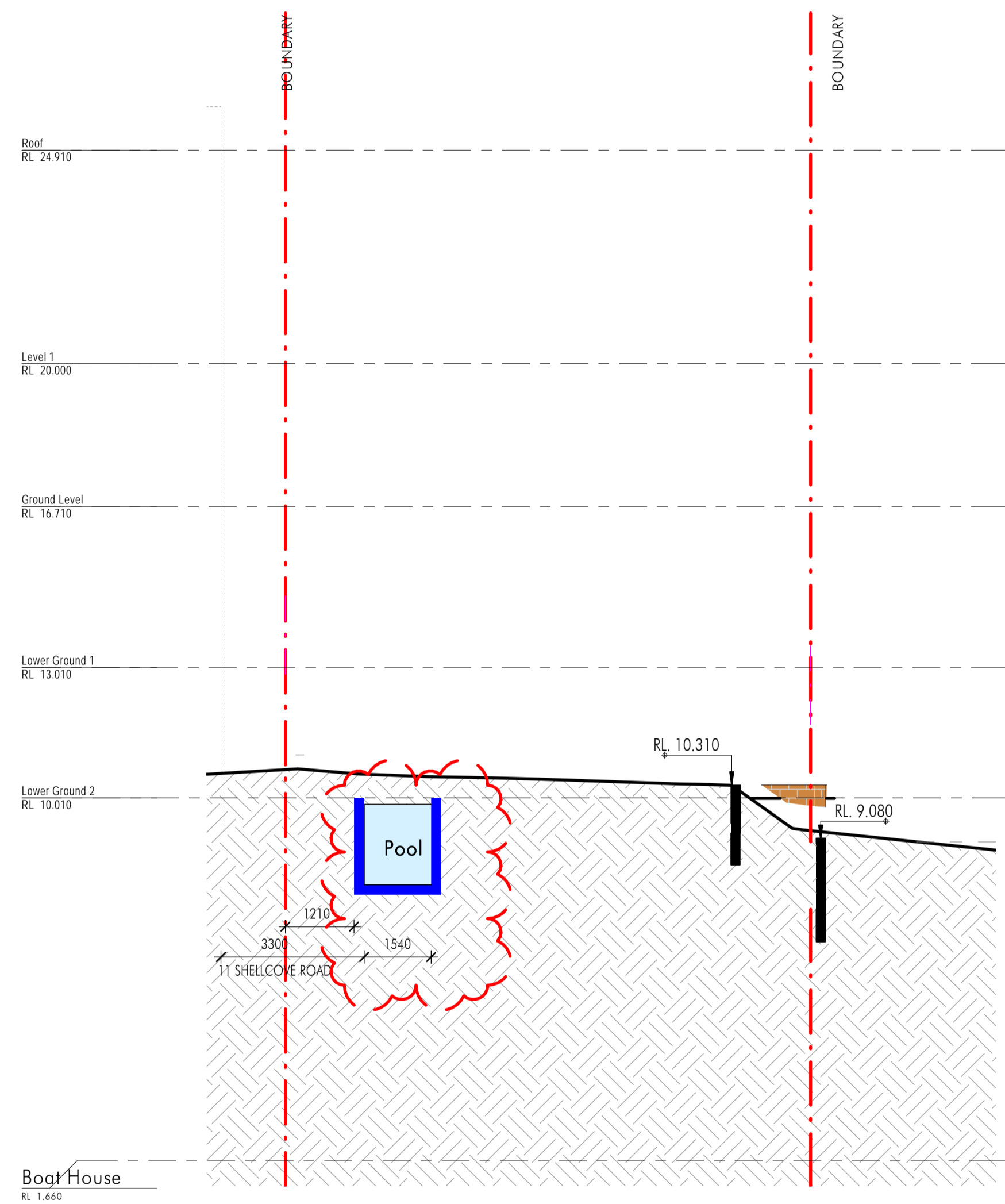
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Sheet Size  
Date 24.08.21  
Number 10506\_DA026

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Section G-G

For Approval

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**H** Section H-H - Pool cross section eastern elevation  
1 : 100

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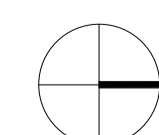
Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P5	Amended Development Application	16.08.21
P4	Amended Development Application	12.08.21
P3	Amended Development Application	06.05.21
P2	Amended Development Application	03.05.21
P1	Amended Development Application	30.04.21

LEGEND

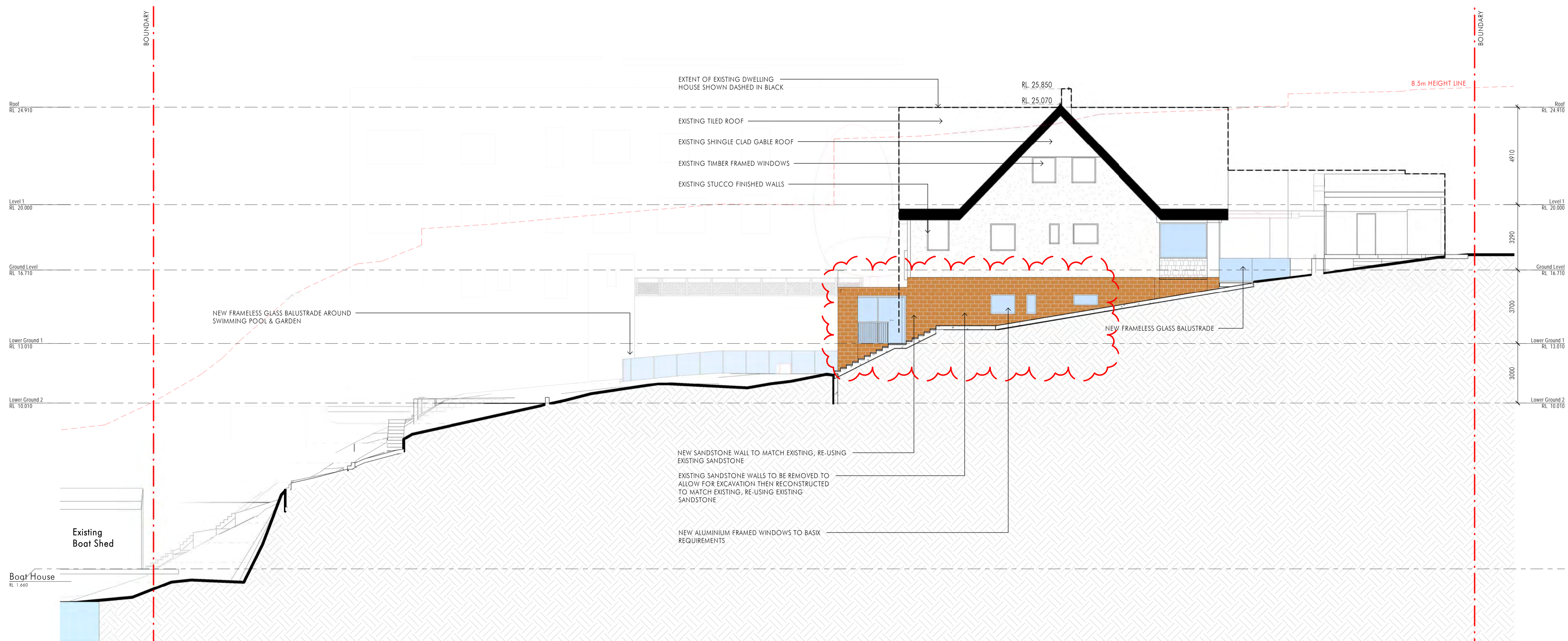
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Shear Size  
Date 24.08.21  
Number  
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Section H-H



For Approval

**nettletontribe**



1 North Elevation  
1 : 100

For Approval

Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

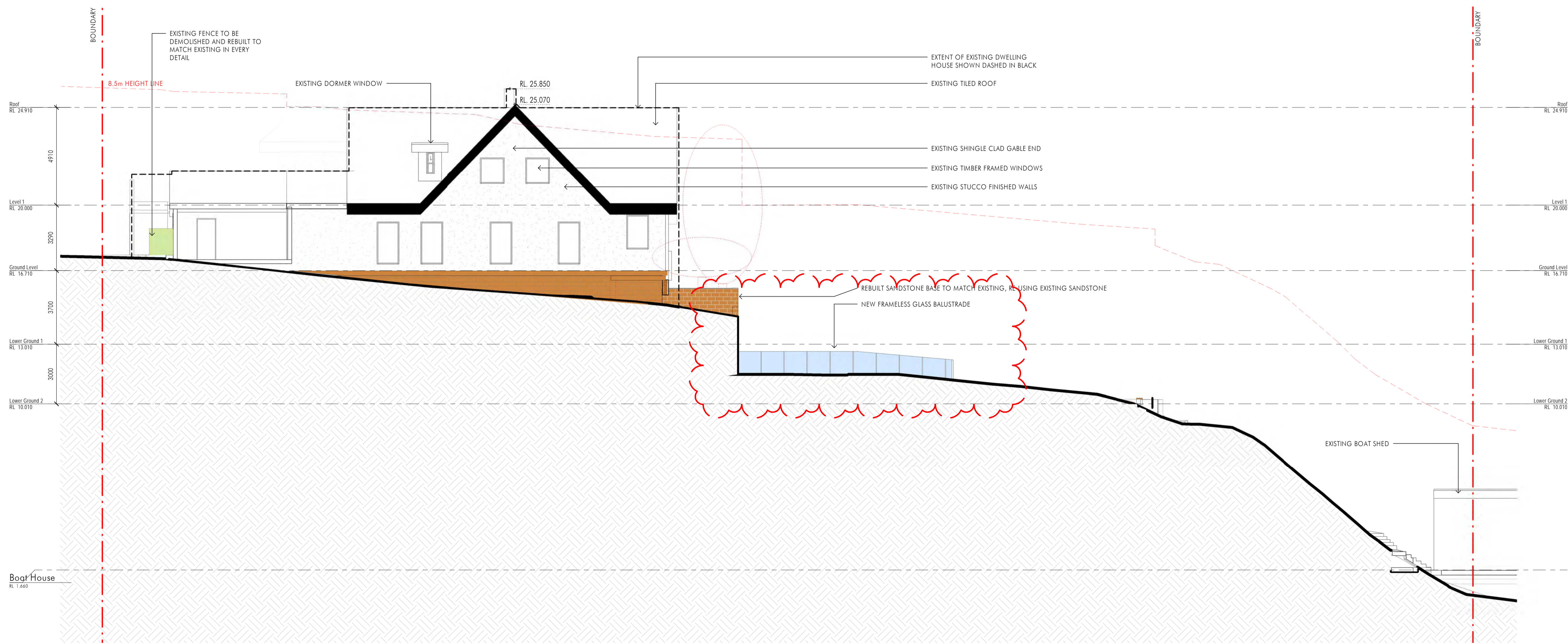
Issue	Description	Date
A	Amended Development Application	24.08.21
P11	Amended Development Application	16.08.21
P10	Amended Development Application	12.08.21
P9	Amended Development Application	06.05.21
P8	Amended Development Application	04.05.21
P7	Amended Development Application	03.05.21
P6	Amended Development Application	30.04.21
P5	Issue For Development Application	17.12.20
P4	Issue For Information	16.12.20
P3	Issue For Information	09.12.20
P2	Issue For Information	03.12.20
P1	Issue For Information	20.11.20

LEGEND

<span style="color: green;">■</span>	CONCRETE
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<span style="color: orange;">■</span>	GLASS
<span style="color: brown;">■</span>	SANDSTONE
<span style="color: grey;">■</span>	METAL
<span style="color: lightgrey;">■</span>	FIBRE CEMENT / CEMENT RENDER
<span style="color: yellow;">■</span>	ROOFTILES
<span style="color: black;">■</span>	TIMBER

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Scale: As indicated  
Sheet Size: A1  
Date: 24.08.21  
Number: 10506\_DA031  
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1 South Elevation  
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Project  
**13 Shellcove Road**  
**Kurraba Point, Sydney, 2089.**

Issue	Description	Date
A	Amended Development Application	24.08.21
P11	Amended Development Application	16.08.21
P10	Amended Development Application	12.08.21
P9	Amended Development Application	06.05.21
P8	Amended Development Application	04.05.21
P7	Amended Development Application	03.05.21
P6	Amended Development Application	30.04.21
P5	Issue For Development Application	17.12.20
P4	Issue For Information	16.12.20
P3	Issue For Information	09.12.20
P2	Issue For Information	03.12.20
P1	Issue For Information	20.11.20

**LEGEND**

<span style="color: green;">■</span>	CONCRETE
<span style="color: blue;">■</span>	TILE
<span style="color: orange;">■</span>	GLASS
<span style="color: brown;">■</span>	SANDSTONE
<span style="color: grey;">■</span>	METAL
<span style="color: lightgrey;">■</span>	FIBRE CEMENT / CEMENT RENDER
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Scale: As indicated

Sheet Size: A1

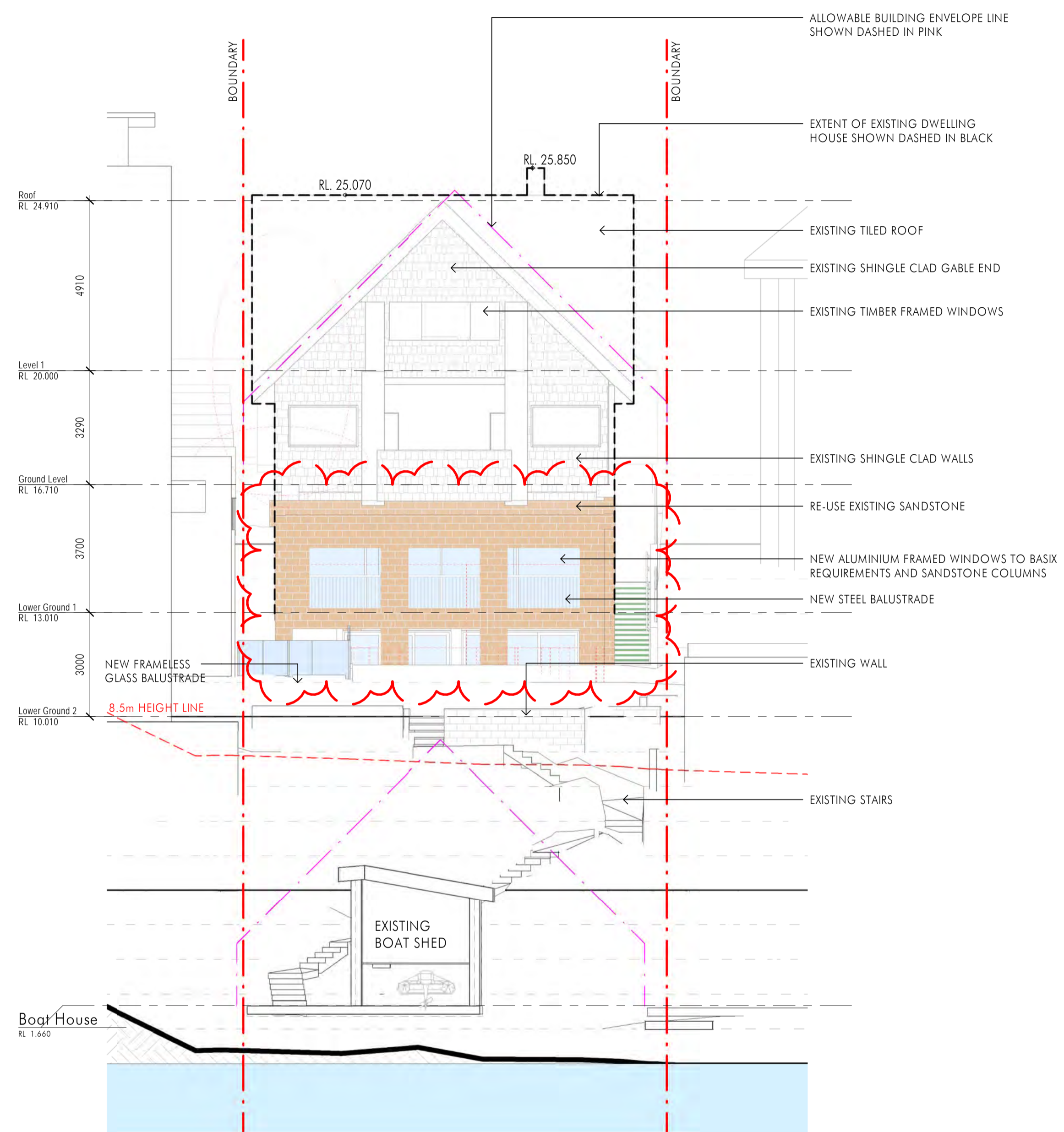
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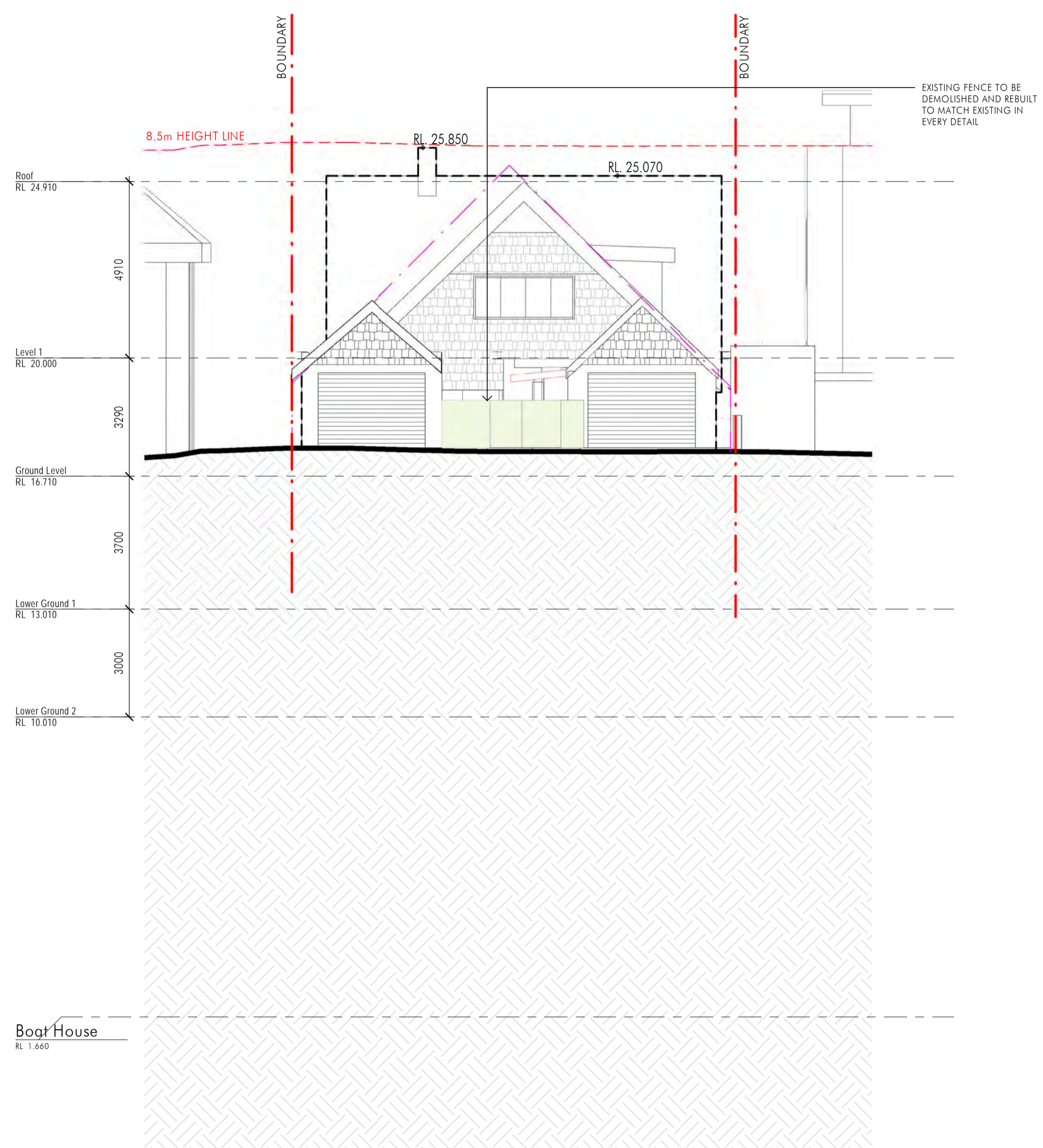
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1 East Elevation  
1 : 100



2 West Elevation  
1 : 100

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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

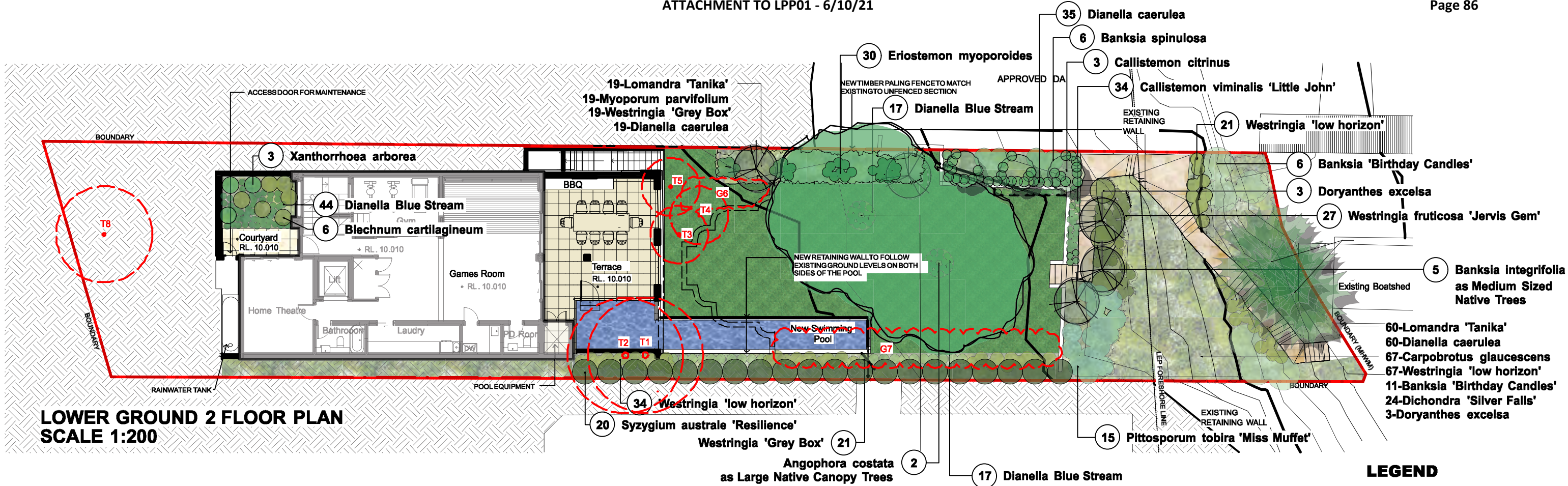
**LEGEND**

- CONCRETE
- TILE
- GLASS
- SANDSTONE
- METAL
- FIBRE CEMENT / CEMENT RENDER
- ROOFTILES
- TIMBER

Title: **East & West Elevation**  
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 Sheet Size: A1  
 Date: 24.08.21  
 Number: 10506\_DA033  
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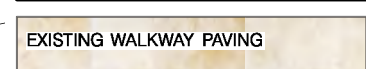
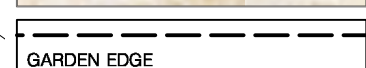

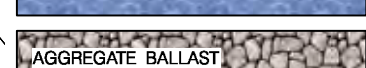

For Approval

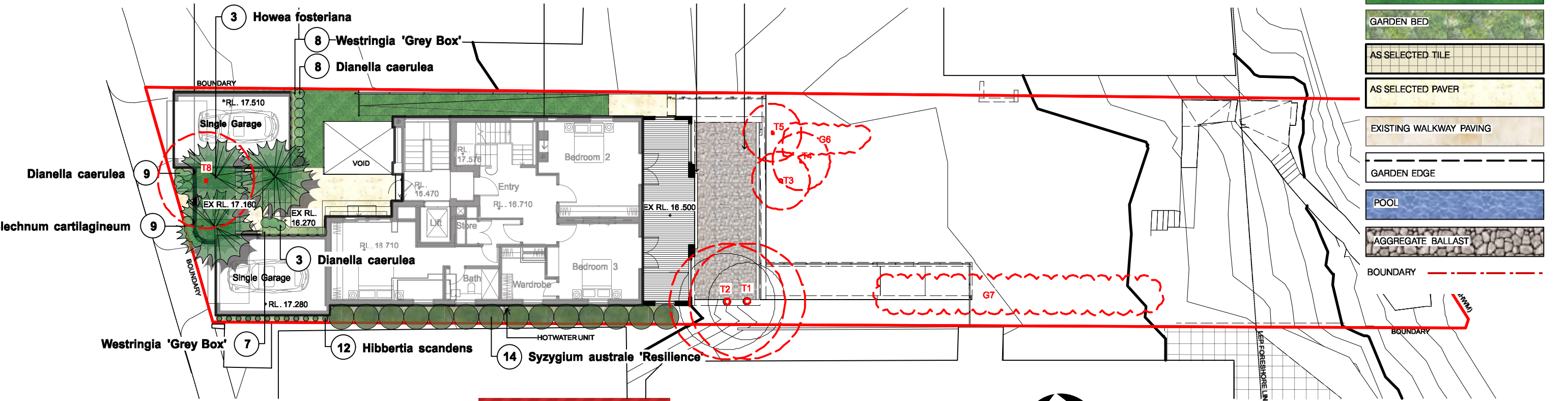
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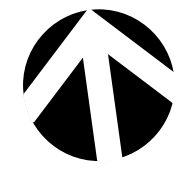
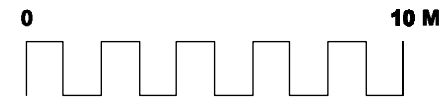
**LOWER GROUND 2 FLOOR PLAN**  
**SCALE 1:200**

