

Item **LPP01** - REPORTS - **7 June 2023**



NSLPP MEETING HELD ON 07/06/2023

Attachments:

1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 13 Shellcove Road, Kurraba Point

APPLICATION No: 3/23

PROPOSAL: Alterations and additions to existing dwelling house and associated works.

PLANS REF:

Drawing No.	Rev	Title	Drawn By	Dated
Architectural Plans				
DA101	A	Site Plan / Roof Plan	Aplus Architecture	16/12/22
DA102	A	Demolition Plan	Aplus Architecture	16/12/22
DA201	B	Basement 2 Floor Plan	Aplus Architecture	12/01/23
DA202	B	Basement 1 Floor Plan	Aplus Architecture	12/01/23
DA203	B	Lower Ground 2 Floor Plan	Aplus Architecture	12/01/23
DA204	B	Lower Ground 1 Floor Plan	Aplus Architecture	12/01/23
DA205	B	Ground Floor Plan	Aplus Architecture	12/01/23
DA206	B	Level 1 Floor Plan	Aplus Architecture	12/01/23
DA207	A	Roof Plan	Aplus Architecture	16/12/22
DA301	A	North Elevation	Aplus Architecture	16/12/22
DA302	A	East Elevation	Aplus Architecture	16/12/22
DA303	A	South Elevation	Aplus Architecture	16/12/22
DA304	A	West Elevation	Aplus Architecture	16/12/22
DA401	A	Section A-A	Aplus Architecture	16/12/22
DA402	A	Section B-B	Aplus Architecture	16/12/22
DA501-DA504	A	Materials and Finishes:	Aplus Architecture	16/12/22
DA601	A	Solar studies 21 June a 9am; 12pm 3pm	Aplus Architecture	16/12/22
DA701	A	Site coverage – compliance diagram	Aplus Architecture	16/12/22
DA702	A	Height Plan diagram	Aplus Architecture	16/12/22
Landscape Plans				
000	A	Landscape coversheet	Site Image	20/12/22
102	A	Landscape plan – ground floor	Site Image	20/12/22
103	A	Landscape plan – Lower Ground Floor 2	Site Image	20/12/22
104	A	Landscape Plan – Basement 2	Site Image	20/12/22
501	A	Landscape details	Site Image	20/12/22
502	A	Landscape details	Site Image	20/12/22
601	A	North Elevation	Site Image	20/12/22
602	A	East Elevation	Site Image	20/12/22
603	A	South Elevation	Site Image	20/12/22
604	A	West Elevation	Site Image	20/12/22
901	A	Landscape Area diagram	Site Image	20/12/22
902	A	Un-built upon area diagram	Site Image	20/12/22

OWNER: Diana Huang

APPLICANT: Karen Chow C/- Aplus Architecture

AUTHOR: Annelize Kaalsen of AK Planning

DATE OF REPORT: 25 May 2023

DATE LODGED: 3 January 2023

RECOMMENDATION:

EXECUTIVE SUMMARY

This development application seeks approval from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to the heritage listed dwelling house including the demolition of one of the existing single garages and the reconstruction thereof in the same location (like-for like); excavation to allow for four (4) levels under the existing dwelling; a pool, internal and external alterations and associated landscaping works, at No. 13 Shellcove Road, Kurraba Point.

The application is referred to the North Sydney Local Planning Panel for determination because the application attracted more than 10 unique public submissions. The application also involves part demolition of a heritage item with any such application requiring determination by NSLPP under the Minister’s Directions.

The subject site is identified as an item of environmental heritage in Part 1 of Schedule 5 in NSLEP 2013 as well as being located within the Kurraba Point Conservation Area.

The proposal is not supported by Councils Heritage Officer, since the works detract from the significance of the subject heritage listed building, the context of the adjacent heritage item, and the Kurraba Point Conservation Area.

The heritage officer notes that the proposal is considered to be unsupportable with regard to heritage “... as it will result in detrimental impact to the dwelling’s setting, character as well as its aesthetic and historic significance. In addition, it will detract from the aesthetic significance of the streetscape and the character of the Kurraba Point Conservation Area”.

The proposed alterations and additions would overwhelm the existing heritage dwelling and are not considered to be sympathetic or in keeping with the character of the Arts and Craft style of the heritage item.

The notification period attracted a total of twenty-seven (27) submissions. In summary the submissions raised particular concerns with; impact on the heritage item itself and the adjoining heritage item; the extent of excavation proposed; overshadowing; acoustic and visual privacy; new tree planting impacting on views; traffic and parking during construction; structural stability and damage to properties; noise and vibration impacts as well as stormwater measures on the site being insufficient.

The assessment has considered these concerns as well as the performance of the application against Council’s planning requirements. In this regard, the application does not comply with the objectives of the maximum site coverage or side setback provisions within North Sydney DCP 2013. The cumulative impact of these non-compliances together with the detrimental impact on the heritage character and scale of the dwelling; is considered unacceptable and is not supported.