**LEGEND**

-  LAWN/ TURF
-  GARDEN BED
-  AS SELECTED TILE
-  AS SELECTED PAVER
-  EXISTING WALKWAY PAVING
-  GARDEN EDGE
-  POOL
-  AGGREGATE BALLAST
-  BOUNDARY



**GROUND FLOOR PLAN**  
**SCALE 1:200**



ISSUE	DATE	COMMENT
I	20/08/21	UPDATE ARCH PLAN
H	11/05/21	UPDATE ARCH PLAN
G	07/05/21	UPDATE ARCH PLAN

**AMENDMENTS**

ID	Botanical Name	Common Name	Scheduled Size	Mature Height	Mature Spread	Qty
<b>Plant List</b>						
<b>Trees</b>						
ACost	Angophora costata	Sydney Red Gum, Smooth-barked Apple	200L	15 - 20m	8 - 12m	2
Ban-int	Banksia integrifolia	Coastal Banksia	45L	8m	3m	5
Cal-cit	Callistemon citrinus	Scarlet Bottlebrush	45L	3 - 5m	2.0 - 3.5m	3
HFost	Howea fosteriana	Kentia Palm	45L	5 - 10m	3.5 - 6m	3
<b>Shrubs</b>						
Ban-BC	Banksia 'Birthday Candles'	Heath-leaved Banksia	200mm	2 - 4m	2 - 3m	17
Ban-spi	Banksia spinulosa	Hairpin Banksia	200mm	0.9 - 1.5m	0.9 - 1.2m	6
Cal-vim-lj	Callistemon viminalis 'Little John'	Weeping Bottlebrush	200mm	0.9 - 1.5m	0.9 - 1.2m	34
eri-my	Eriostemon myoporoides	Wax Flower	200mm	0.6 - 1.2m	0.6m	30
Pit-tob-mm-1	Pittosporum tobira 'Miss Muffet'	Mock Orange	200mm	0.6-1.2m	1.2 - 2.0m	15
syz-au're'	Syzygium australe 'Resilience'	Lilly Pilly	200mm	1 - 2.5m	1.5m	34
wes-gb	Westringia 'Grey Box'	Grey Box	200mm	0.9m	0.6m	55
Wes-fru'JG	Westringia fruticosa 'Jervis Gem'	Coastal Rosemary	200mm	1 ~ 1.2 metre	1 ~ 1.5 metre	27
<b>Ground Covers</b>						
Ble-car	Blechnum cartilagineum	Gristle Fern	150mm	0.5m	1m	15
Car-gla	Carpobrotus glaucescens	Coastal Moonflower , Pigface , Iceplant	150mm	0.0 - 0.3m	1.2 - 2.0m	67
dic-sf	Dichondra 'Silver Falls'	Silver falls kidney weed	150mm	1.2m	0.5m	24
Hib-sca	Hibbertia scandens	Snake Vine	150mm	0.3m	1.2m	12
Myo-par	Myoporum parvifolium	Carpet Spreading Myoporum	150mm	0.45 - 0.6m	0.3m	19
wes-lh'	Westringia 'low horizon'	coastal rosmary	200mm	0.4m	0.8m	122
<b>Grasses</b>						
dai 'bs'	Dianella Blue Stream	flax lily	150mm	0.3 ~ 0.4 metres	0.3 ~ 0.4 metres	78
Dia-cae-2	Dianella caerulea	Blue Flax-lily	150mm	0.4m	0.6m	134
Dor-exc	Doryanthes excelsa	Gynea Lily	300mm	1-2m	2-4m	6
lom-ta	Lomandra 'Tanika'	Fine-leaved mat rush	150mm	0.5m	0.6m	79
Xan-arb	Xanthorrhoea arborea	Grass Tree	150mm	1m	1m	3



Angophora costata  
Sydney Red Gum



Banksia integrifolia  
Coastal Banksia



Callistemon citrinus  
Bottlebrush



Howea fosteriana  
Kentia palm



Banksia 'Birthday Candles'  
Heath-leaved banksia



Banksia spinulosa  
Birthday Candles



Callistemon viminalis  
'Little John'



Eriostemon myoporoides  
Wax Flower



Pittosporum tobira  
'Miss Muffet'



Syzygium Australe-resilience  
Lilly Pilly



Westringia fruticosa 'Jervis Gem'  
Coastal rosemary



Westringia Grey Box  
Grey Box 'Westringia'



Blechnum cartilagineum  
Gristle fern



Carpobrotus glaucescens  
Pgs Face



Dichondra Silver Falls  
Silver Falls Kidney Weed



Hibbertia scandens  
Golden guinea flower



Myoporum parvifolium  
Yareena Creeping Boobiala



Westringia low horizon  
Coastal rosemary



Dianella Blue Stream  
Flax Lilly



Dianella caerulea  
Flax Lilly



Doryanthes excelsa  
Gynea Lilly



Lomandra tanika  
Fine Leafed Mat Rush



Xanthorrhoea arborea  
Grass tree

ISSUE	DATE	COMMENT
I	20/08/21	UPDATE ARCHPLAN
H	11/05/21	UPDATE ARCHPLAN
G	07/05/21	UPDATE ARCHPLAN

AMENDMENTS

creating places to  
live in and enjoy

LANDSCAPE ARCHITECTS // CONSTRUCTION // MAINTENANCE // IRRIGATION

**SITEDESIGN  
+STUDIOS**

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PO Box 265  
SEAFOORTH NSW 2092  
0417685846  
p 130022 44 55  
info@sdstudios.com.au  
www.sdstudios.com.au

Project **PROPOSED LANDSCAPE PLAN**  
Address **13 SHELLCOVE RD, KURRABA POINT, 2089 SYDNEY**  
Drawing Title **PLANTING SCHEDULE AND IMAGE**  
Client **NETTLEOTONTRIBE**

Scale. **N.T.S@A3**

Drawing No. **1162**

Page

**L-02 I**

### LANDSCAPE MAINTENANCE NOTES

THE CONTRACTOR SHALL CONTINUOUSLY MAINTAIN ALL AREAS OF THE CONTRACT DURING THE PROGRESS OF THE WORKS. THE CONTRACTOR SHALL COMMENCE AND FULLY IMPLEMENT THE SHORT-TERM MAINTENANCE AND ESTABLISHMENT AFTER PRACTICAL COMPLETION HAS BEEN CONFIRMED.  
 SITE CONTROL: REPORT TO THE PRINCIPAL'S DESIGNATED REPRESENTATIVE ON ARRIVING AT AND BEFORE LEAVING THE SITE.  
 PLANT ESTABLISHMENT PERIOD: THE PERIOD BETWEEN THE DATE OF PRACTICAL COMPLETION AND THE DATE OF FINAL COMPLETION.  
 MAINTENANCE/ ESTABLISHMENT PERIOD: 12 MONTHS.

PLANT ESTABLISHMENT: MAINTAIN THE CONTRACT AREA DURING THE PLANT ESTABLISHMENT PERIOD. ENSURE THE GENERAL APPEARANCE AND PRESENTATION OF THE LANDSCAPE AND THE QUALITY OF PLANT MATERIAL AT DATE OF PRACTICAL COMPLETION IS MAINTAINED FOR THE FULL PLANTING ESTABLISHMENT PERIOD.

EXISTING PLANT MATERIAL: MAINTAIN EXISTING PLANTING WITHIN THE LANDSCAPE CONTRACT AREA AS SPECIFIED FOR NEW PLANTING.

REPLACEMENTS: REPLACE FAILED, DEAD AND/OR DAMAGED PLANTS AT MINIMUM 3 WEEK INTERVALS AS NECESSARY THROUGHOUT THE FULL PLANT ESTABLISHMENT PERIOD.

REPORTING: SUBMIT REGULAR REPORTS BY THE LAST FRIDAY OF EACH MONTH SUMMARISING THE GENERAL STATUS OF WORKS. INCLUDE A MAINTENANCE SCHEDULE, A LOG BOOK OF MAINTENANCE ACTIVITY, SOIL TEST RESULTS AS REQUIRED FOR ANY FERTILISING PROGRAMS, AND PLANT REPLACEMENT REQUIREMENTS.

WATER RESTRICTIONS: COORDINATE THE WATER SUPPLY AND CONFIRM THE WATERING REGIME AGAINST RELEVANT GOVERNMENT LEGISLATION AND RESTRICTIONS AT THE TIME.

STAKES AND TIES: REMOVE AT THE END OF THE PLANTING ESTABLISHMENT PERIOD.

TEMPORARY FENCES: REMOVE TEMPORARY PROTECTIVE FENCES AT THE END OF THE PLANTING ESTABLISHMENT PERIOD.

COMPLIANCE: PLANT ESTABLISHMENT SHALL BE DEEMED COMPLETE, SUBJECT TO THE FOLLOWING:

- \* REPAIRS TO PLANTING MEDIA COMPLETED.
- \* PESTS, DISEASE, OR NUTRIENT DEFICIENCIES OR TOXICITIES ARE NOT EVIDENT.
- \* MULCHED SURFACES HAVE BEEN MAINTAINED IN A WEED FREE AND TIDY CONDITION AND TO THE SPECIFIED DEPTH.
- \* VEGETATION IS ESTABLISHED AND WELL FORMED.
- \* PLANTS HAVE HEALTHY ROOT SYSTEMS.
- \* VEGETATION IS NOT RESTRICTING ESSENTIAL SIGHT LINES AND SIGNAGE.
- \* COLLECTION AND REMOVAL OF LITTER COMPLETED.
- \* REMOVAL OF MULCH FROM DRAINAGE AND ACCESS AREAS COMPLETED.
- \* ALL DEFECTS NOTIFICATIONS HAVE BEEN CLOSED OUT.

### LANDSCAPE MAINTENANCE NOTES

MONTH	MOWING EDGING BLOWING	FERTILISING (SEASOL)	CHECK IRRIGATION	HAND WEED REMOVAL	PRUNING	WEED SPRAYING	WATERING/ IRRIGATION	PLANT REPLACEMENT IF REQUIRED
DEC	W	M	M	W	F	M	D	W
JAN	W	M	M	W	F	M	D	W
FEB	W	M	M	W	F	M	D	W
MAR	F	M	M	F	M	M	D	W
APR	F	N/A	M	F	M	M	D	W
MAY	F	N/A	M	M	M	M	D	W
JUNE	M	N/A	M	M	N/A	N/A	2ND D	W
JULY	M	N/A	M	M	N/A	N/A	2ND D	W
AUG	M	N/A	M	M	N/A	N/A	2ND D	W
SEP	M	M	M	M	N/A	N/A	2ND D	W
OCT	F	F	M	F	M	M	D	W
NOV	F	F	M	F	M	M	D	W

PLANTING ESTABLISHMENT PERIOD - 12 MONTHS  
 LANDSCAPE MATERIAL ESTABLISHMENT - 12 MONTHS  
 KEY D-DAILY, W-WEEKLY, F-FORTNIGHT, M-MONTHLY, 2ND DAY.

#### GENERAL NOTES

All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned. All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.

#### NOTE

Do not scale off the drawings unless otherwise stated and use figured dimensions in preference. All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out. No responsibility will be accepted by Sitedesign for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction. COPYRIGHT CLAUSE This drawing and design is the property of Sitedesign and should not be reproduced either in part or whole without the written consent of this firm.

### DRIP IRRIGATION PERFORMANCE SPECIFICATION

All Garden Beds and Planter Boxes are to be provided with a drip irrigation system and two taps with removebale water keys, connected to a pump and the rainwater tank. All planter boxes on the upper level are to be provided with a drip irrigation system and one tap connected to a pump and the rainwater tank.

Design, supply and install a permanent, fully automated drip irrigation system. The system is to cover all new garden areas to the extent shown on the drawings. Water is to be delivered via sub surface drippers and/or drip lines. The system is to be capable of supplying 32mm of water/week over all irrigated areas. It is to be designed to operate for a minimum of 10 years. All lines are to be buried below the finished ground level. Pits are to be set on a 200mm deep bed of gravel. Pit covers are to be level with the soil surface. Avoid seepage onto pavement, buildings or other structures. Include plumbing connection to main, main valve and backflow prevention. Central controller/programmer to be located in a lockable box in nominated location to be approved prior to installation. A dedicated GPO is to be provided for the controller to be plugged into. All work is to be approved by the local regulatory authority. Prepare as installed drawings and commission the system. The Contractor is to submit documents of the design and specification for the irrigation system for approval prior to commencement of work.

Equipment is to comply with AS 2698.1 & as 2698.3.

Connect to pumps connect to the rainwater tanks.

I	20/08/21	UPDATE ARCHPLAN
H	11/05/21	UPDATE ARCHPLAN
G	07/05/21	UPDATE ARCHPLAN
ISSUE	DATE	COMMENT

#### AMENDMENTS

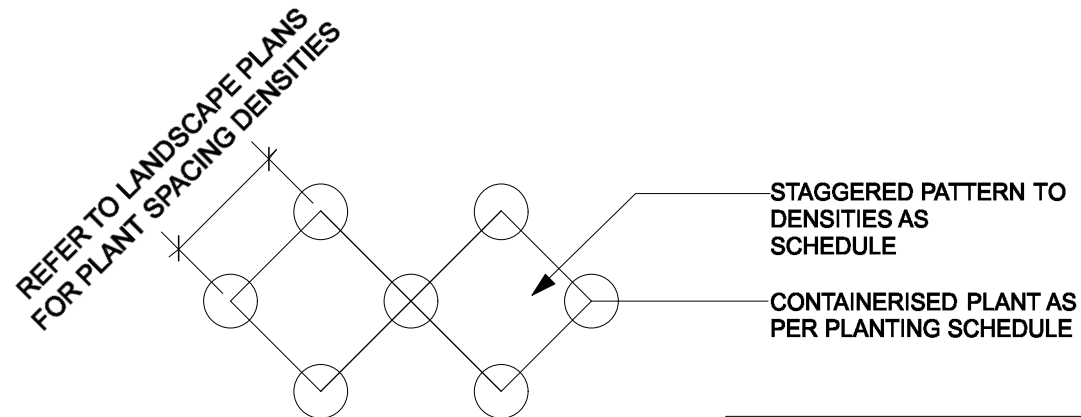
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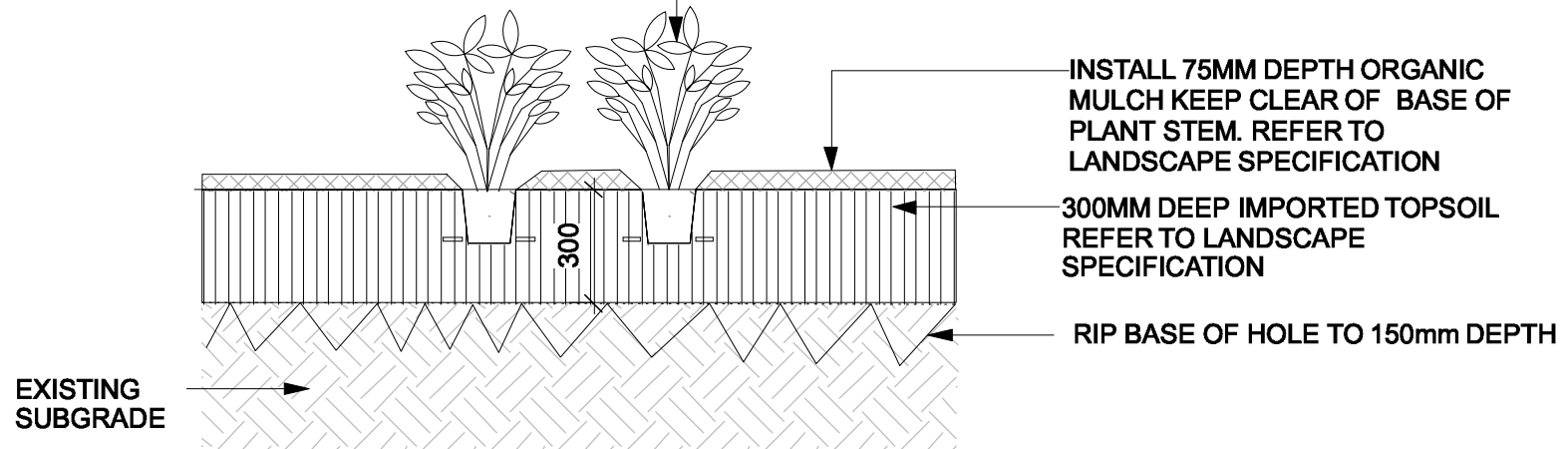
SYDNEY NORTH STUDIO  
 PO Box 265  
 SEAFORTH NSW 2092  
 0417685846  
 p 130022 44 55  
 info@sdstudios.com.au  
 www.sdstudios.com.au

Project	PROPOSED LANDSCAPE PLAN	
Address	13 SHELL COVE RD, KURRABA POINT, 2089 SYDNEY	Scale. N.T.S@A3
Drawing Title	LANDSCAPE IRRIGATION AND MAINTENANCE	
Client	NETTLEOTON TRIBE	
		Drawing No. 1162

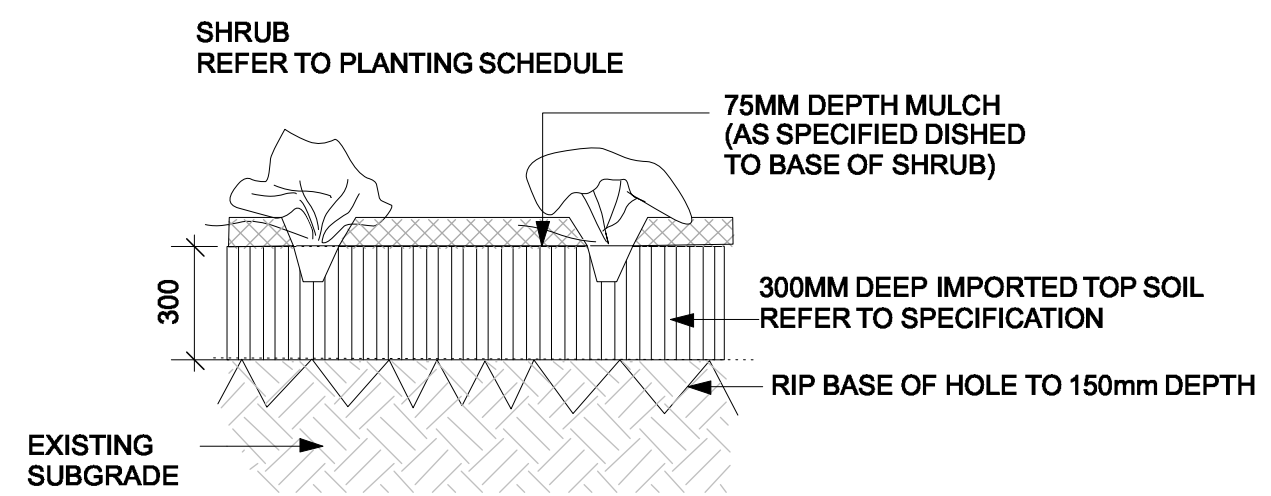




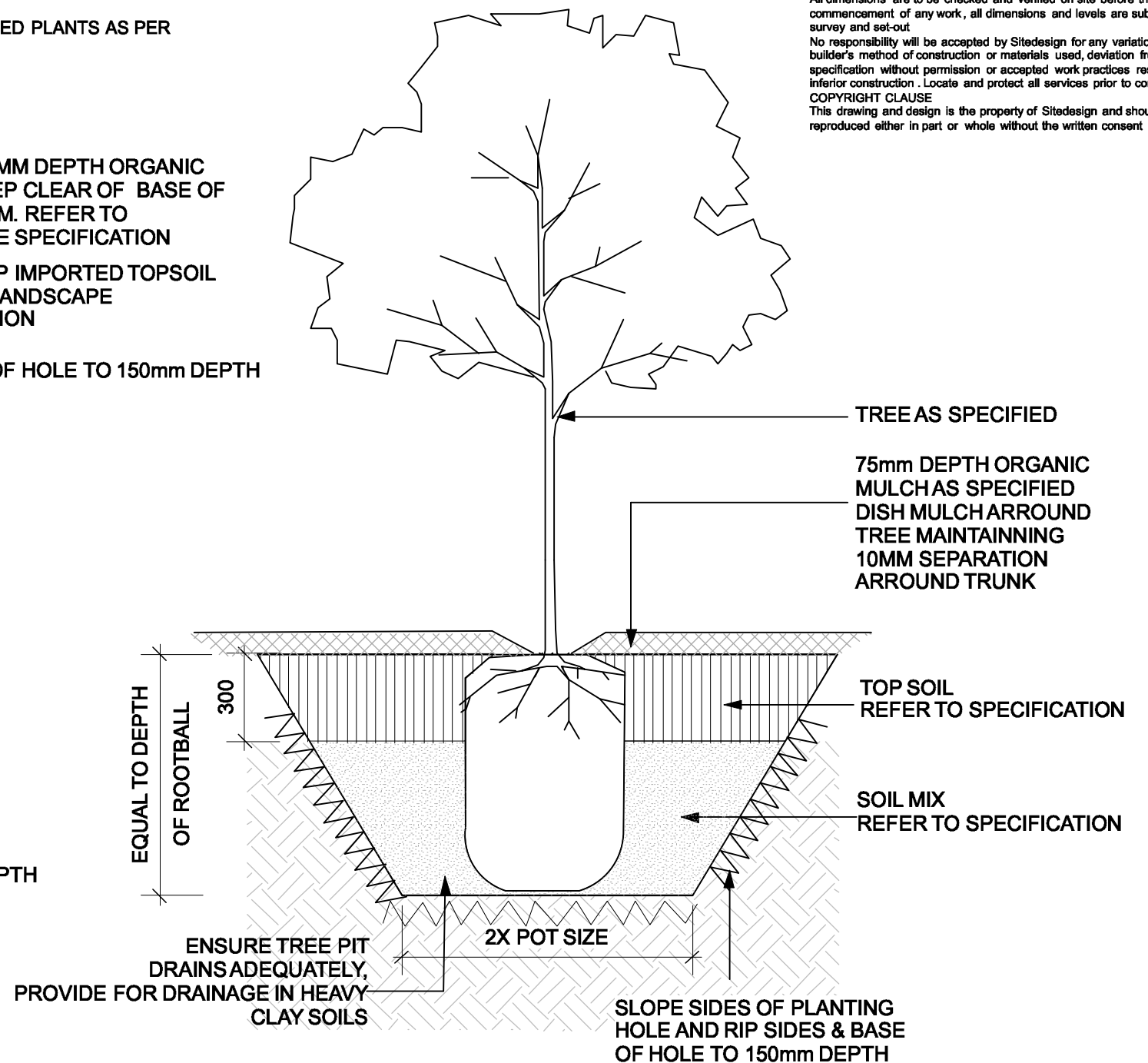
PLAN VIEW



**TYPICAL GROUNDCOVER PLANTING DETAIL**  
SCALE 1:20



**TYPICAL SHRUB PLANTING DETAIL**  
SCALE 1:20



**TREE IN GARDEN BED**  
SCALE 1:20

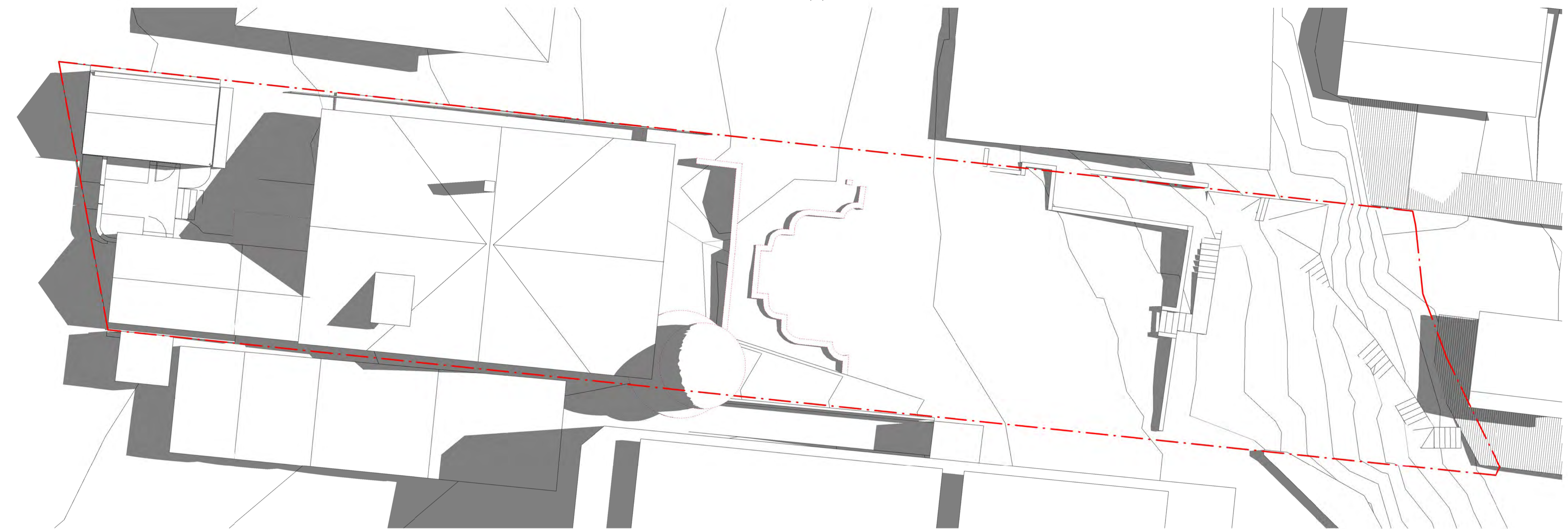
**GENERAL NOTES**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Authorities Regulations and all other relevant Authorities concerned. All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams & columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction. All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workman- shiplike manner according to the plans and specification.

**NOTE**  
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All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out.  
No responsibility will be accepted by Sitedesign for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.

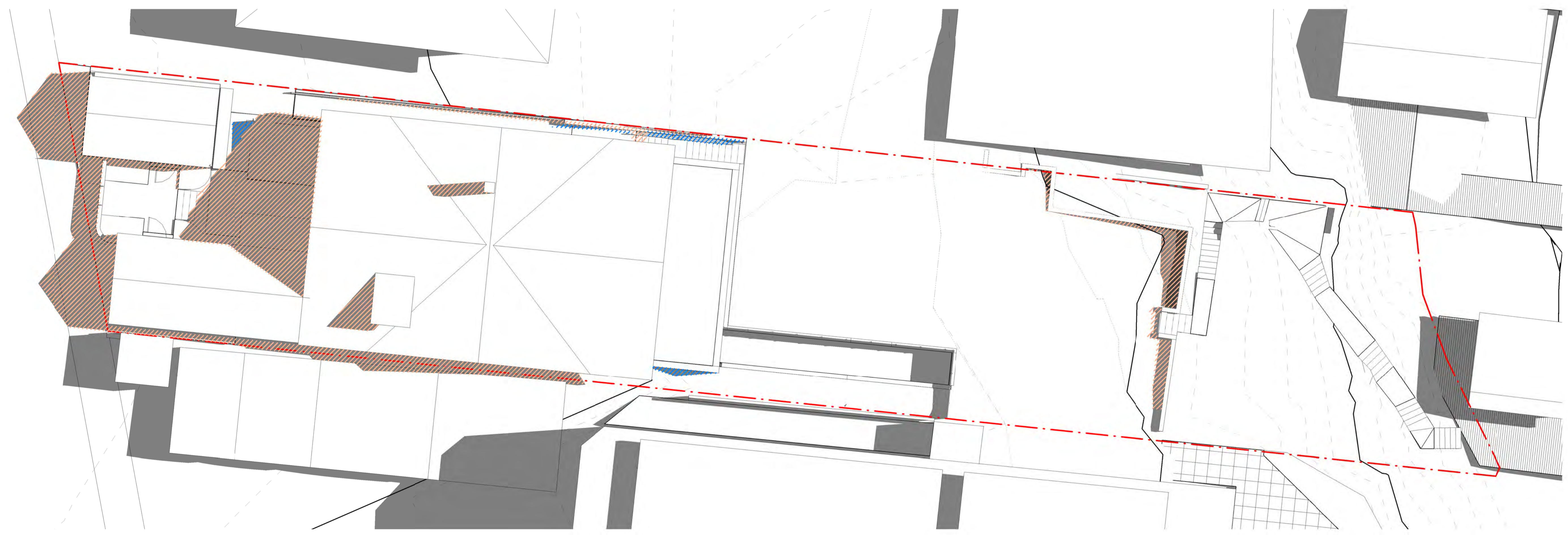
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ISSUE	DATE	COMMENT
I	20/08/21	UPDATE ARCH PLAN
H	11/05/21	UPDATE ARCH PLAN
G	07/05/21	UPDATE ARCH PLAN

AMENDMENTS



1 SA Sum 9am Existing  
1 : 100



2 SA Sum 9am Proposed  
1 : 100

For Approval

Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P10	Amended Development Application	16.08.21
P9	Amended Development Application	12.08.21
P8	Amended Development Application	06.05.21
P7	Amended Development Application	04.05.21
P6	Amended Development Application	03.05.21
P5	Amended Development Application	30.04.21
P4	Issue For Development Application	17.12.20
P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

LEGEND

- EXISTING SHADOW
- ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

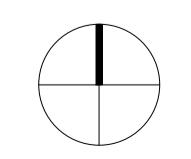
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Date  
Number

Solar Analysis - Summer 9am  
As indicated  
A1  
24.08.21

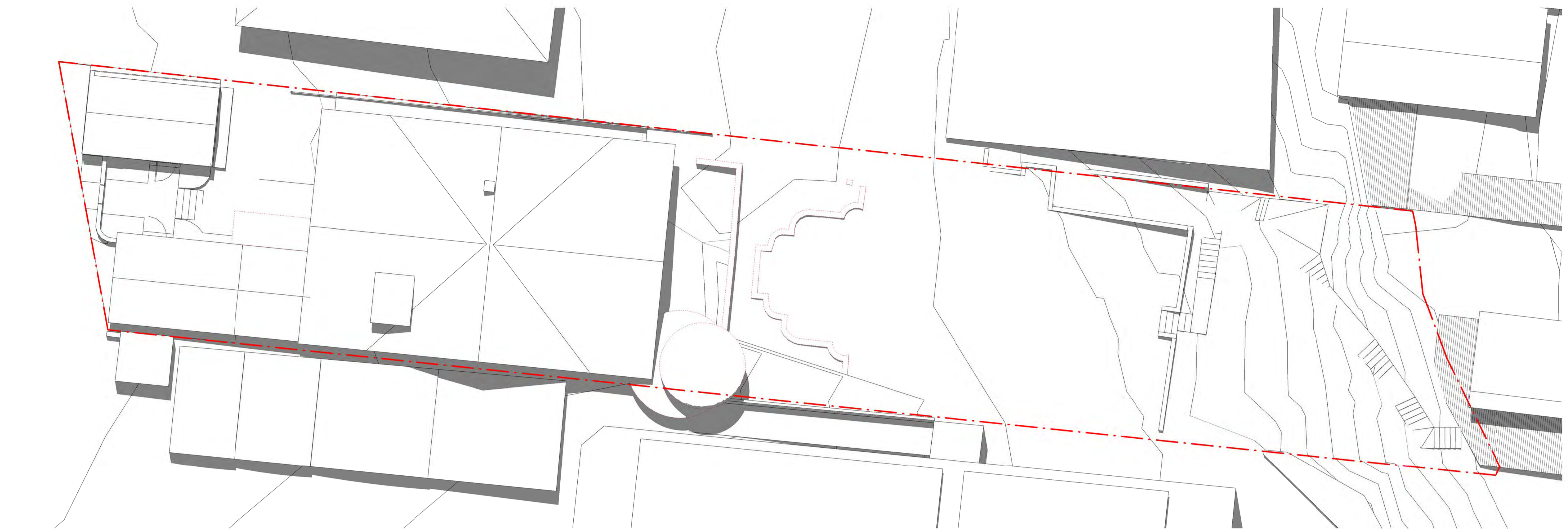
10506\_DA041

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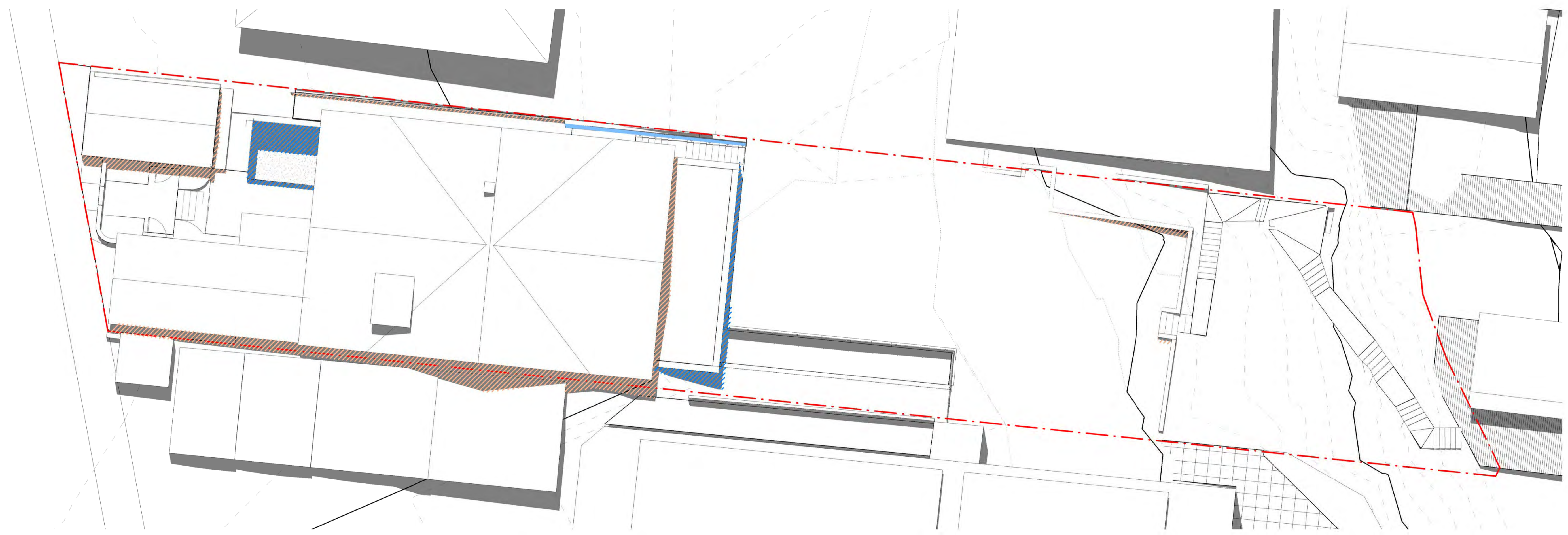
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nettletontribe



1 SA Sum 12pm Existing  
1 : 100



2 SA Sum 12pm Proposed  
1 : 100

For Approval

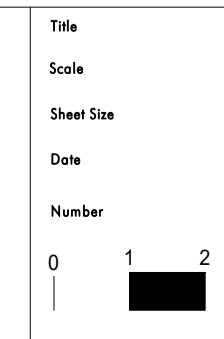
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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
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P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

**LEGEND**

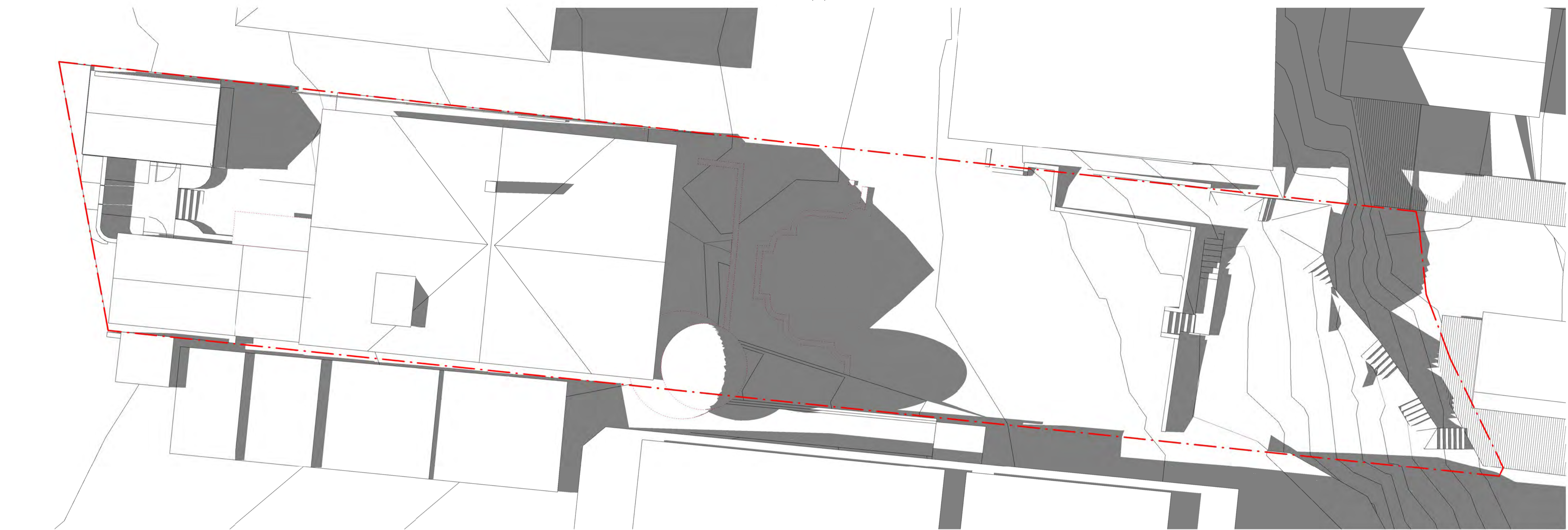
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- ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



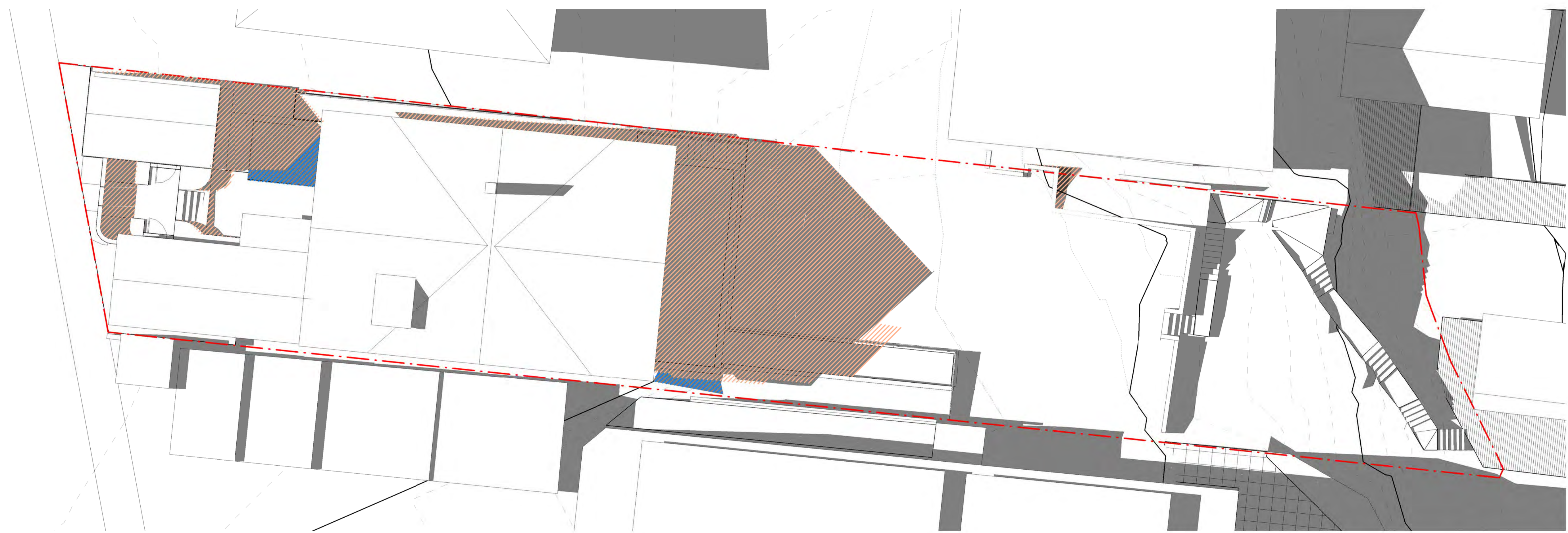
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As indicated  
A1  
24.08.21  
**10506\_DA042**

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**nettletontribe**



1 SA Sum 3pm Existing  
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2 SA Sum 3pm Proposed  
1 : 100

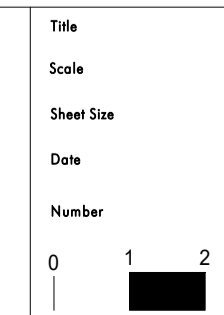
For Approval

Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
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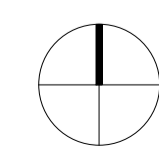
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-  EXISTING SHADOW
-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



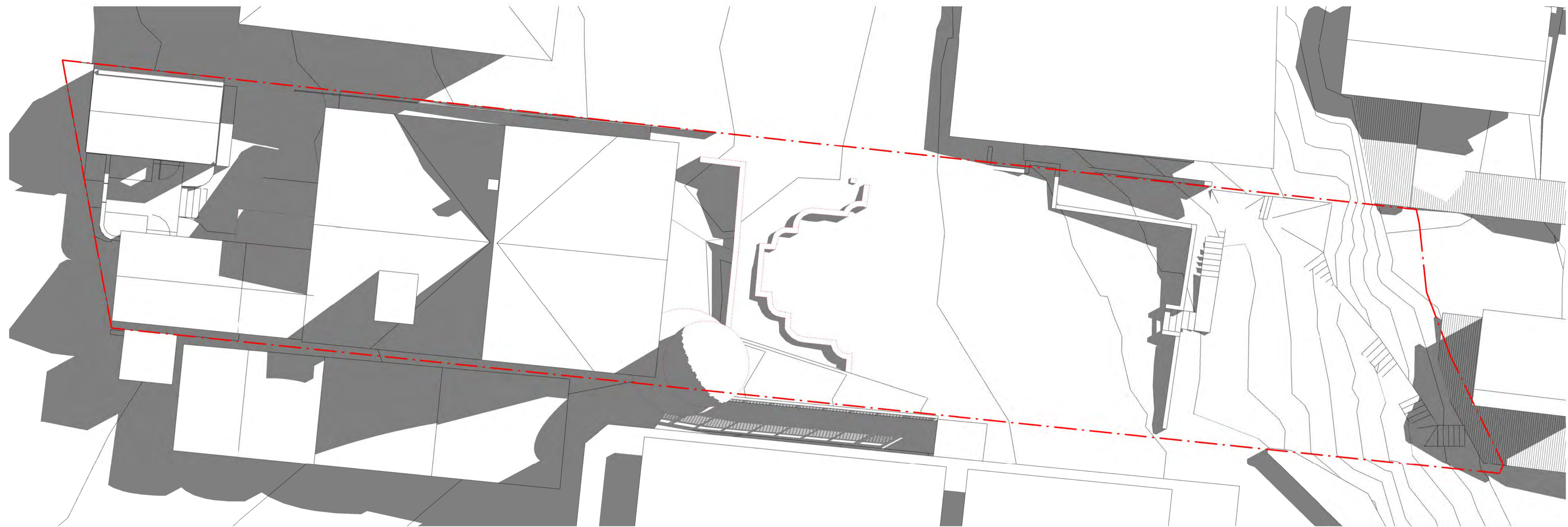
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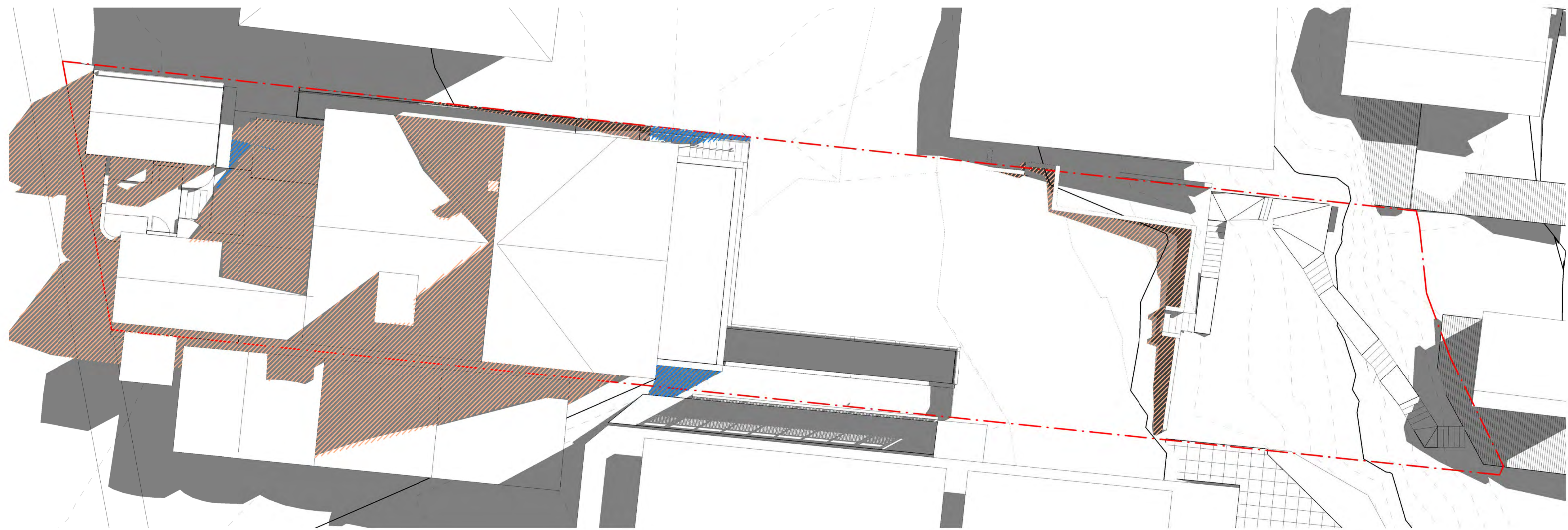


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1 SA Au 9am Existing  
1 : 100



2 SA Au 9am Proposed  
1 : 100

For Approval

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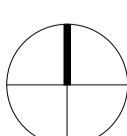
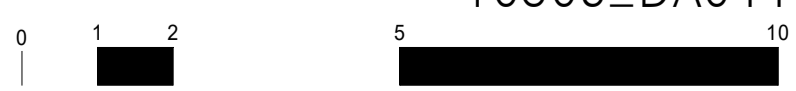
Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

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P3	Issue For Information	16.12.20
P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

**LEGEND**

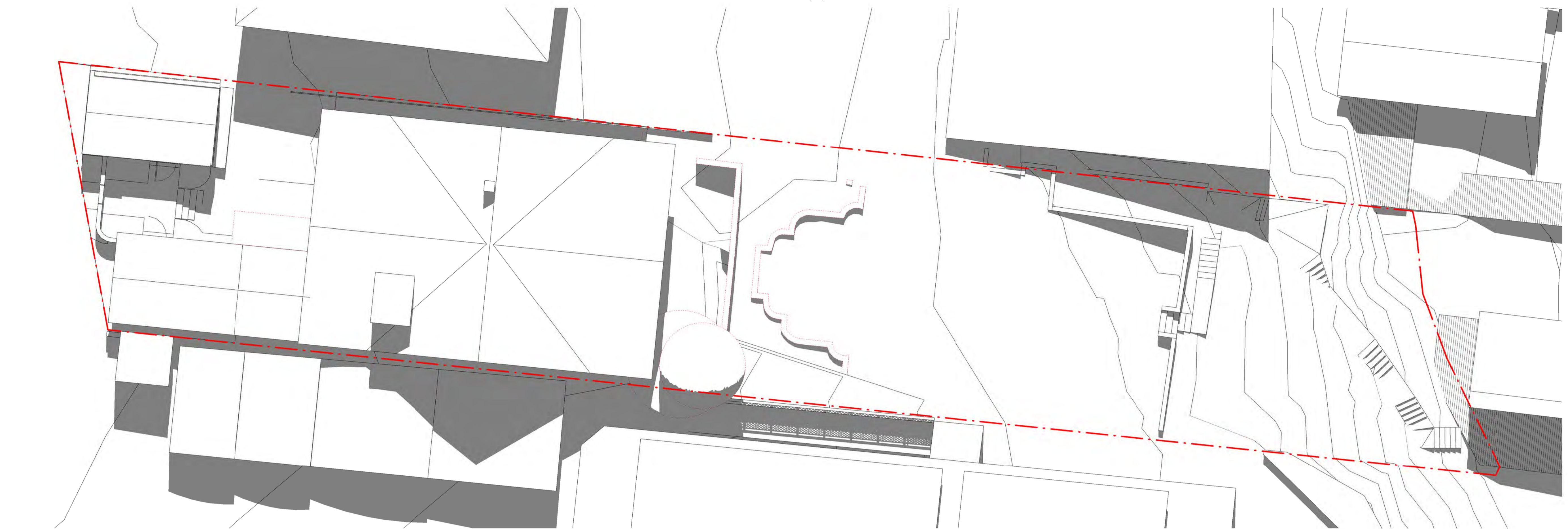
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-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