As such, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, it is recommended that the proposed development be **refused** for the reasons as set out in this report.

LOCATION MAP

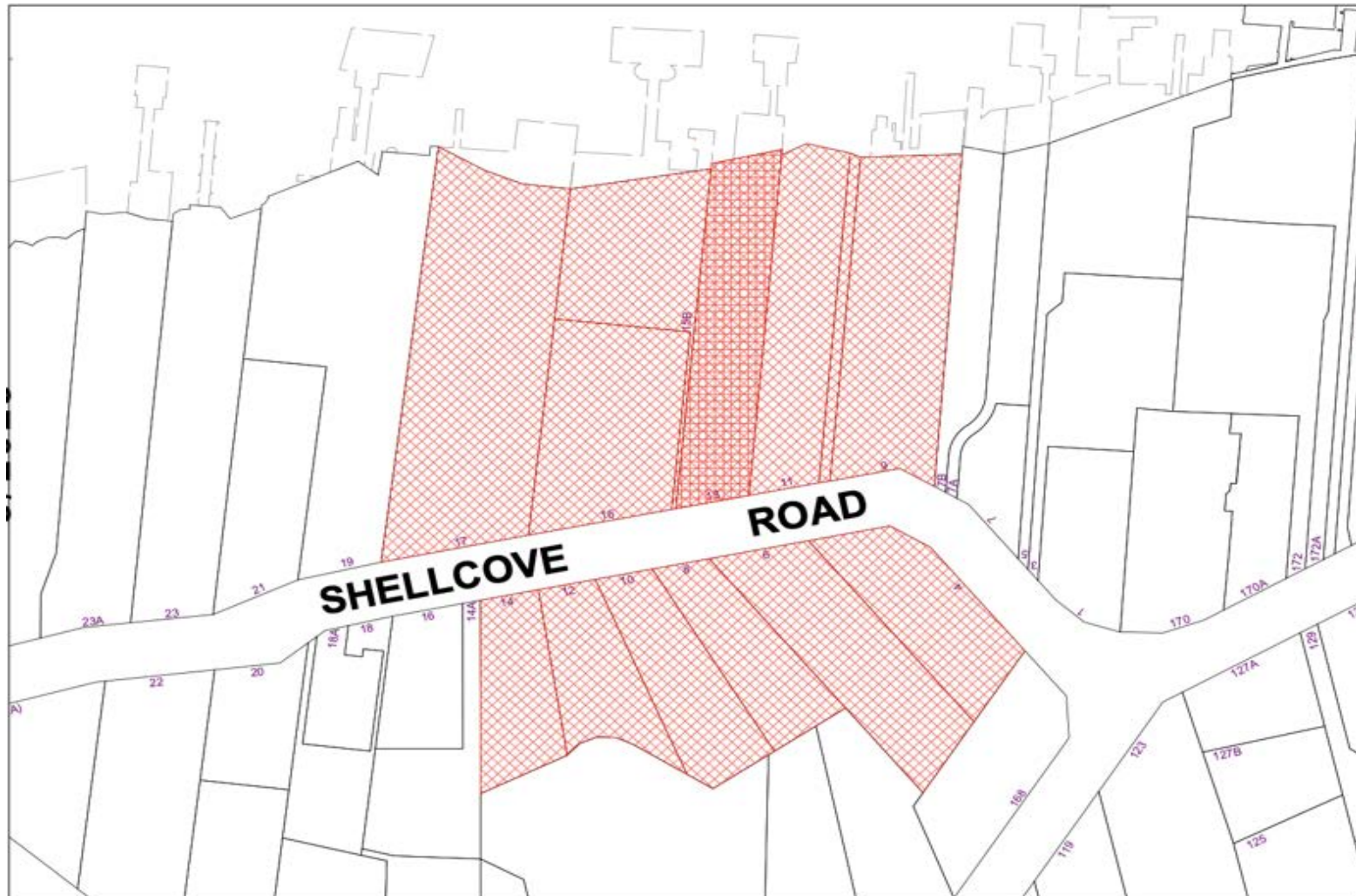


Figure 1: Location Map

 Property/Aplclicant Properties Notified  ● Submitters -

DESCRIPTION OF PROPOSAL

The application seeks approval for alterations and additions to a heritage listed dwelling house including the demolition of one of the existing single garages and the reconstruction thereof in the same location (like-for like); excavation to allow for four (4) basement levels under the existing dwelling; a pool, internal and external alterations and associated landscaping works.