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Number: 10506\_DA044

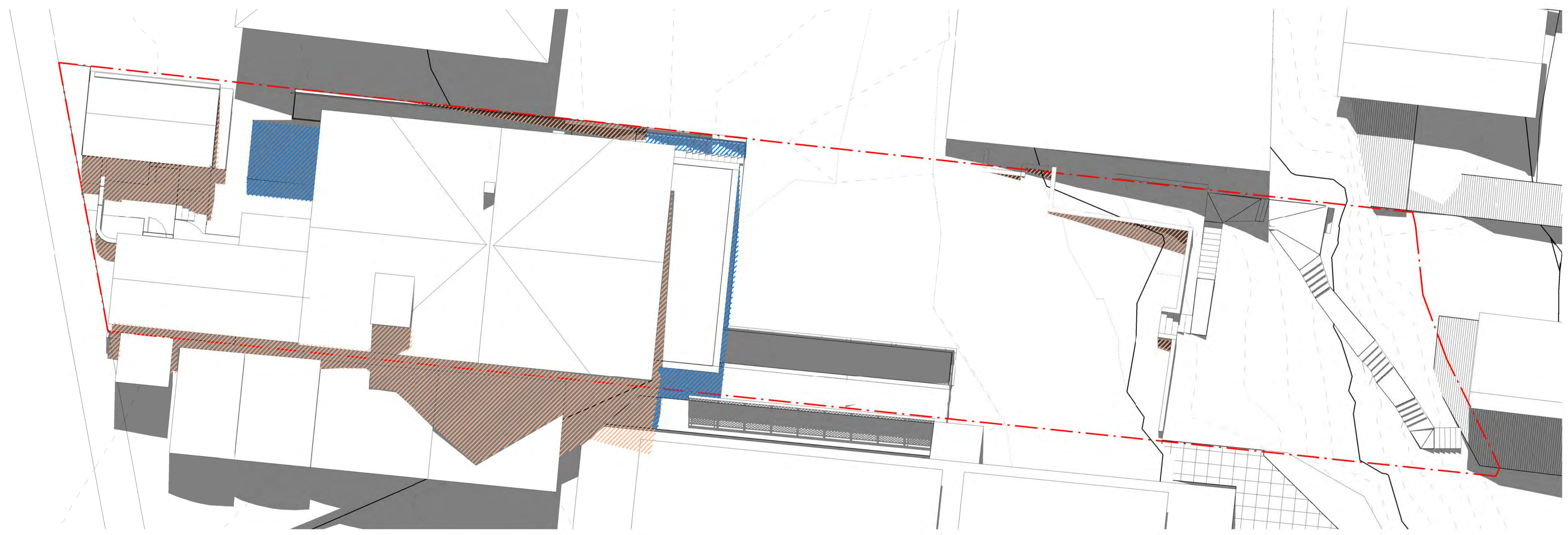



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1 SA Au 12pm Existing  
1 : 100



2 SA Au 12pm Proposed  
1 : 100

For Approval

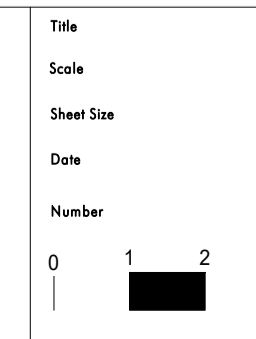
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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

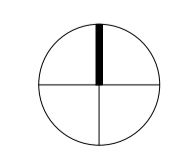
Issue	Description	Date
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**LEGEND**

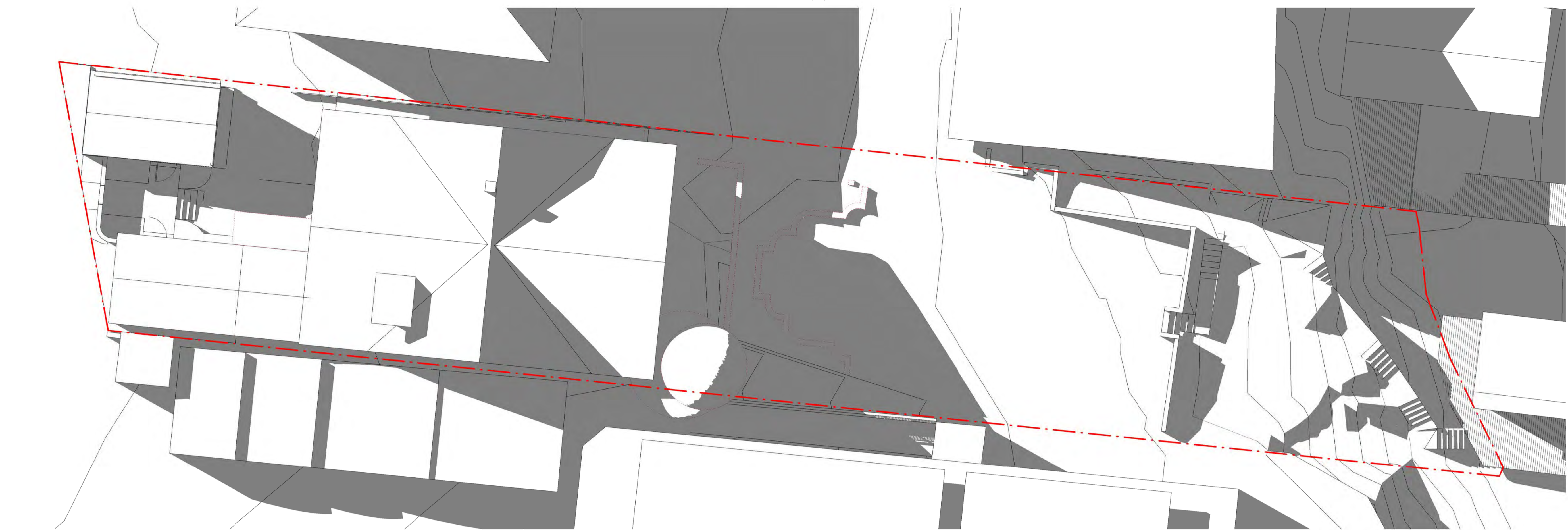
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-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



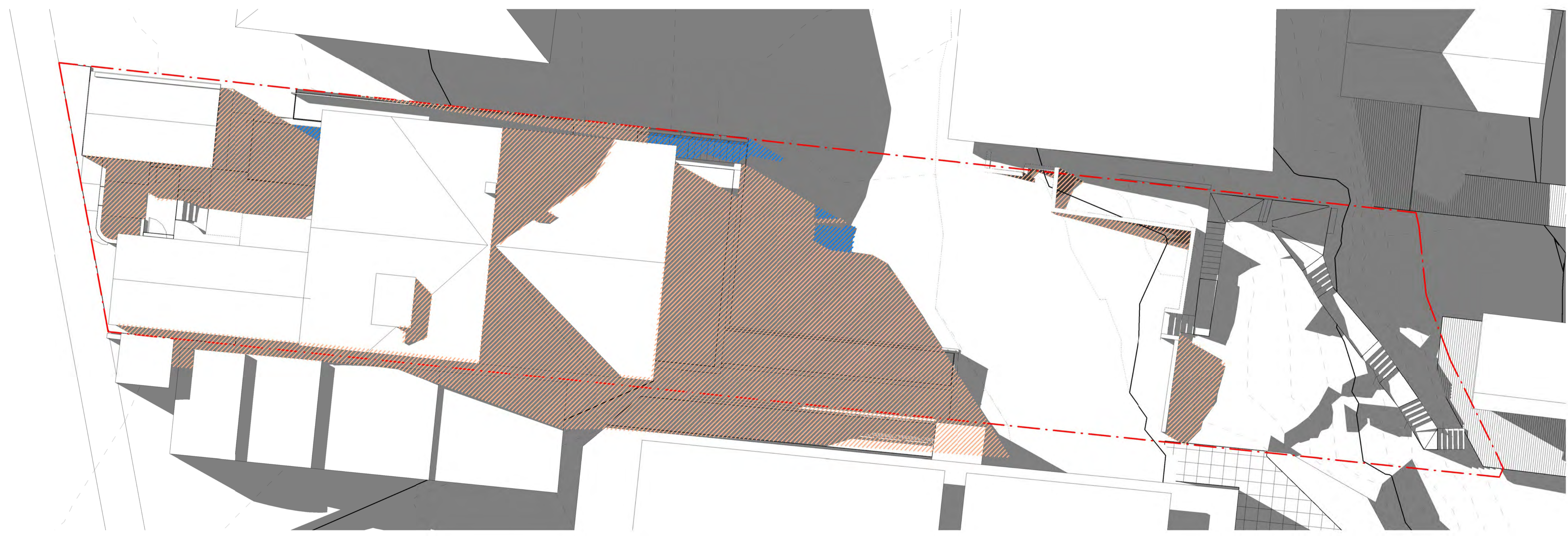
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**nettletontribe**



1 SA Au 3pm Existing  
1 : 100



2 SA Au 3pm Proposed  
1 : 100

For Approval

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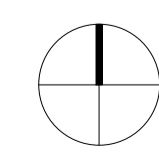
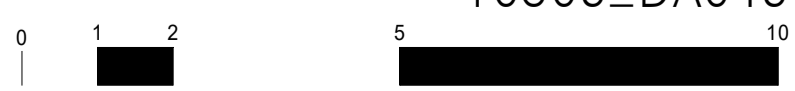
Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

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**LEGEND**

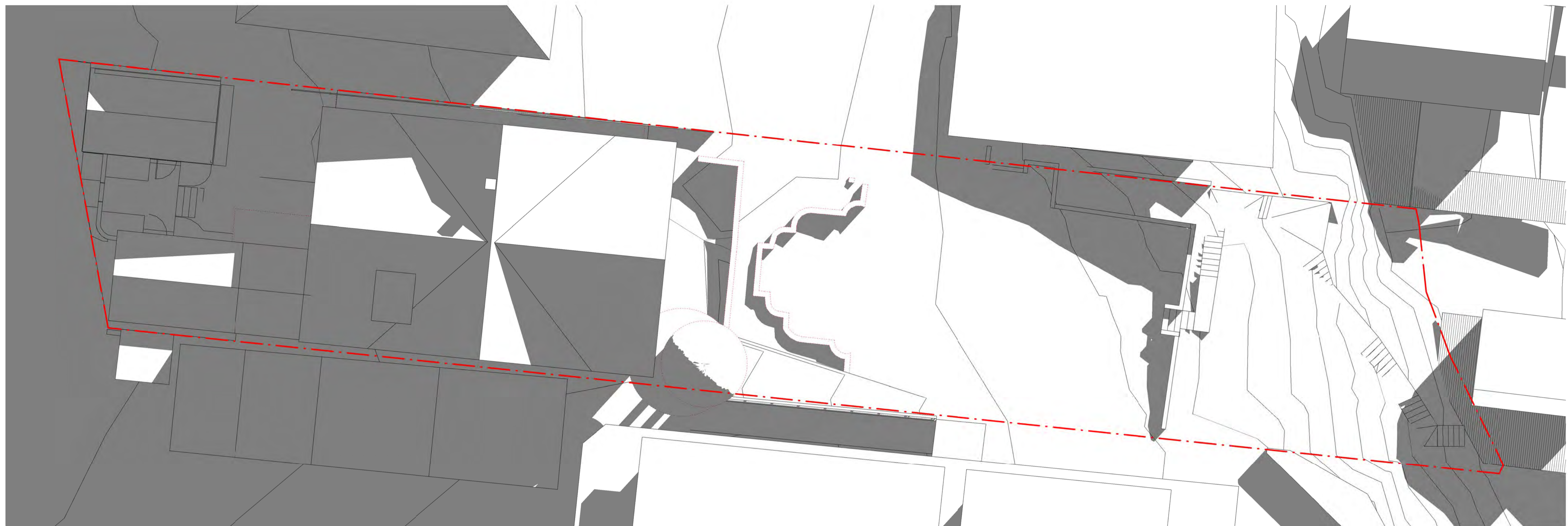
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-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

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Number: 10506\_DA046

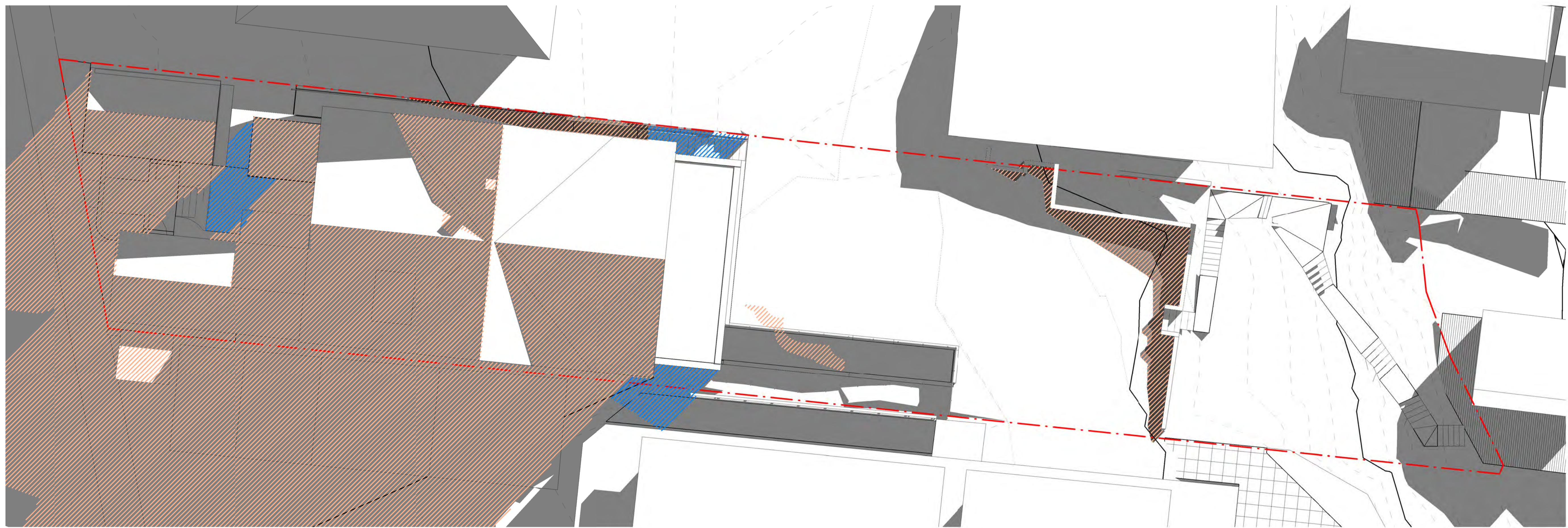



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**nettletontribe**



1 SA Win 9am Existing  
1 : 100



2 SA Win 9am Proposed  
1 : 100

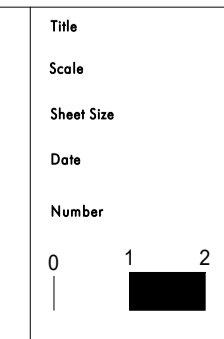
For Approval

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
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P1	Issue For Information	20.11.20

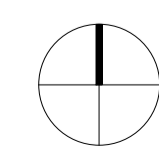
LEGEND

-  EXISTING SHADOW
-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



Solar Analysis - Winter 9am

As indicated  
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24.08.21  
**10506\_DA047**  
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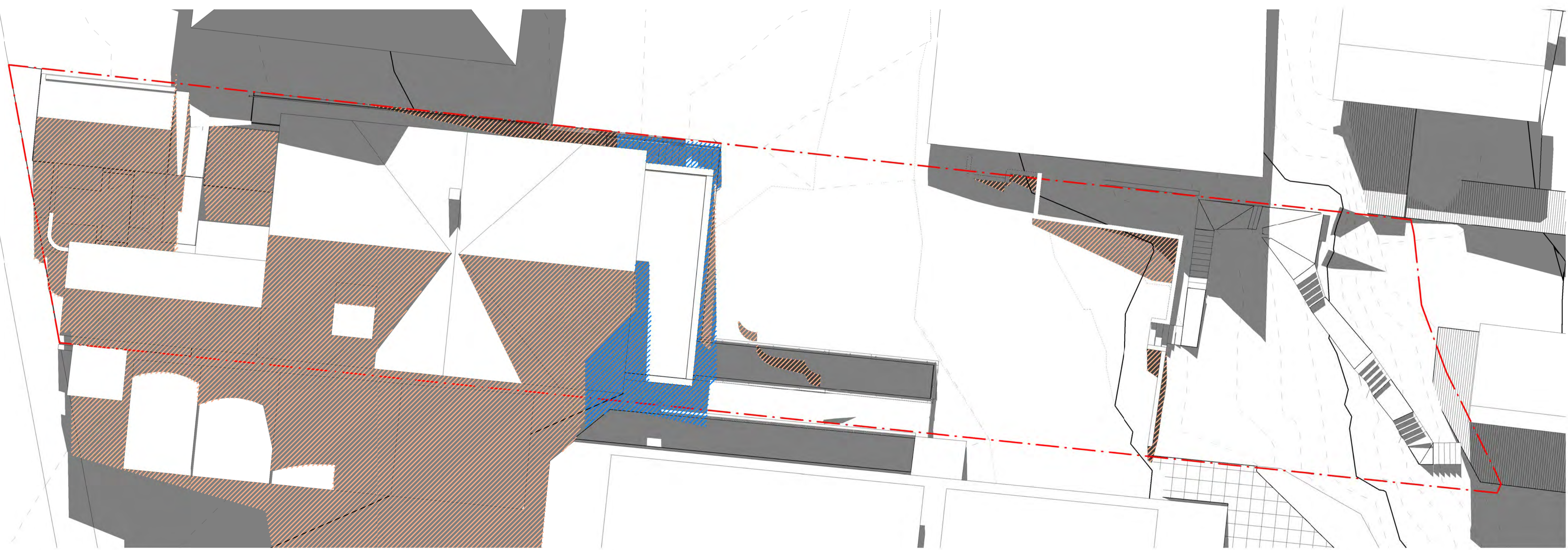


**nettletontribe**





1 SA Win 12pm Existing  
1 : 100



2 SA Win 12pm Proposed  
1 : 100

For Approval

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
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P1	Issue For Information	20.11.20

**LEGEND**

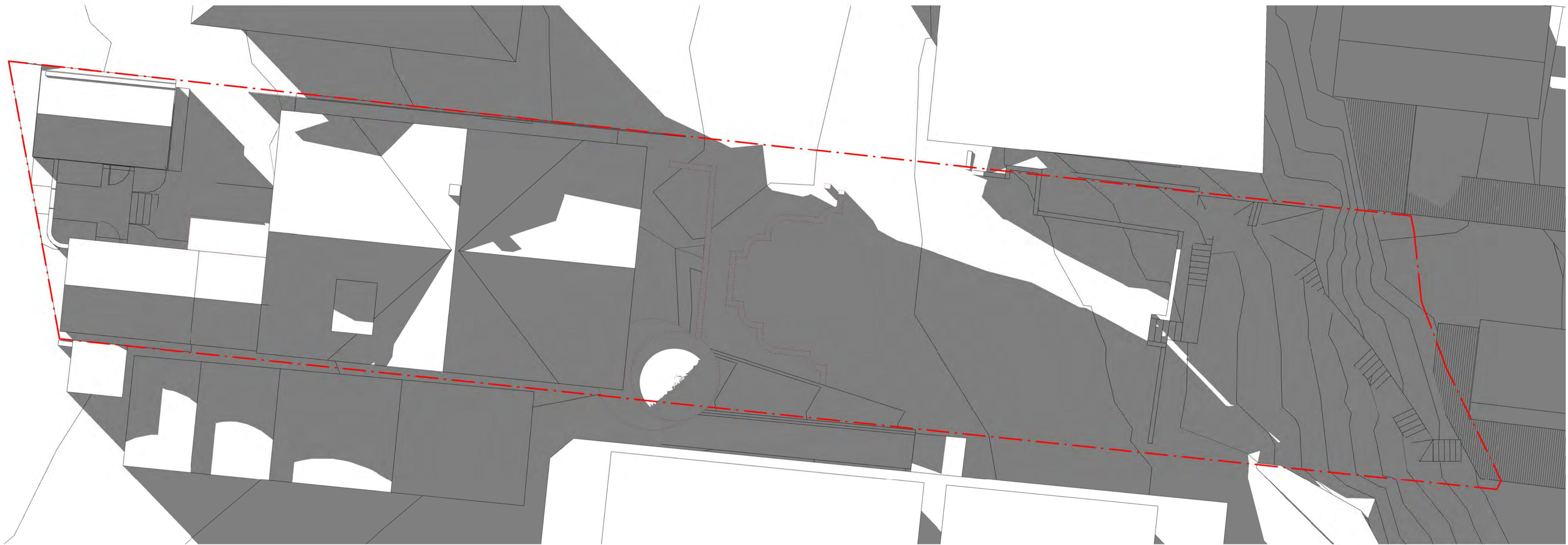
- EXISTING SHADOW
- ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

**Solar Analysis - Winter 12pm**  
As indicated

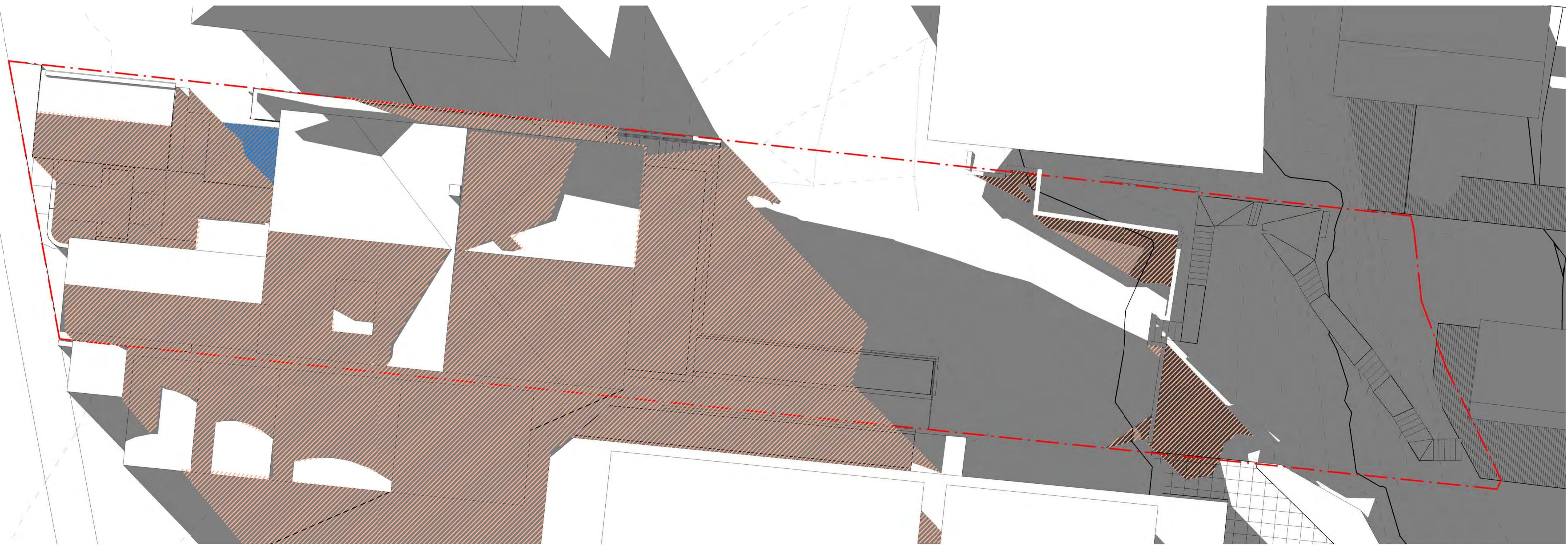
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1 SA Win 3pm Existing  
1 : 100



2 SA Win 3pm Proposed  
1 : 100

For Approval

23/08/2021 4:52:03 PM C:\BENT\DCAL\201\10506\_DA\Modelling\BentDraw.rvt

Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
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P2	Issue For Information	09.12.20
P1	Issue For Information	20.11.20

**LEGEND**

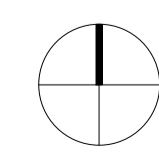
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**Solar Analysis - Winter 3pm**  
As indicated

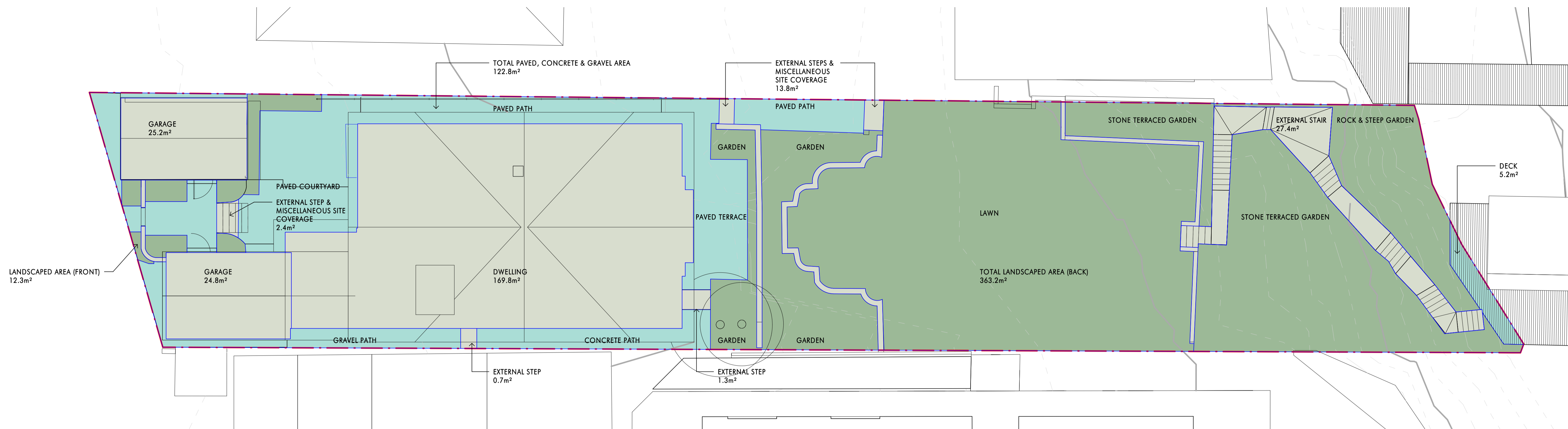
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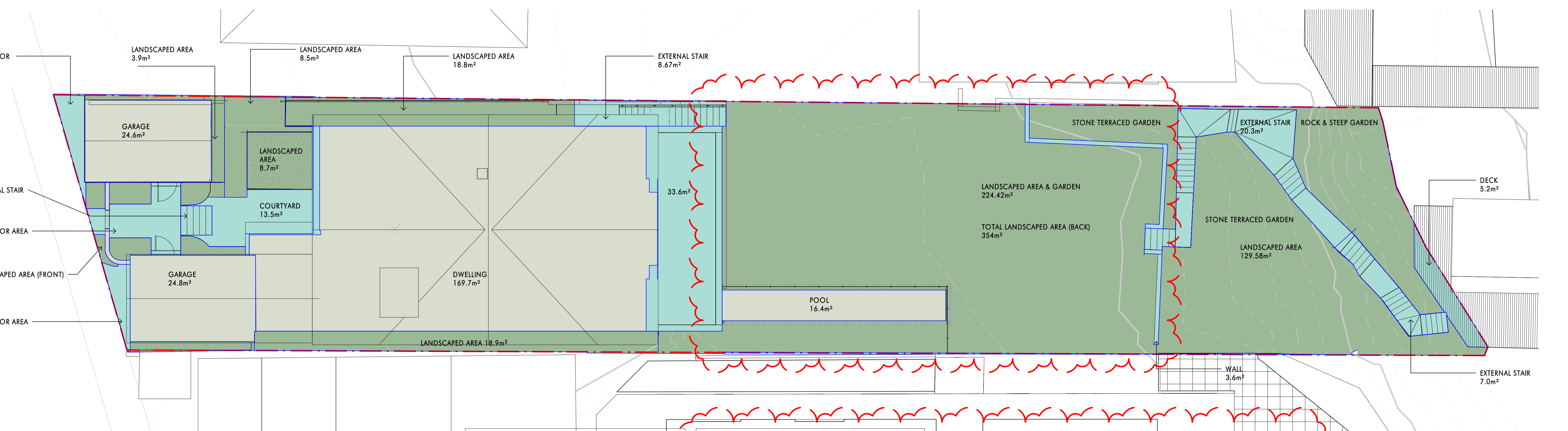
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**nettletontribe**



1 Existing Consolidated - Site Coverage, Landscaped Area & Un-Built Upon Area  
1 : 100



2 Proposed Consolidated - Site Coverage, Landscaped Area & Un-Built Upon Area  
1 : 100

Area Schedule (Existing)			Area Schedule (Proposed)		
State	Area	Site %	State	Area	Site %
Existing Landscaped Area	376.7 m <sup>2</sup>	49.0	Proposed Landscaped Area	423.4 m <sup>2</sup>	55.1
Existing Site Coverage	264.0 m <sup>2</sup>	34.3	Proposed Site Coverage	235.5 m <sup>2</sup>	30.6
Existing Unbuilt Upon Area	128.3 m <sup>2</sup>	16.7	Proposed Unbuilt Upon Area	110.4 m <sup>2</sup>	14.4

NOTE:  
If the area above the basement extension is treated as site cover then total site cover will be 269.1sqm or 35%, which complies with the control of 35%.

For Approval

Issue	Description	Date
A	Amended Development Application	24.08.21
P12	Amended Development Application	16.08.21
P11	Amended Development Application	12.08.21
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P4	Issue For Information	09.12.20
P3	Issue For Information	27.11.20
P2	Issue For Information	26.11.20
P1	Issue For Information	20.11.20

- LEGEND
- Landscaped Area
  - Site Coverage
  - Un-Built Upon Area

Site Coverage, Landscaped Area & Un-Built Upon Area

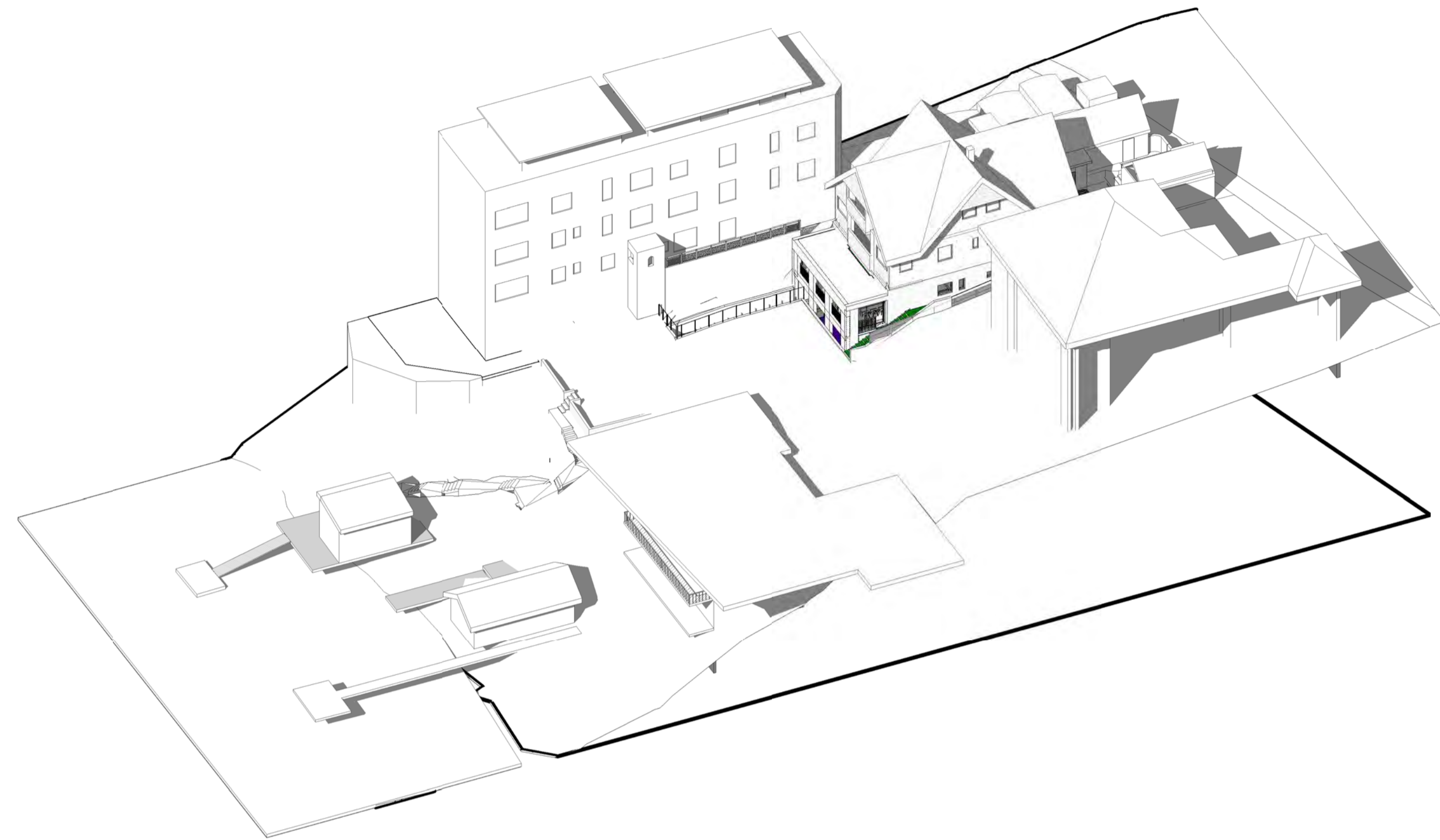
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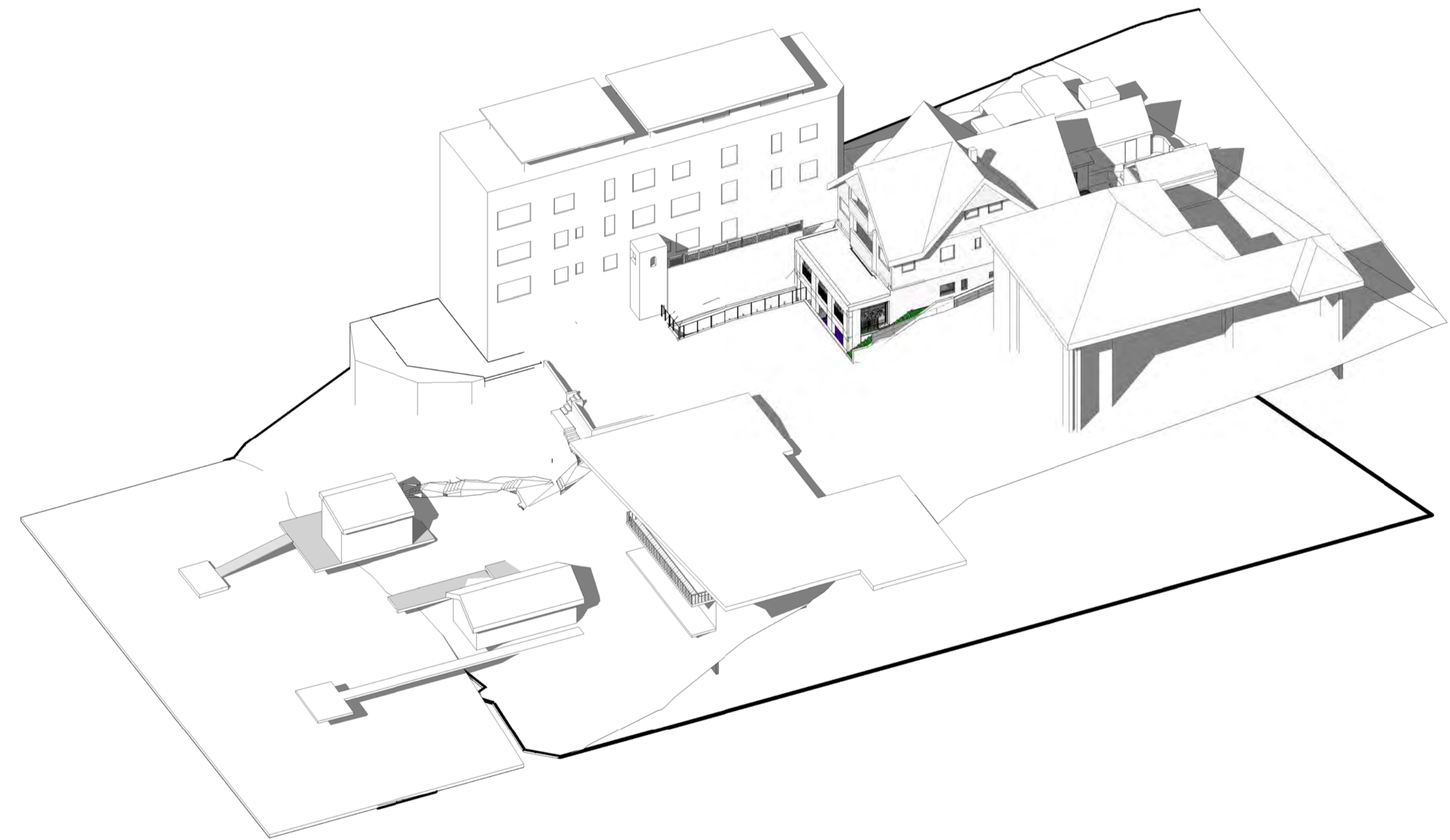
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Number: 10506\_DA064

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1 Solar Analysis 11Shellcove Road\_ Autumn/Spring 9am Existing



2 Solar Analysis 11Shellcove Road\_ Autumn/Spring 9am Proposed

For Approval

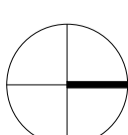
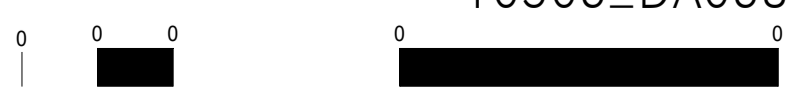
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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

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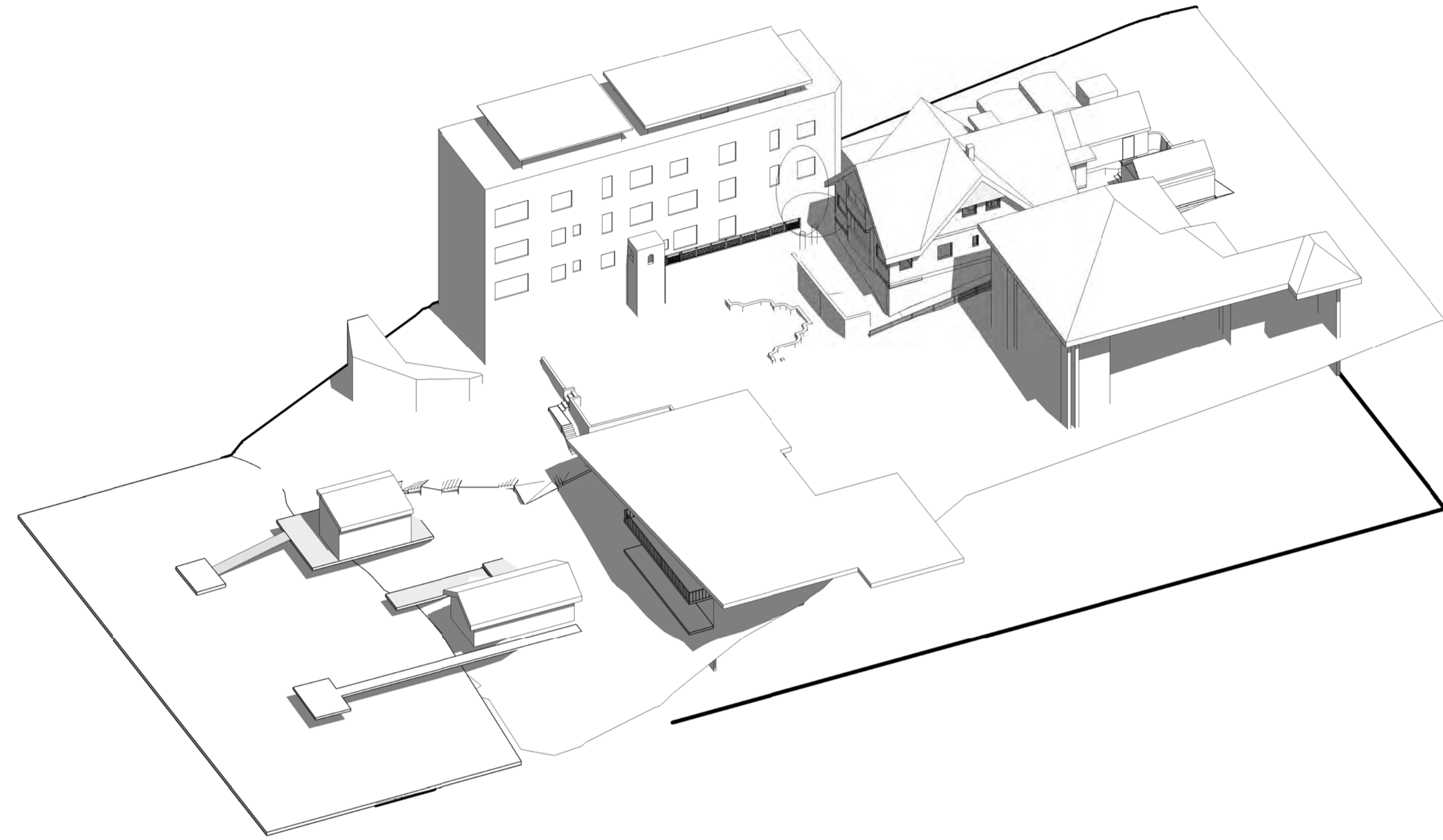
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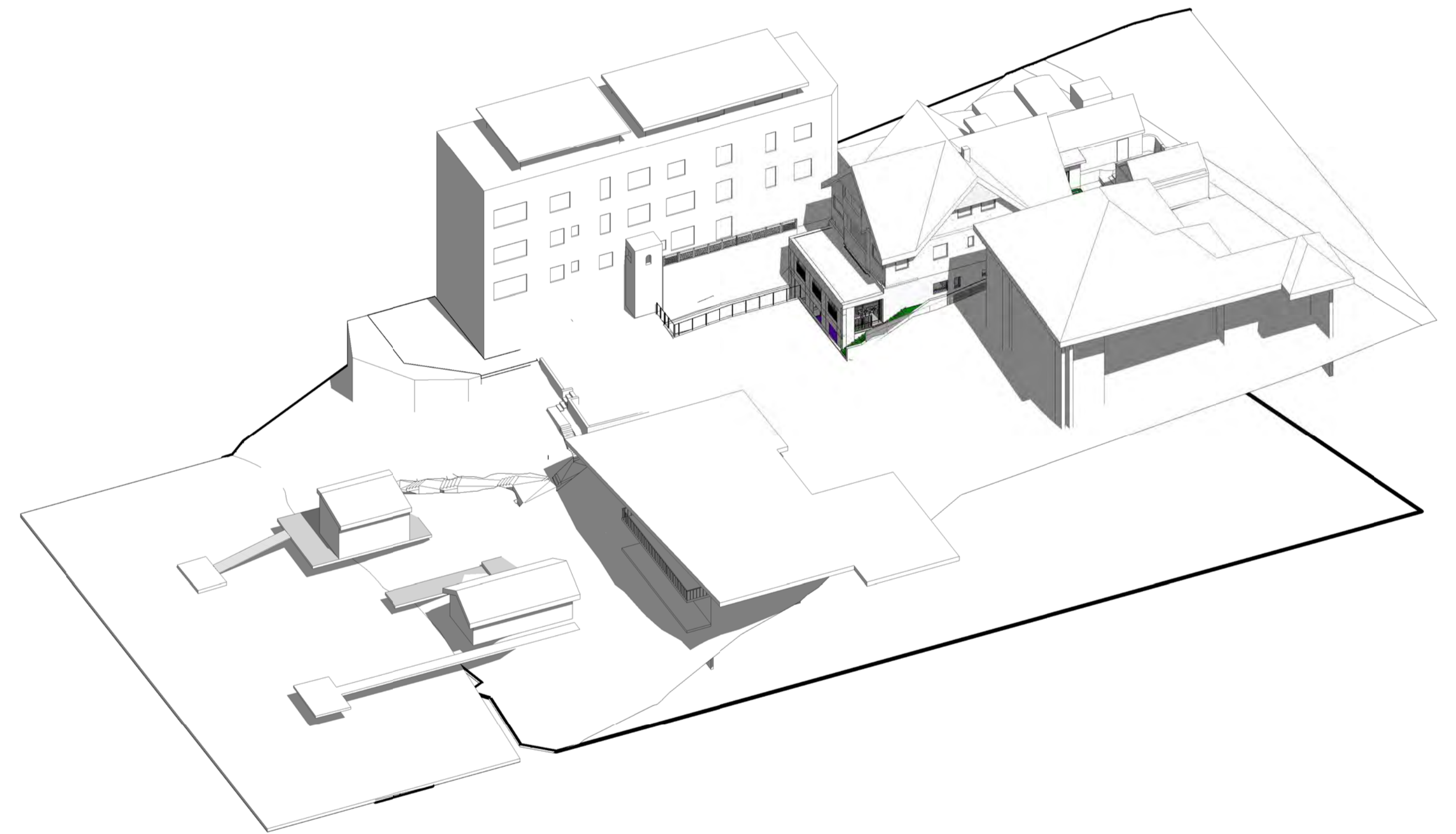



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1 Solar Analysis 11Shellcove Road\_ Autumn/Spring 12 pm Existing



2 Solar Analysis 11Shellcove Road\_ Autumn/Spring 12 pm Proposed

For Approval

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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

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LEGEND

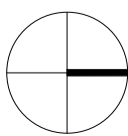
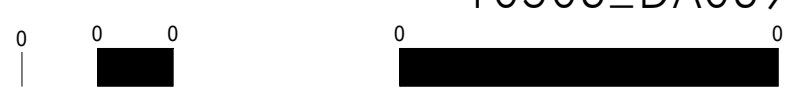
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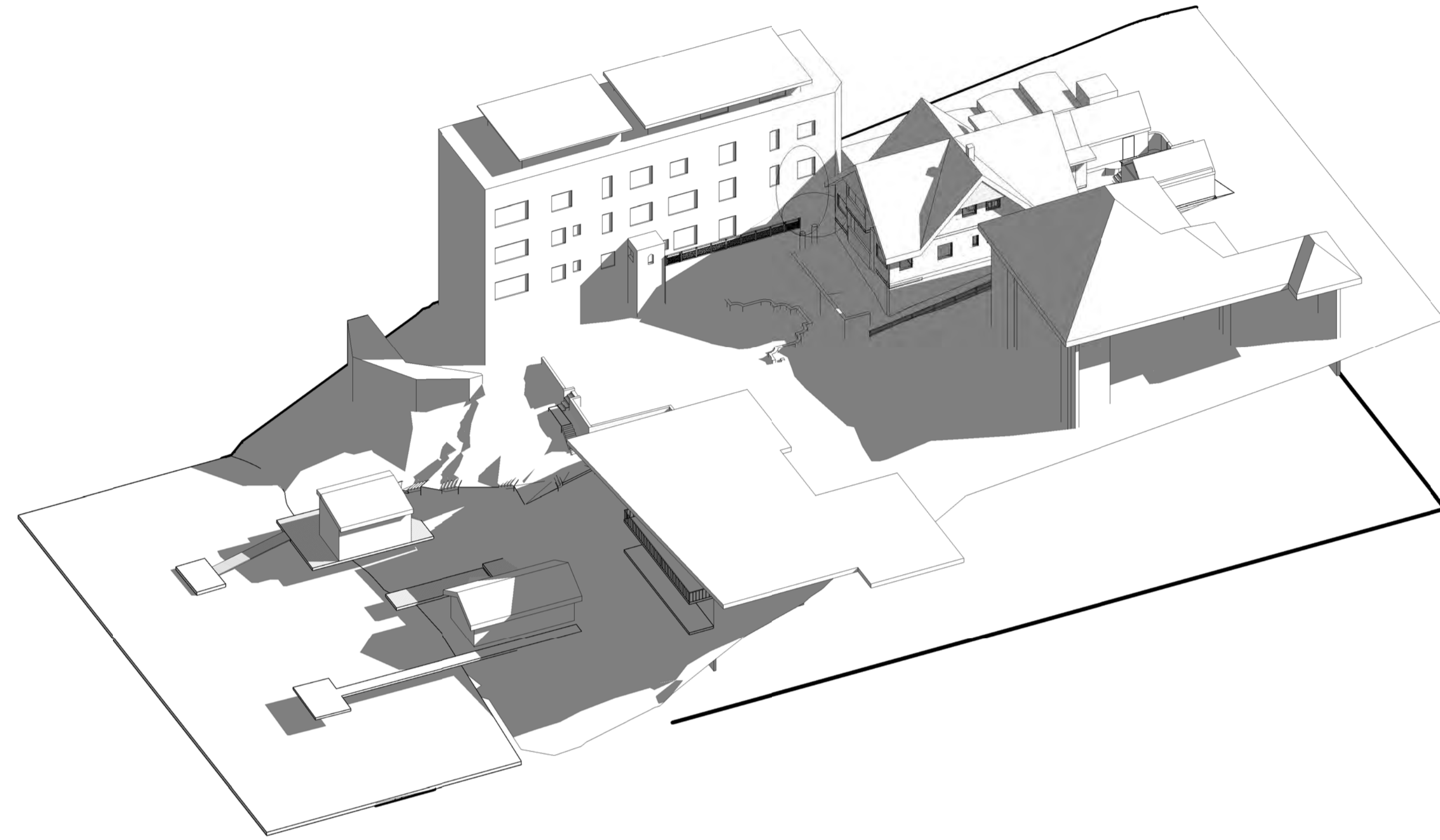
Date: 24.08.21

Number: 10506-DA069

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1 Solar Analysis 11Shellcove Road\_ Autumn/Spring 3pm Existing



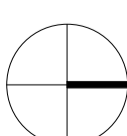
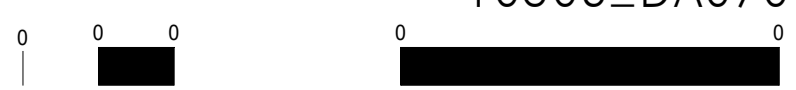
2 Solar Analysis 11Shellcove Road\_ Autumn/Spring 3pm Proposed

For Approval

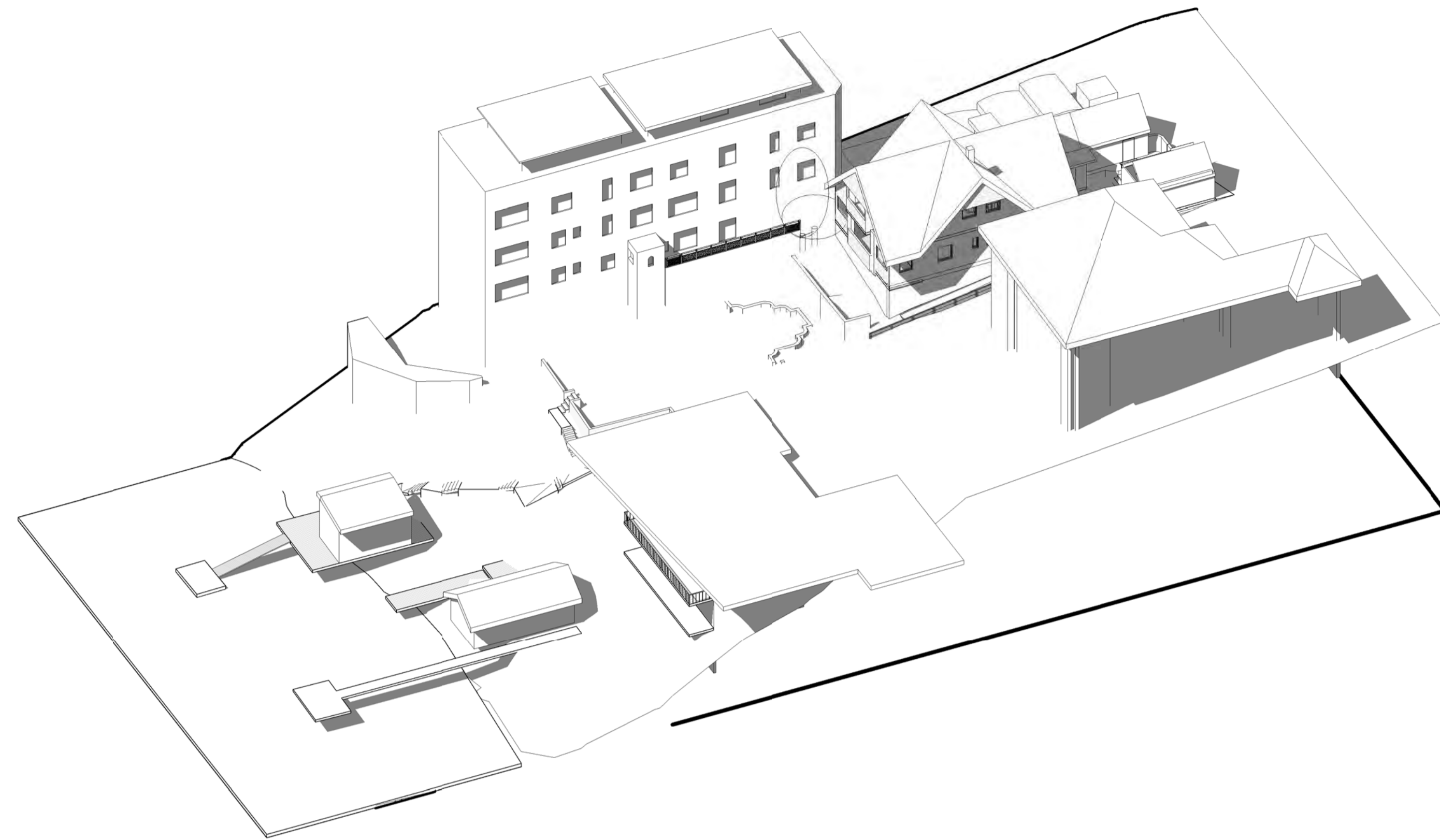
Project  
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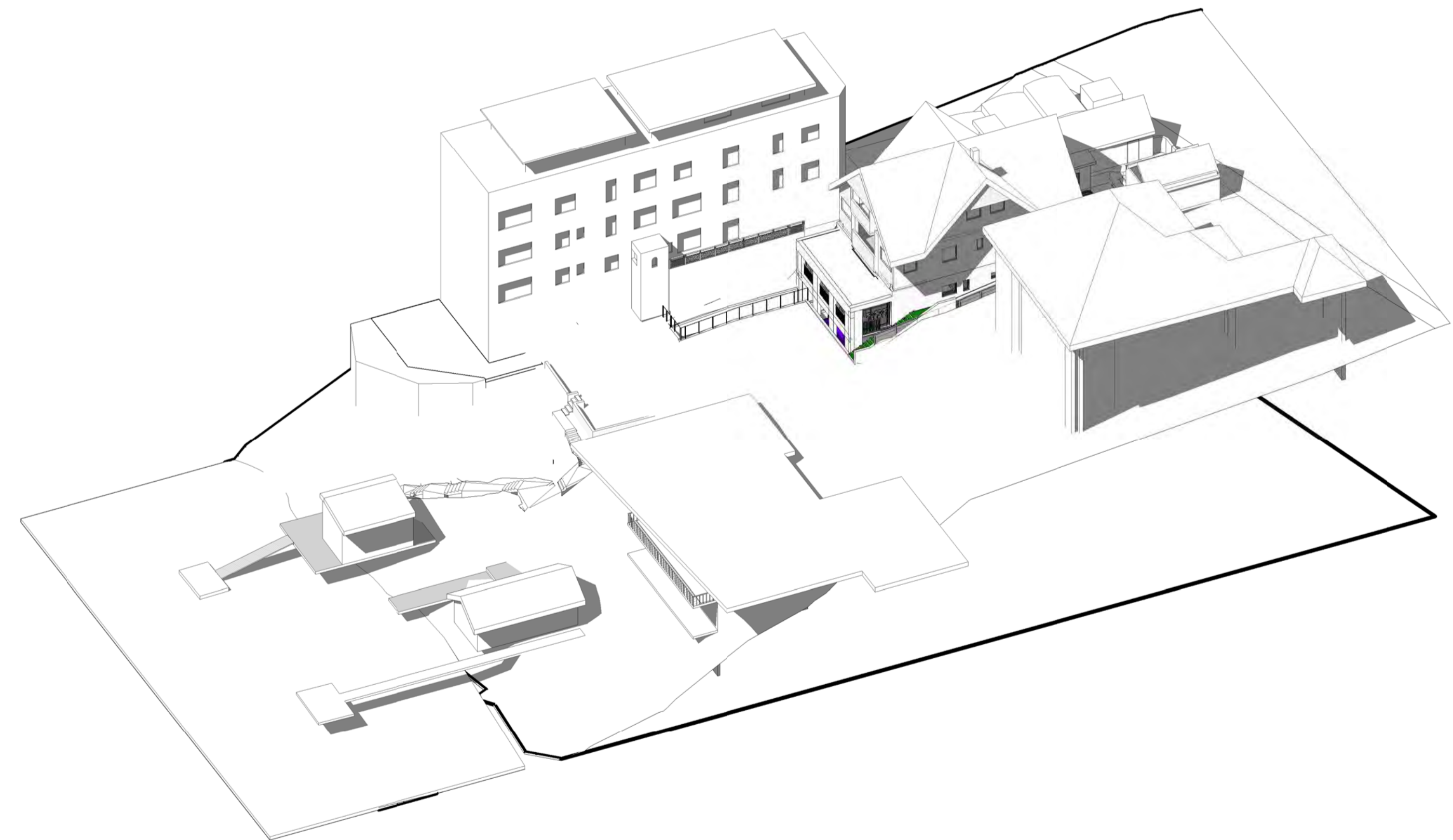
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 Number: 10506-DA070  
  
  
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2 Solar Analysis 11Shellcove Road\_Summer 9am Proposed

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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
P4	Amended Development Application	16.08.21
P3	Amended Development Application	12.08.21
P2	Amended Development Application	06.05.21
P1	Amended Development Application	03.05.21

LEGEND

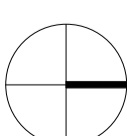

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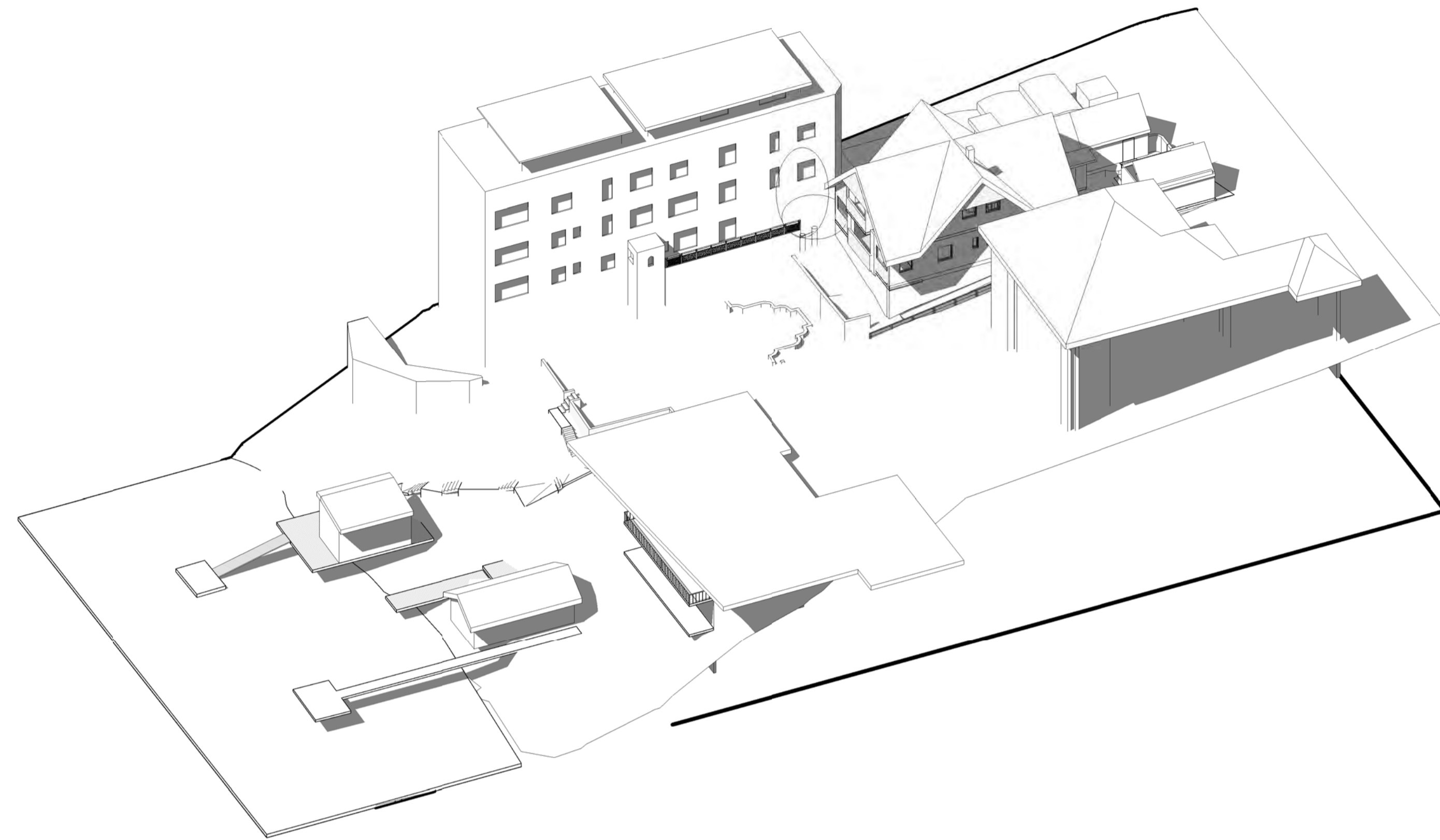
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Number: 10506-DA071

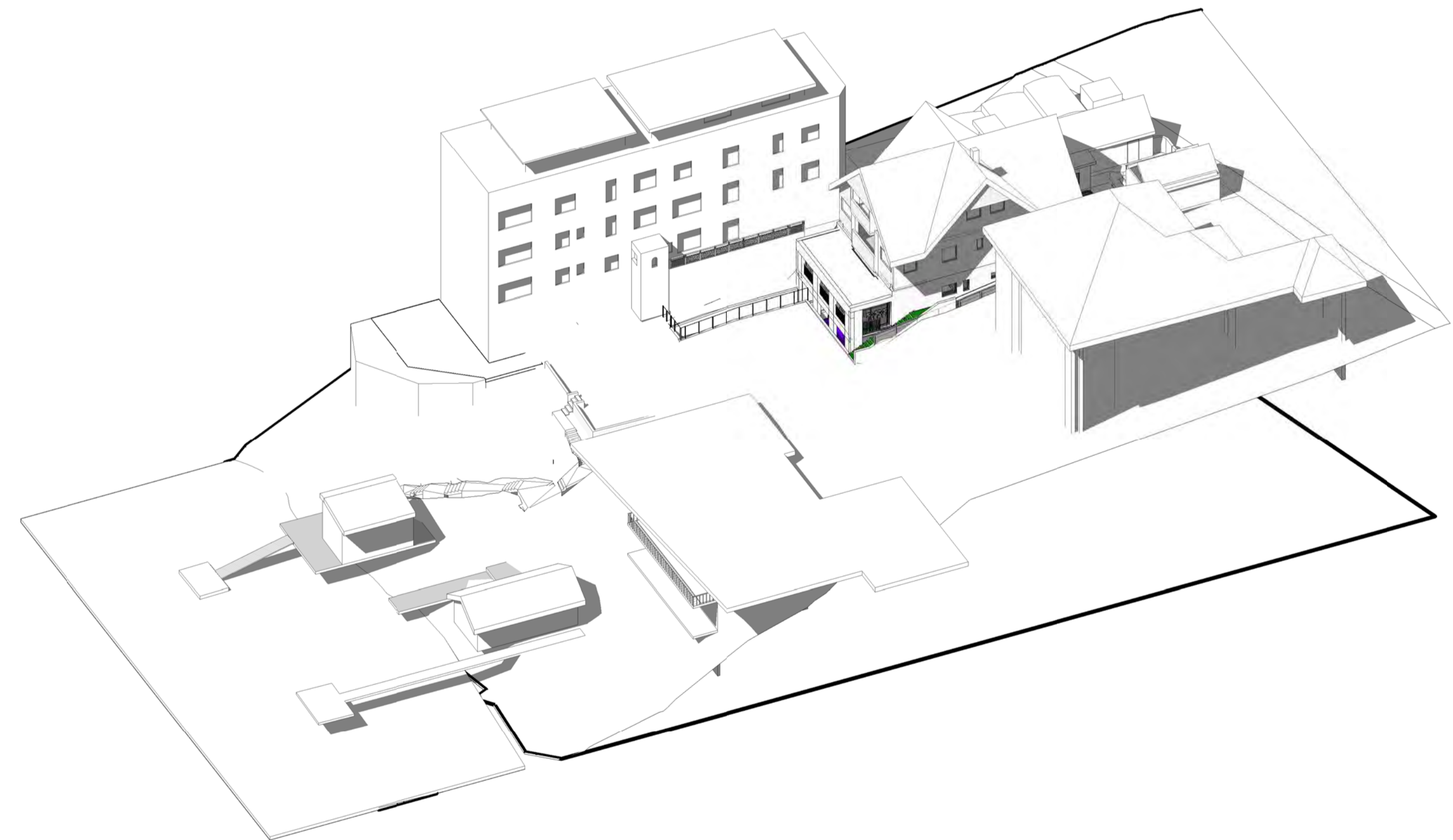



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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
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P4	Amended Development Application	16.08.21
P3	Amended Development Application	12.08.21
P2	Amended Development Application	06.05.21
P1	Amended Development Application	03.05.21

LEGEND

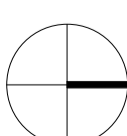
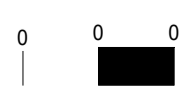
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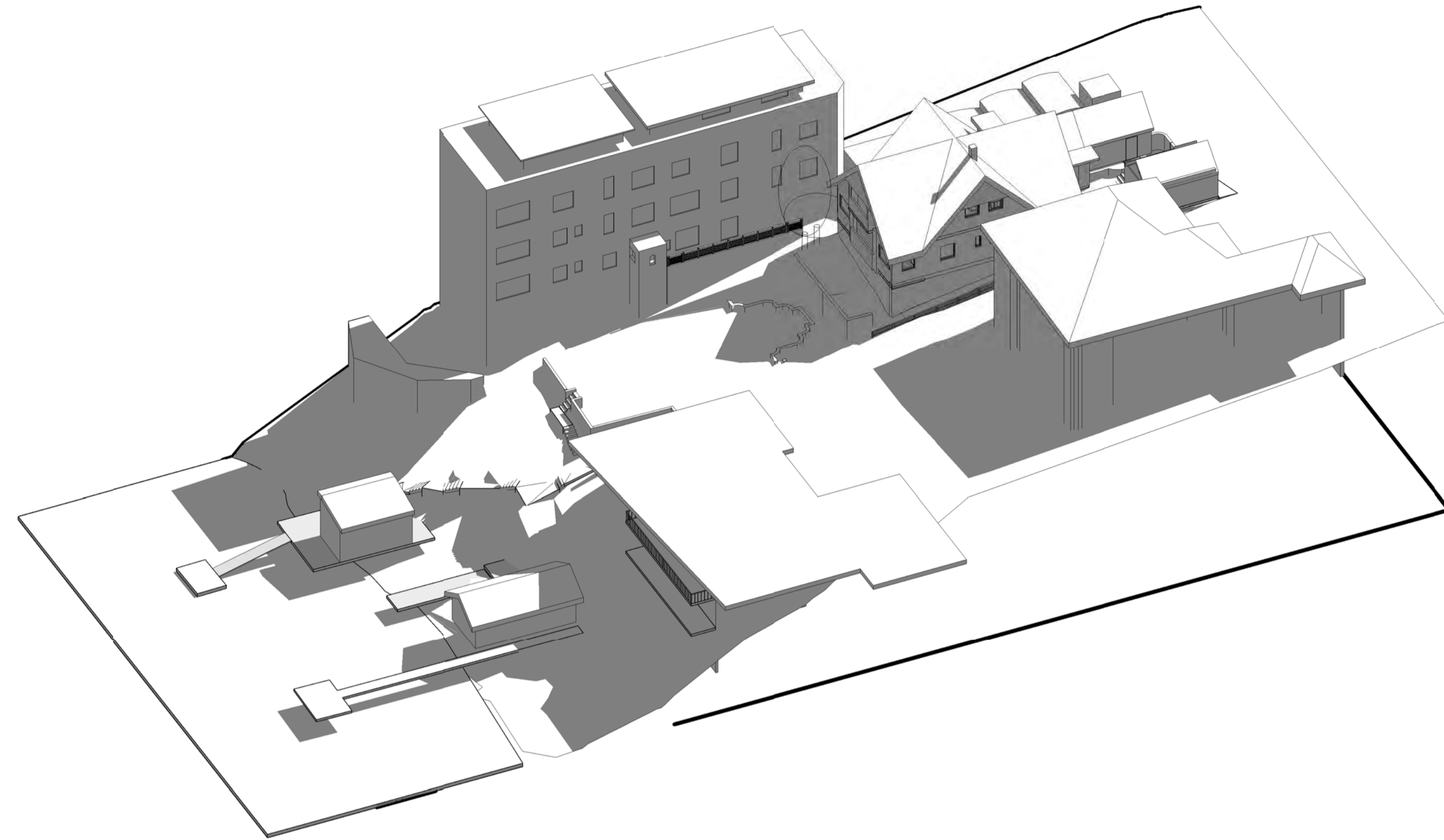
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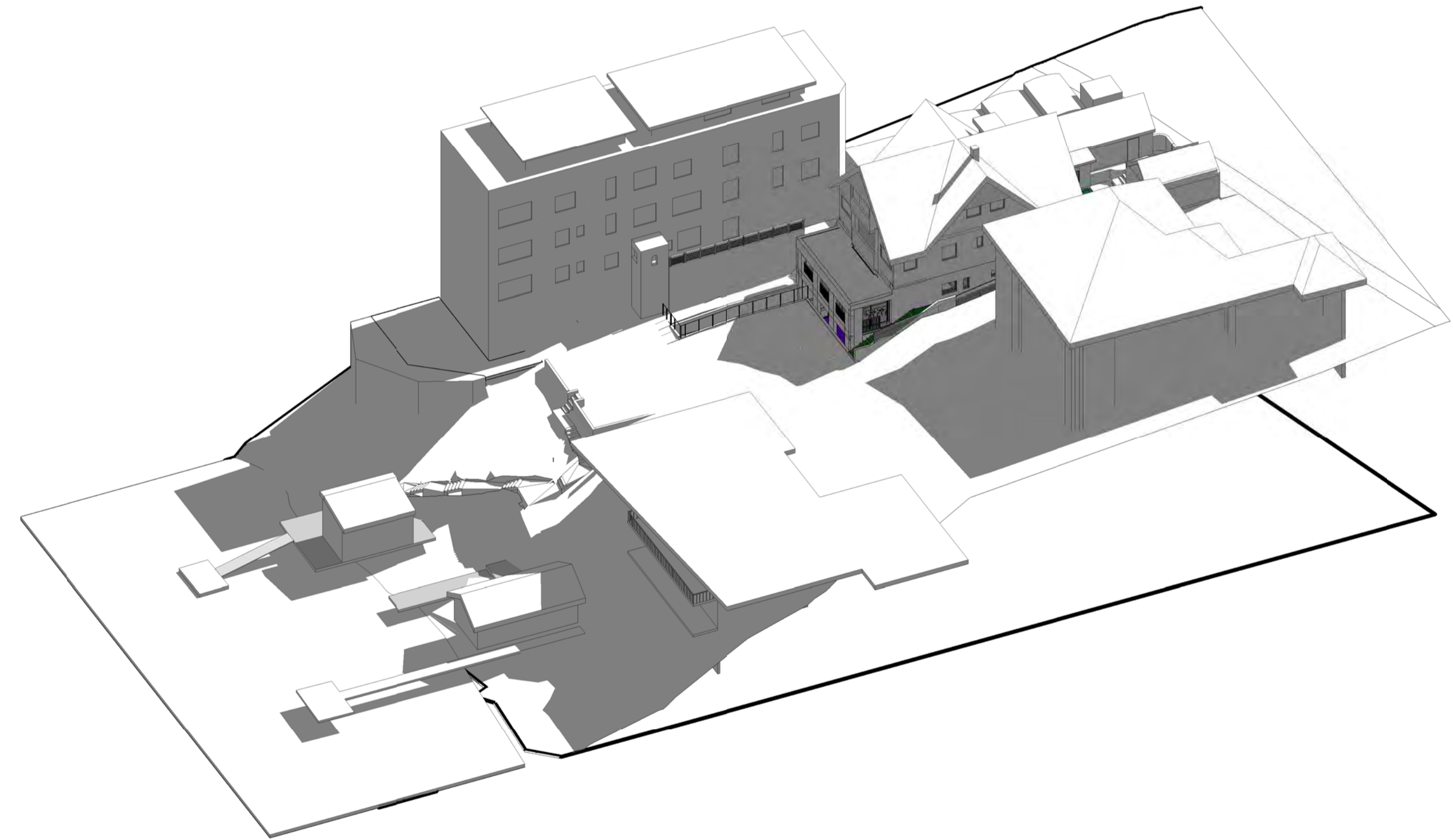
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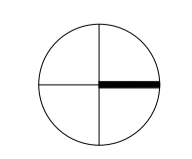

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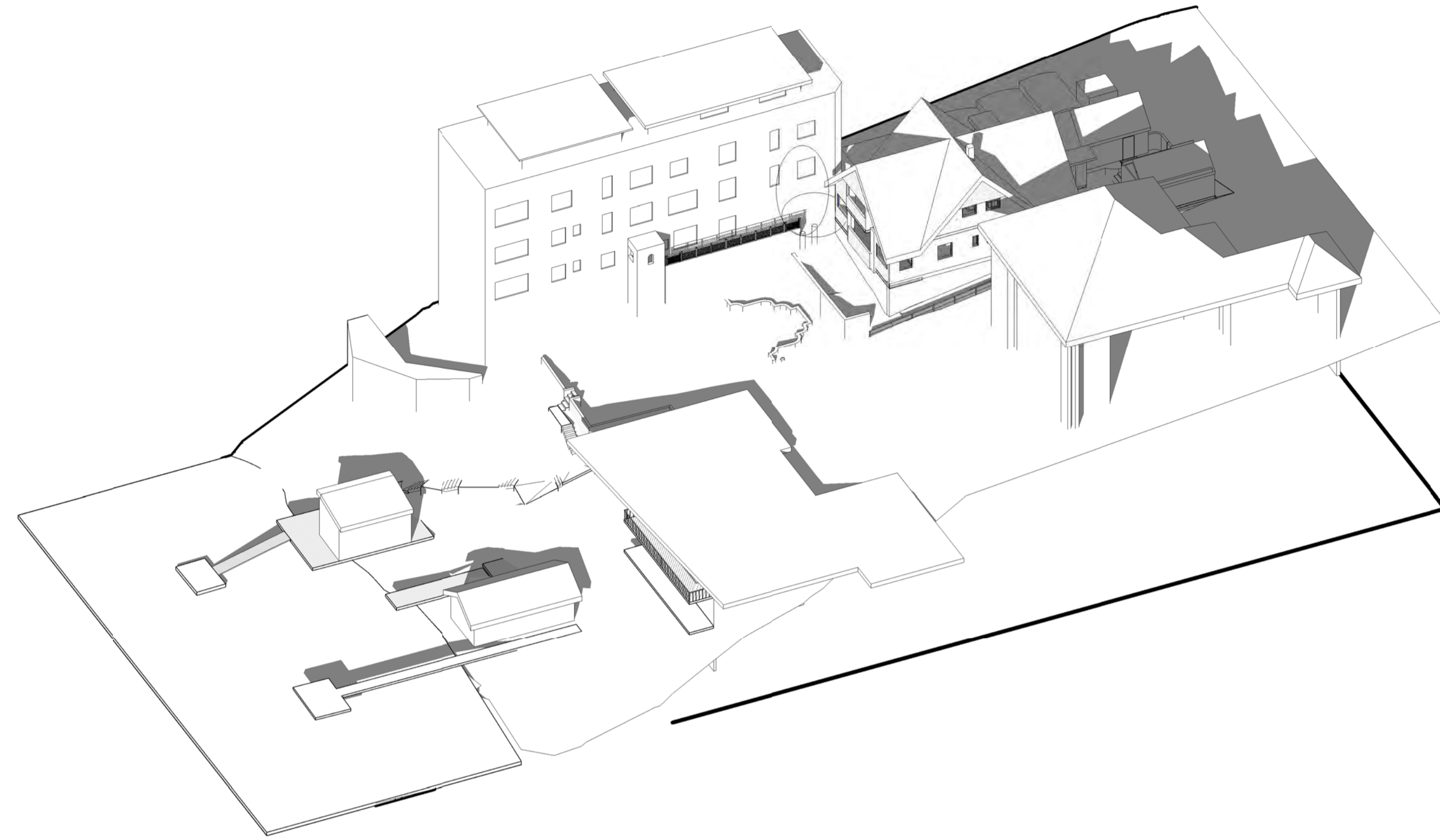
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**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
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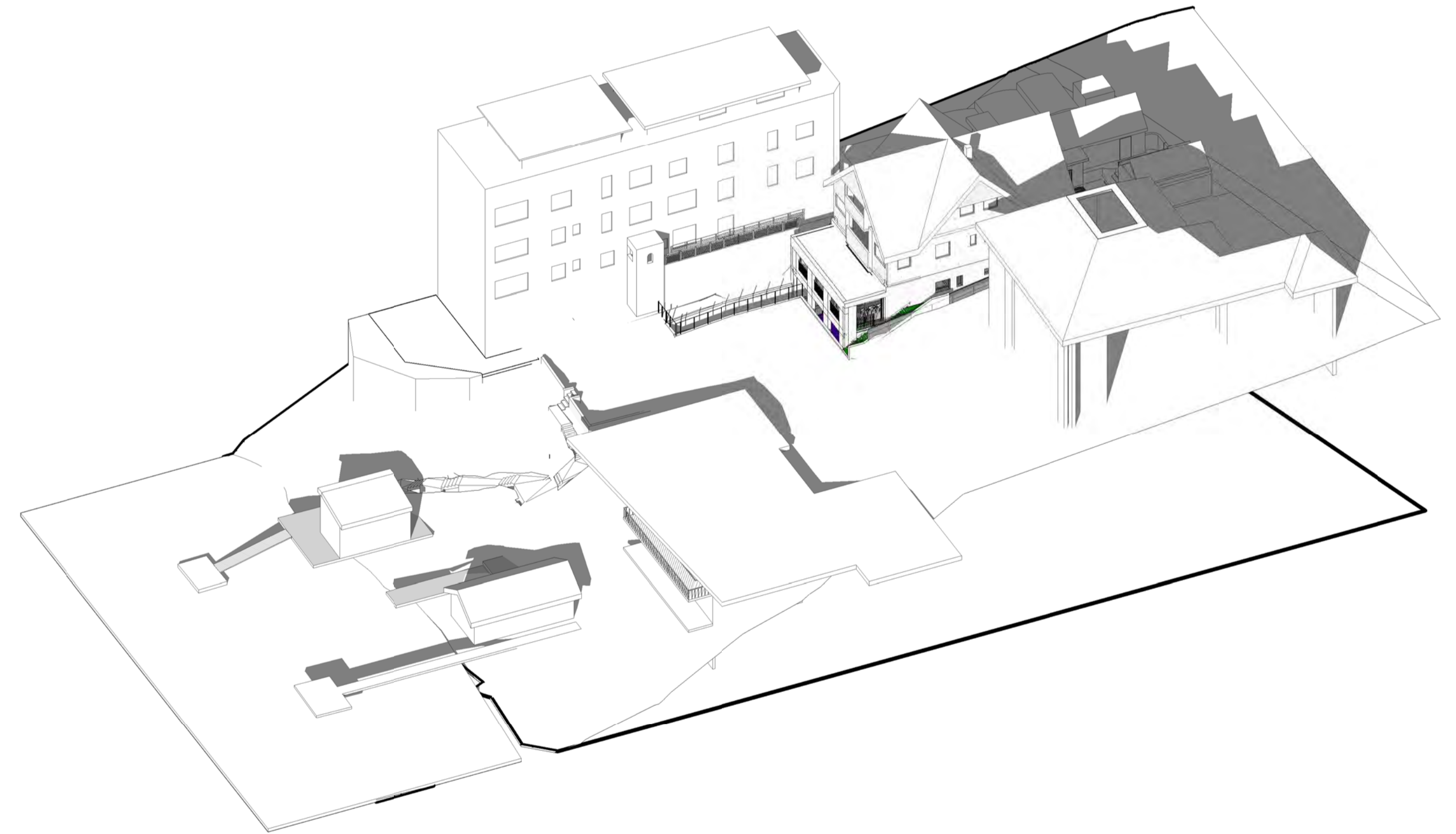
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Kurraba Point, Sydney, 2089.

Issue	Description	Date
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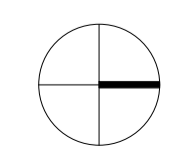

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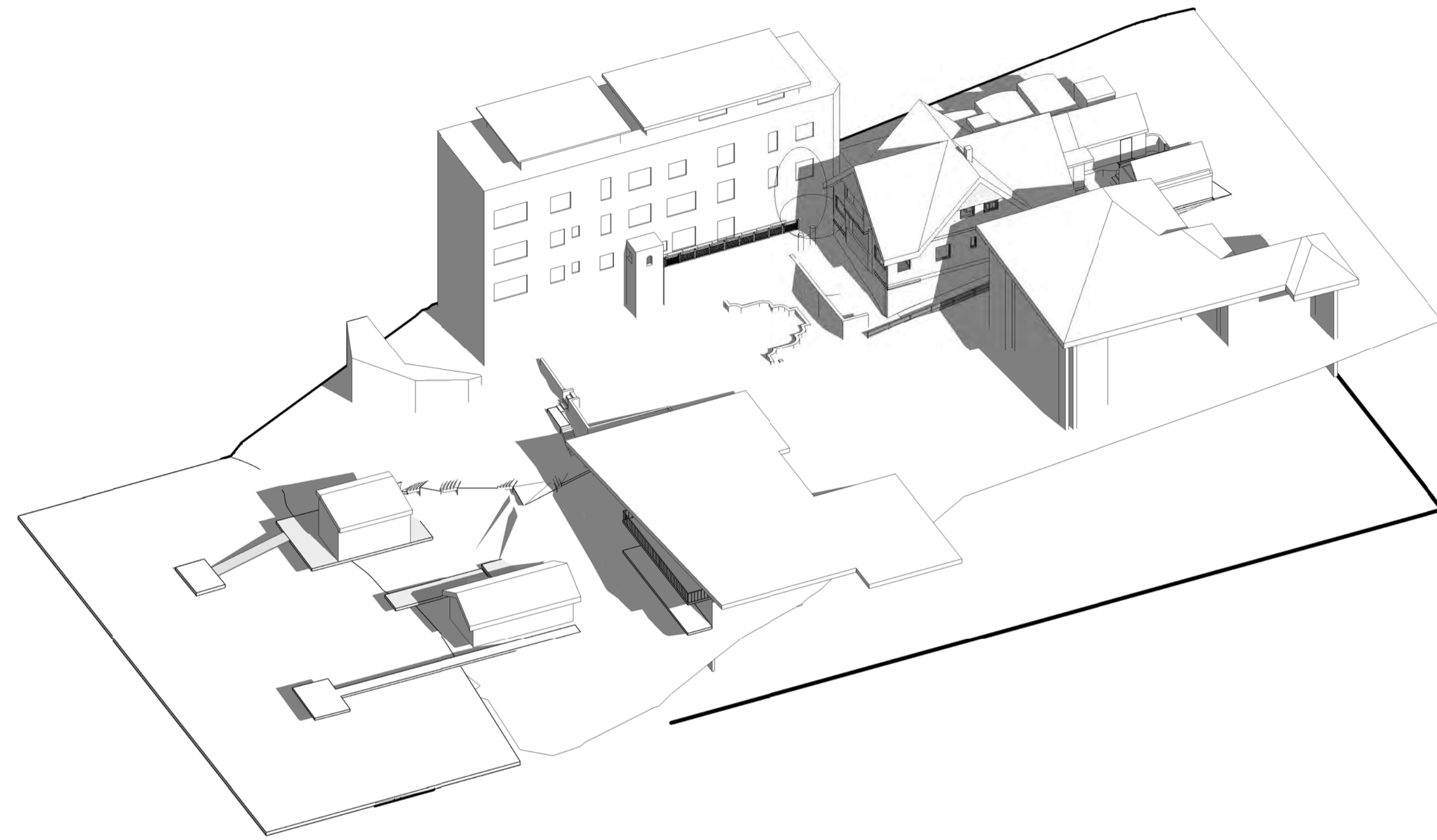
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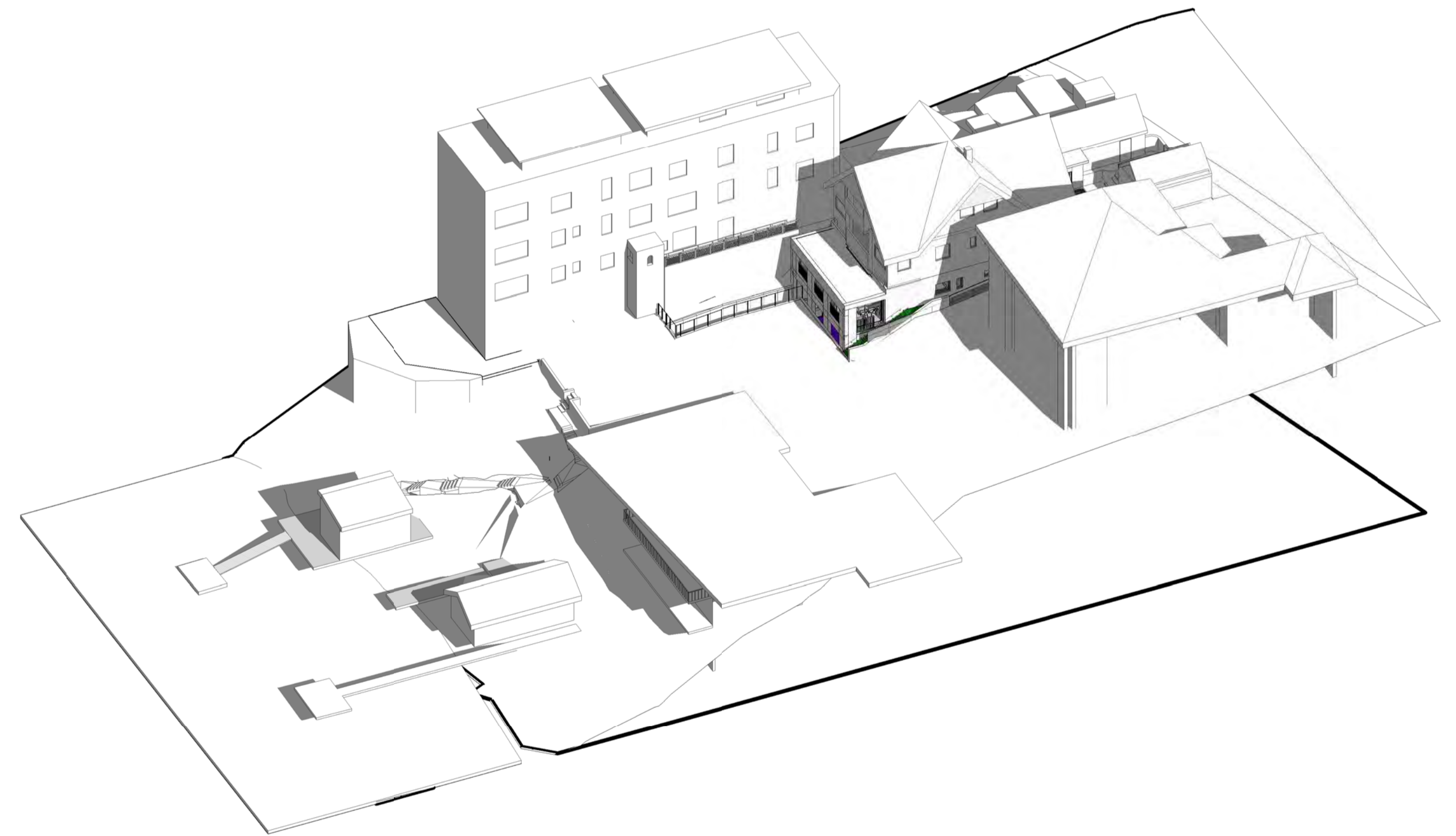



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2 Solar Analysis 11Shellcove Road\_ Winter 12pm Proposed

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Project  
13 Shellcove Road  
Kurraba Point, Sydney, 2089.

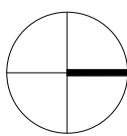
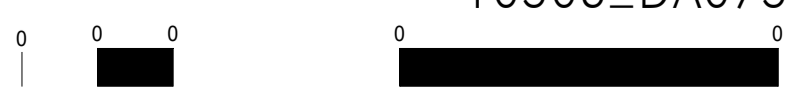
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LEGEND

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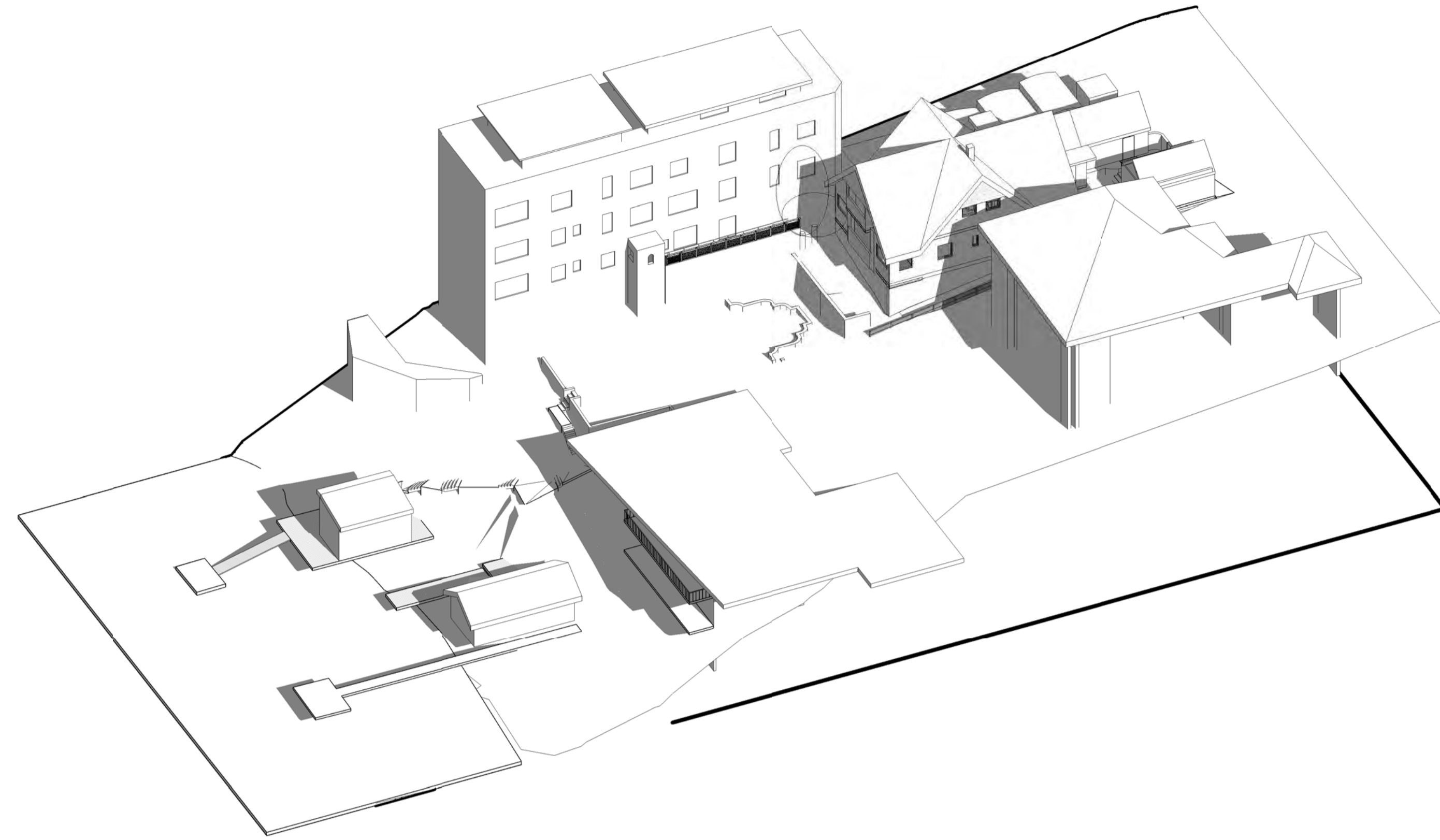
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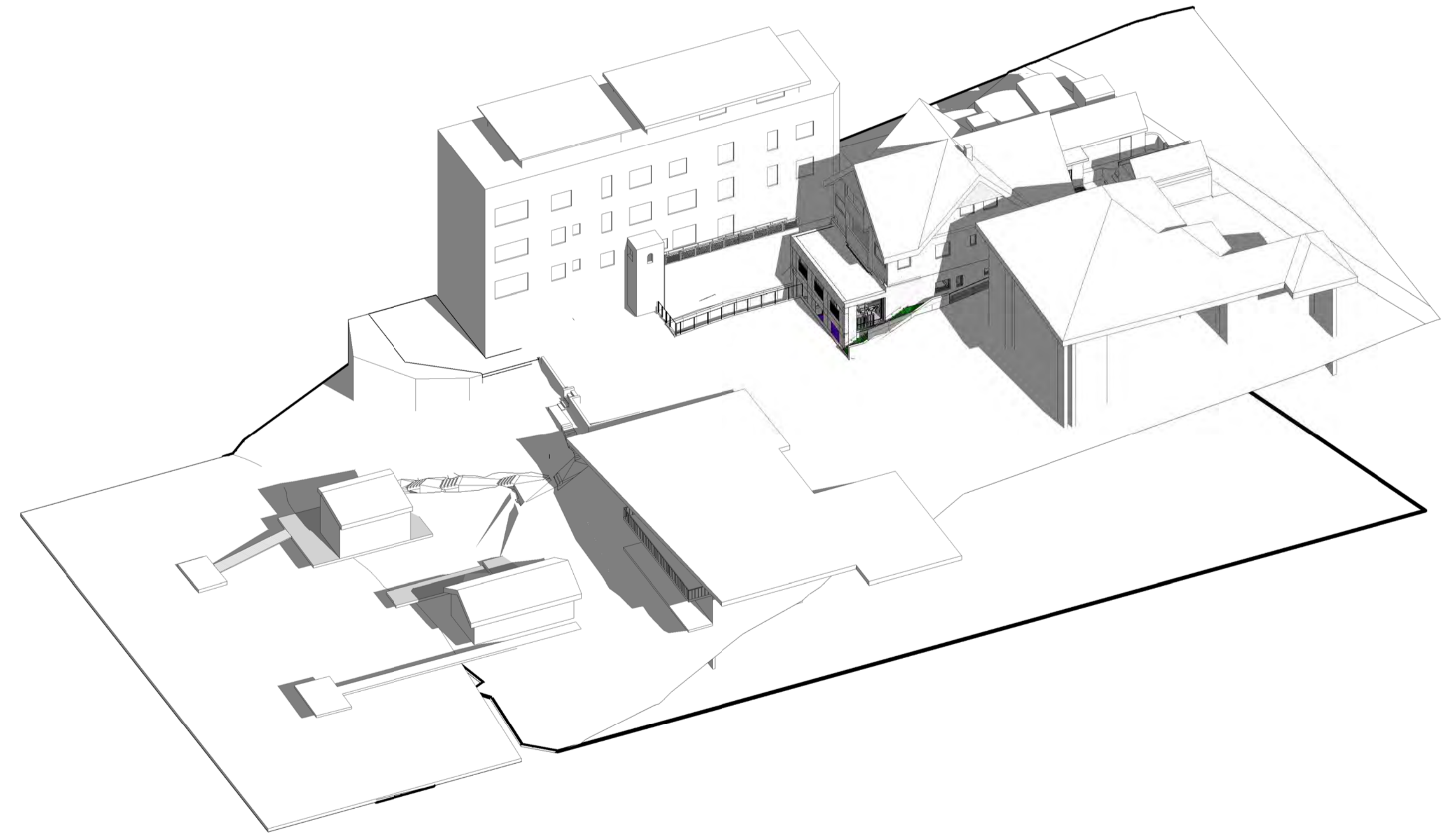



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Project  
**13 Shellcove Road**  
Kurraba Point, Sydney, 2089.

Issue	Description	Date
A	Amended Development Application	24.08.21
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LEGEND

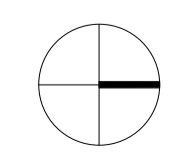

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Date: 24.08.21

Number: 10506-DA076

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20 September 2021

13 SHELLCOVE ROAD, KURRABA POINT (LOT 1, DP938160)  
DEVELOPMENT APPLICATION HERITAGE REVIEW AMENDED PLANS  
RE DA 33/2021 FOR NORTH SYDNEY COUNCIL

INTRODUCTION

Kemp and Johnson Heritage Consultants have been engaged by North Sydney Council to undertake independent heritage reviews of the previous DA and the current amended plans re development application 33/2021, received on 3 September 2021, for alterations and additions to the house, new swimming pool and landscaping on the site at 13 Shellcove Road, Kurraba Point.

The DA was deferred by the North Sydney Local Planning Panel (NSLPP) at its meeting on 4 August 2021, with the NSLPP recommending 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, Angophera Costatas, 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 materials and finishes pallet (clearly the Panel is not seeking to mimic the architecture).*
- *The 6% non-compliance site coverage is to be addressed.*

Relevant to this deferral decision and the NSLPP request for amended plans, is the *NSW Guideline to writing conditions of consent* published in May 2021, in particular:

*"Conditions cannot be used to redesign significant aspects of a proposed development. Generally, if the only way a development application (DA) can be approved is through the imposition of conditions that require significant changes or redesign, it may be necessary to*

consider whether to request further information before approving the DA or refuse the DA. Similarly, a condition should not be so onerous that it is effectively a refusal of a DA.”<sup>1</sup>

Documents viewed in relation to the DA submission include the following:

- Revised architectural plans prepared by Nettleton Tribe Architects dated 24 August 2021

Note that background information on the site and its heritage significance (from previous DA comments) are attached.

## THE AMENDED PLANS FOR THE PROPOSAL

The following is an analysis of the amended plans against the heritage requirements in the NSLPP decision cited in the Introduction section above.

Table 1: Analysis of heritage aspects of the amended plans against the NSLPP requirements

NSLPP requirement	Response in the amended plans
<i>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;</i>	<p>The amended plans have not included internal access to the basement levels, but retain a staircase to the basement levels inserted into the existing western ground floor level entry porch of the house. The proposal fails to respond to this part of the NSLPP decision.</p> <p>The swimming pool has been reduced in length in response to the NSLPP decision.</p>
<i>The ensuites on the verandah are to be deleted and the open verandah reinstated. The ensuites may be reconfigured internally;</i>	<p>The ensuites to the eastern ground floor level verandah of the house have been deleted in the amended plans, however the amended plans do not reinstate the verandah as an open verandah (the amended plans retain late 20<sup>th</sup> century windows to each end of the verandah, instead of indicating the removal of these window to reinstate the verandah as an open verandah). The amended plans therefore only partially respond to the NSLPP decision.</p>
<i>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;</i>	<p>The amended plans show greater use of sandstone to the eastern elevation basement levels.</p>

<sup>1</sup> Quote from page 2, Guide to Writing Conditions of Consent, May 2021, NSW Dept of Planning, Industry & Environment

NSLPP requirement	Response in the amended plans
<i>The Panel encourages the applicant where possible to reuse existing cut sandstone in the reconstruction of the building additions and landscaping;</i>	Reuse of sandstone is shown on the amended plans.
<i>A more detailed landscape plan is required, and this includes the careful location of canopy trees, Angophora Costatas, to enhance the development.</i>	There does not appear to be substantial change to the landscape plan.
<i>The materials and finishes and proportions of the alterations and additions are to reflect/compliment the existing dwelling, with an appropriate materials and finishes pallet (clearly the Panel is not seeking to mimic the architecture).</i>	The proposed Lower Ground 2 and Lower Ground 1 levels presentation to the eastern elevation does not compliment the existing dwelling and requires further redesign to achieve this. Timber framed windows and doors of vertical proportions should be shown. See Conclusion/Recommendation below for further details of how the eastern elevation should be redesigned.

## HERITAGE ASSESSMENT OF THE PROPOSAL

### Heritage documentation

The heritage documentation has continued to fail to set out conservation and restoration works - for example to reverse previous unsympathetic alterations to the eastern ground floor balcony. A Schedule of Conservation Works is required, and should address issues such as timber shingle restoration work to the house.

### Elevations of the original house

The east elevation remains adversely impacted due to the failure to reinstate the ground floor level eastern balcony as an open balcony.

The western elevation ground floor verandah/entry porch is still proposed to be used for a new stair to the lower level which is an unacceptable adverse impact on original fabric of the house.

The sandstone undercroft to the north elevation is adversely impacted due to the insertion of large aluminium framed windows.

### Presentation of additional elements to the east of the house

Glazed balustrading to the east elevation terrace to Lower ground floor level 1 is unsympathetic to the style and fabric of the original house, with new fenestration out of the alignment with the pattern of fenestration to the east elevation of the original house, and presented as aluminium framed.

### LEP Heritage Controls

The proposal does not satisfy Objectives (1) (a) and (b) of Clause 5.10 of the North Sydney LEP 2013, as it involves a failure to reinstate the eastern elevation ground floor verandah as an open verandah, unsympathetic alterations to the northern elevation of the heritage item, and the western ground floor verandah as outlined above, which would adversely impact on the heritage significance of the heritage listed house, the context of the adjacent heritage item, and the character of the Kurraba Point Conservation Area.

### DCP Heritage Objectives & Controls

The table below assesses the proposal against the relevant heritage objectives and provisions of the North Sydney DCP Part B – Development Controls Section 13 – Heritage & Conservation.

Table 2: Assessment of the proposal against the relevant heritage objectives and provisions of the North Sydney DCP 2013 Part B Section 13

Objective or Provision	Comments
13.1.2 General Objectives – 04	As outlined under “Heritage Documentation” above the submitted Heritage Impact Statement is considered inadequate in detail given the scale of the proposed works.
13.5 Heritage Items - 13.5.1 Objectives	
Objectives 02, 03	The proposal does not comply with this objective as changes to the east, north and west elevations of the existing house are considered unsympathetic as outlined above.
Objective 05	The amended proposal does not achieve this objective as it fails to reinstate original details and remove past unsympathetic changes as follows: <ul style="list-style-type: none"> <li>The proposal fails to restore the ground floor eastern balcony with removal of existing glazing, and modification to the proposal to restore this as an open verandah is recommended to achieve this objective.</li> </ul>
Objective 06	Not relevant, as all elevations of the house are significant.
Objective 08	The proposal does not achieve this objective as unsympathetic changes which are not reversible are proposed such as: <ul style="list-style-type: none"> <li>large new aluminium framed windows and openings to the sandstone basement on the east and north elevations.</li> <li>Unsympathetic alteration of the western ground floor verandah to a staircase to access the proposed new lower ground floor levels</li> </ul>
13.5 Heritage Items - 13.5.1 - Provisions	
P1	The proposal does not satisfy this provision as there is adverse impact on the eastern ground floor balcony, the east and north elevations of the sandstone basement and the unacceptable alteration of the ground floor west verandah.
P2	See response to O5 above.



Objective or Provision	Comments
P4	The proposal does not satisfy this provision (see response to O5 above), noting that further detail on significance of elements should have been provided in the HIS.
P5	Inadequacy of the HIS affects assessment against this provision, however all elevations of the house are considered significant.
P6	A Schedule of Conservation Works should be required to ensure restoration of the heritage item.
13.6 Heritage Conservation Areas	
13.6.1 Objective O1	The proposal does not satisfy this objective, as the proposed development does not retain or complement the character and significance of the Kurraba Point Conservation Area. The subject property and adjacent heritage item are key significant elements of the Conservation Area, and the proposal impacts adversely on the character of the Conservation Area by: <ul style="list-style-type: none"> <li>Reducing the significance of the subject house through unsympathetic changes such as removal of the western ground floor verandah in lieu of new stairs, introducing unsympathetic openings to the east and north elevations).</li> </ul>
13.6.2 Form, massing and scale	
Provision P9	The proposed eastern extension is considered uncharacteristic in relation to the character of the Conservation Area.
13.9 Controls for Specific Building Elements	
13.9.3 Verandahs and balconies	
O1	The proposal does not achieve this objective. The proposed removal of the western ground floor verandah in lieu of a new staircase is an unacceptable and unsympathetic alteration. The proposed use of the western ground floor verandah for the purposes of a new internal staircase would alter the Federation style entry which is a significant architectural element contributing to the significance of the item and the conservation area.
O2	The proposal does not achieve this objective as the eastern ground floor balcony is not restored as an open verandah; and the western ground floor verandah is proposed to be removed in lieu of a new staircase which is an unacceptable removal of original fabric, unsympathetically altering the street entry to the house.
P1	See above. Not satisfied
P2	See above. Not satisfied
P3	See above. Not satisfied
P4	Not satisfied. The alteration to the western ground floor verandah to a staircase would never be reversed if the proposal were to go ahead.
13.9.4 Materials, colours and finishes	
O1	Use of aluminium framed windows/doors to basement levels eastern and northern elevation is not acceptable.

Objective or Provision	Comments
	The glazing pattern proposed to the east and north elevations of the Lower Level 1 are not consistent with the characteristics of the heritage item or the conservation area.
P1	The proposal generally complies, however the large window openings proposed to the existing sandstone basement walls of the house at Lower Level 1 do not comply as these are considered excessive alterations to these sandstone walls.
P2	This can be achieved via conditions on any consent
P3	The proposed aluminium framed windows to the existing basement/undercroft area of the house (Lower Level 1) are not considered compatible with the elements of the heritage item.
P8 Requires compatibility with characteristic built elements of the conservation area described in the Area Character Statement in Part C of the DCP.	<p>The characteristic materials identified for the Kurraba Point Conservation Area in Section C Part 6.2.6, P10, P11, P12 and P13 are: face or rendered brick on sandstone base (the heritage item being roughcast rendered on sandstone base); roofs of slate, terracotta tiles or corrugated metal (the roof of the heritage item being terracotta tiles), with original timber windows, doors and decorative joinery (heritage item has timber framed windows, timber doors and decorative elements such as timber shingling.)</p> <p>The proposal generally complies with this provision, however noting unacceptable use of aluminium framed windows for Lower levels 1 and 2.</p>
13.9.6 Fences	
<p>O1, P1, P2, P4, P5</p> <p>Provision P14 Fences in Section 6.2 of the DCP defines the characteristic front fences of the conservation area as "Original low scale front fences. Timber fences to rear and side. Sandstone walls, timber gates, timber pickets, timber rails, face brick with piers."</p>	<p>The proposal reconstructs the existing front fence.</p> <p>The existing front fence constructed in 1983 is inconsistent with the surrounding context, being much higher than existing low sandstone walls on the low side of the street, and low brick walls on the high side – some dwellings have no front fences with only garage structures in front setbacks. New work needs to comply with current relevant objectives and controls and reflect the style of the house – such as a low sandstone fence with timber gate approx. 1.2m in height.</p> <p>This could be achieved via a condition of consent.</p>
13.10 Guidelines for Residential Building Types	
13.10.4 Two storey detached and attached dwellings	
O1	<p>The overall form of the heritage building is generally retained; however, the integrity of the heritage item is adversely affected in noncompliance with this objective due to proposed changes to the eastern and northern elevations. The proposal therefore does not comply with this objective.</p> <p>The specific concerns with proposed alterations and additions to the house are:</p> <p>Exterior:</p> <ul style="list-style-type: none"> <li>Proposed demolition of existing ground floor verandah to the western elevation of the house to accommodate a new staircase is an unacceptable alteration to the original form and detail of the street façade</li> <li>Failure to reinstate the eastern ground floor level verandah/balcony as an open verandah/balcony</li> </ul>

Objective or Provision	Comments
	<ul style="list-style-type: none"> <li>Proposed large areas of aluminium-framed glazing to the Lower Level 1 north elevation and east elevation, with no reference to the form of existing openings to the original ground and 1st floor levels of the house, and removes fabric from the original sandstone basement level of the house. The proposed east elevation glazing to Lower Level 1 does not reflect the pattern of openings to the east elevation ground floor balcony above and is unsympathetic.</li> </ul>

#### CONCLUSION/RECOMMENDATION

The proposal in the amended plans remains inconsistent and noncompliant with heritage objectives and controls of the North Sydney LEP 2013 and North Sydney DCP 2013 as outlined above, and does not adequately respond to the August NSLPP decision, and it is therefore considered unacceptable and is recommended for refusal in its current form, due to adverse impacts on the heritage significance of the heritage item, the adjacent heritage item and the CA16 Kurraba Point Heritage Conservation Area.

The consent authority should either:

- 1) Refuse the application for the reasons cited above, and the failure to respond adequately to the 4 August 2021 decision of the NSLPP OR
- 2) Request further amended plans which:
  - a) Retain the western entry porch/verandah to the ground floor level and move the staircase entry to the proposed lower levels to the interior of the house, to the area of the proposed storage room, near the proposed lift and walk in wardrobe close to Bedroom 4 on the ground floor level. Insertion of the new staircase into this already altered area, while involving reduction in the size of the walk-in wardrobe, is unlikely to have adverse impacts on the heritage significance of the house.
  - b) Show reinstatement of the eastern ground floor verandah/balcony to an open verandah through removal of late 20<sup>th</sup> century glazing;
  - c) Redesign the eastern elevation of the basement levels to continue the engaged columns to the existing eastern façade down to the new ground level, and arrange vertically proportioned timber-framed windows/doors around these engaged columns, sympathetic to the heritage listed house, and respond adequately to the August NSLPP decision.
  - d) Show all new windows/doors to eastern and northern elevations as timber framed and vertically proportioned.
  - e) Include a Schedule of Conservation Works to the house which should include restoration work to the timber shingling.
  - f) Accurately show existing elevations of the house which are not proposed to be altered (for example accurately depicting the existing eastern windows to the 1<sup>st</sup> floor level).

Attachment 2 includes suggested Heritage Conditions of consent which are recommended for any future DA approval.



Chery Kemp, Principal Partner,  
Kemp and Johnson Heritage Consultants

# ATTACHMENT 1:

## BACKGROUND INFORMATION ON THE SITE AT 13 SHELLCOVE ROAD AND ITS HERITAGE SIGNIFICANCE

### DESCRIPTION OF SITE & CONTEXT

The site is located on the eastern side of Shellcove Road Kurraba Point and slopes steeply down to the waterfront of Shell Cove at its eastern end, with some terracing and steps down to a waterfront boatshed.

The context in Shellcove Road is that of large usually 2-storey houses dating from circa 1900 through to the Inter-war period 1920s and 1930s mixed with 3-4 storey Inter-war period brick residential unit blocks.

The adjacent sites encompass:

- a heritage-listed Inter-war period 3-storey block of units "Englemere" at 11 Shellcove Road to the south, which contains 8 residential units with carports and driveway area on the street frontage of the property, and an original face brick entry structure on the street frontage. On the opposite, side of the building name "Englemere" within a rendered brick. The summary statement of significance (from SHI form) for this is:

- o an unusual and striking Gothic styled apartment building which emulates, through castellated parapets and semi-circular arched openings, a medieval English Castle. The style is rare in the vicinity but is characteristic of the period. It has aesthetic and landmark qualities.

- A residential building containing 4 units at 15 Shellcove Road to the north,

- A recent house addressed 15B Shellcove Road located to the east of 15 Shellcove Road, with pedestrian access from Shellcove Road. This is built on what was originally the waterfront garden area of No. 15 Shellcove Road.

On the opposite, western side of Shellcove Road there are dark face brick inter-war detached houses with sandstone undercrofts. It is noted that many properties in Shellcove Road have single car garages built to the street alignment, as does the subject property.

The Federation Arts & Crafts style roughcast stuccoed brick house on the site is built relatively close to the street and consists of 2 storeys with a rear/eastern storage/undercroft area, and the 1st floor within the steeply gabled terracotta tiled roof form with a single chimney. The main roof form of the house is original and has never been extended at the rear/eastern waterfront side (though there is a small single storey front extension to the house, at a lower level and not affecting the main roof form). Each elevation

is dominated by large shingle clad gable ends with wide overhanging eaves. The roof also includes a single small skillion roofed dormer window on the south side, with a skylight above.

The walls of the house are finished in roughcast stucco on a base-course of rock faced sandstone. The windows are multi-paned timber-framed casements, with some small leadlight windows to the stair hall and near the inglenook.

On the eastern waterfront elevation of the house, there are central projecting balconies to both ground and 1st floor level, with timber floors and timber shingled balustrades. The 1st floor balcony has been enclosed with multi-paned timber-framed windows. The ground floor projecting section of the balcony joins onto a verandah across the width of the ground floor, however both the southern and northern ends of the ground floor verandah have been glazed in.

To the interior, the stair hall includes an original staircase and leadlight windows, and there is evidence for an inglenook in what is marked as Ground floor Bedroom 2 on plans.

On the street front of the property there are two gabled single car garages built to the street alignment of the property, each with timber shingled gable ends and roughcast stucco boundary walls, separated by an approx. 1.5m high roughcast stuccoed fence with a central timber gate.

The garages are open rather than walled in, on the sides facing into the property. The garage on the north side is separated from the house. The garage on the south side shares a roof with a small single storey front extension to the house.

The 1943 Six Maps (NSW Land Registry Information) aerial photo shows that there was a garage on the northern side at the front of the property at that time, but no southern garage, and no southern front extension to the house.

Apart from the overall form of the house including the roof form and verandahs/balconies, the intact aspects of the interior of the house are:

- joinery including staircase and timber parquetry floor to ground floor entry area
- The ground floor room marked "Bedroom 2" including timber battened ceiling
- The 1st floor room marked "Store" including timber battened ceiling
- The 1st floor eastern sunroom

## HERITAGE STATUS & SIGNIFICANCE OF THE SITE

The property at 13 Shellcove Road Kurraba Point is a heritage listed item of local significance in the North Sydney LEP 2013 (heritage item No. I0687) with the listing details as outlined below.

The property is also within the CA16 Kurraba Point Conservation Area, also of local significance, and in the vicinity of another heritage item of local significance (see Figure 4 below) being Item No. I0686 at 11 Shellcove Road to the south.

The Summary Statement of Significance for the Kurraba Point Conservation Area is:

The Kurraba Point Conservation Area is significant:

(a) As an early harbourside suburb that has retained significant elements of its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings.

(b) For the large number of architecturally distinguished homes some that have a strong relationship with the water and include the works of B.J. Waterhouse, Jeaffreson Jackson and Walter Liberty Vernon.

(c) For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high-quality luxuriant character.

The house was designed by architects B.J. Waterhouse & Lake for William A. Chadwick (a surveyor) in 1917 and is now known as St Agnes (formerly St Ange).

In relation to the Statement of Significance for the Kurraba Point Conservation Area, as a house designed by B.J. Waterhouse, the subject property is a key element of the conservation area, along with the adjacent heritage item at 11 Shellcove Road, which is a fine inter war period flat building. The site topography sloping down to Shell Cove and the eastern garden area of the site are also an element of the significance of the Conservation Area.

The Summary Statement of Significance for the house on the NSW SHI is as follows (noting that a more detailed Statement of Significance could be formulated based on further research):

A fine example of the work of B. J. Waterhouse. One of a collection of substantial early twentieth century houses of high standard that characterise Neutral Bay and contributes to the amenity of the vicinity.

Table 1: Heritage listing details for the subject property and adjacent heritage item from Schedule 5 Part 1: Heritage Items of the North Sydney LEP 2013

Locality	Item name	Address	Property Description	Significance	Item no.
Kurraba Point	House	13 Shellcove Road	Lot 1, DP938160	Local	I0687
Kurraba Point	"Englemere"	11 Shellcove Road	SP52378	Local	I0686

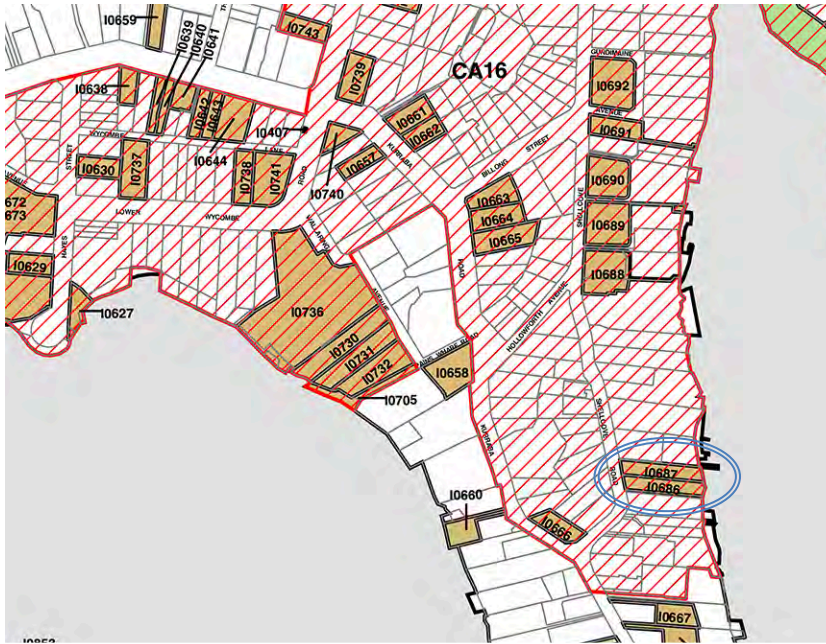


Figure 1: Extract Heritage Map No. 004 North Sydney LEP 2013, showing the subject property as item no 10687 (circled in blue)

Heritage planning controls relating to the site are contained in Section 5.10 of the North Sydney LEP 2013 and Part B Section 13 of the North Sydney DCP 2013.



## ATTACHMENT 2:

# RECOMMENDED HERITAGE CONDITIONS OF CONSENT ON ANY FUTURE DA APPROVAL FOR 13 SHELLCOVE ROAD

- 1) During the process of the construction of the basement level, mandatory inspections and advice during the works are required by the geotechnical and structural engineer. (Reason: to ensure appropriate oversight of excavation work affecting the heritage item).

- 2) *(Similar to Condition C15 in North Sydney Council Standard Conditions adopted in September 2013)*

An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site, for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters. The heritage architect is to work with the applicant's geotechnical and structural engineers during excavation and basement level construction.

Written details of the engagement of the experienced heritage architect must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require an application under s96 of the Environmental Planning and Assessment Act 1979 or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

- 3) The Heritage conservation architect is to be engaged to oversee works outlined in a Schedule of Conservation Works to the house, with works to be completed prior to the issue of an Occupation Certificate. (Reason: to ensure appropriate conservation works are undertaken to the house in accordance with Heritage item DCP controls)

- 4) The external colours and finishes shall match those as existing and/ or be compatible with those of the existing house.

A schedule of external colours and finishes must be submitted for the written approval of Council's Team Leader Assessment prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans, the written approval from Council and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with the existing house).

- 5) The proposed front fence is to be amended to allow for a low sandstone fence to a maximum height of 1.2m including a timber pedestrian gate. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate. (Reason: to ensure consistence with Heritage Conservation Area DCP controls for front fences).

- 6) *(Same as Condition E2 in North Sydney Council Standard Conditions adopted in September 2013).*

Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the NSW Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**DECISION OF  
NORTH SYDNEY LOCAL PLANNING PANEL  
MEETING HELD ON 4 AUGUST 2021**

**ITEM 3**

<b>DA No:</b>	33/21
<b>ADDRESS:</b>	13 Shellcove Road, Kurraba Point
<b>PROPOSAL:</b>	Alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 25m pool, internal and external alterations to existing dwelling, landscaping works.
<b>REPORT BY NAME:</b>	Annelize Kaalsen of AK Planning
<b>APPLICANT:</b>	MaryAnn Beregi

**Public Submissions**

No Written Submissions

<b>Submitter</b>	<b>Applicant/Representative</b>
Sally Christiansen - Observing only	David Waghorn - Town Planner
	Richard Lamb - Architect
	Stephen Davies - Heritage Consultant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Consultant Planner's Report and Recommendation is noted by the Panel.

The Panel has given this matter careful consideration in the context of the dwelling being a heritage item and its location on the foreshore, as well as its visibility from the public domain.

The Panel has decided that this matter be deferred to allow the applicant the opportunity to amend the plans to 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 ensembles on the verandah are to be deleted and the open verandah reinstated. The ensembles 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, Angophera 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 materials and finishes pallet (clearly the Panel is not seeking to mimic the architecture).
- The 6% non-compliance site coverage is to be addressed.

Panel Reason:

The Panel does not consider the architectural resolution of the alterations and additions shown in the current plans is worthy of approval. At the same time the Panel is not opposed to the excavation subject to satisfying engineering requirements to ensure the structural integrity of the existing building and that of adjoining properties. Nonetheless, the Panel does not consider the visibility of lower level 2, as shown in the plans is acceptable in its current form.

The deletion of the ensuites on the verandah is necessary to reinstate a characteristic element of open verandahs for the era of this heritage item. However, the Panel is not opposed to sympathetic alterations and additions guided by the above criteria to improve the liveability of the heritage dwelling.

The applicant is to submit amended plans to Council within one month and an addendum report is to be prepared in a timely manner for the Panel's determination.

Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Jane van Hagen	<b>Y</b>	
James Harrison	<b>Y</b>				
Garth Paterson	<b>Y</b>				

**To locate the previous report, click on the hyperlink under attachments on the top of page 1.**