In more detail the proposed works are as follows:-

Basement 2 (RL0.61)

- On site detention
- Electrical room
- Mechanical plant room
- Turntable
- One car parking bay
- Car wash bay
- Lift
- Powder room
- Waiting area
- Garden and koi pond
- Car lift
- Stairs

Basement 1 (RL6.01)

- Car lift
- Stairs and lift
- Powder room
- Theatre
- Art gallery hallway
- Storage
- Music room
- Karaoke room with bar

Lower Ground 2 floor (RL9.41)

- Car lift
- Lift and Stairs
- Steam room and sauna
- Bathroom
- Storage and ironing room
- Cold room
- Kitchen; Living area
- Formal dining
- Lounge
- Powder room
- Excavation of rear yard to accommodate new swimming pool (15.4m long x 3.4m wide)
- New landscaping
- New external stairs

Lower Ground 1 Floor (RL12.81)

- Car lift
- Lift and Stairs
- Prayer room
- Massage room
- Powder room
- Wine and cheese room
- large open plan entertainment area / rumpus room with new hoods over the windows fronting ShellCove
- Bedroom 3 with walk-in robe and ensuite

Ground Floor (RL16.71)

- Art Workshop replacing existing northern single garage
- Car lift replacing existing southern single garage
- New front garage and fence
- Entry court with new water feature
- Demolition of internal walls to allow reconfiguration of rooms
 - Lift
 - Lobby and stairs accessing lower levels
 - Foyer with stairs accessing upper levels
 - Powder room
 - Art Gallery Hallway
 - Sunset Lounge
 - Bedroom 2 with walk-in robe and ensuite
 - Office
 - Balcony
- Green Roof
- Removal of trees and hedges

Level 1 Floor (RL20.0)

- Demolish internal walls to allow for new master suite including:
 - his and hers WIR
 - Ensuite and separate WC
- Store room
- New lift

Below FSBL

- landscape works including new planting

The demolition plan shows the removal of all trees on site.



Figure 2: Proposed eastern elevation



Figure 3: Proposed northern elevation



Figure 4: Cross section

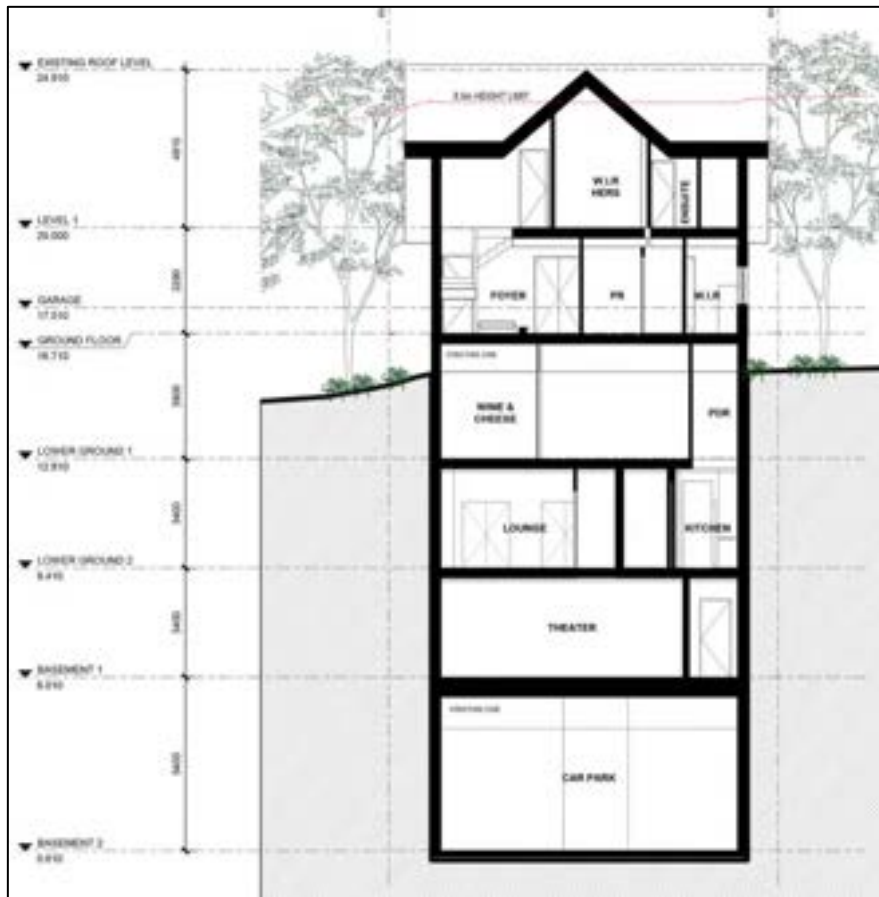


Figure 5: Section B-B



Photo 1: CGI of proposal as viewed from Shellcove

STATUTORY CONTROLS

North Sydney Local Environmental Plan (LEP) 2013

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes (Item of local significance I0687)
- In Vicinity of Item of Heritage – Yes (No. 11 Shellcove Road, south of the subject site I0686)
- Conservation Area – Yes (Kurraba Point Conservation Area CA16)
- FSBL - Yes

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in non-rural areas
- Chapter 10 – Sydney Harbour Catchment

SEPP (Resilience and Hazards) 2021

- Chapter 2 – Coastal Management
- Chapter 4 – Remediation of Land

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

North Sydney Local Infrastructure Contributions 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 **Figure 6 & Photo 2**). The subject site has a frontage to 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 with a slight cross fall towards the north.

The existing development on the subject site consists of a single storey with rooms in roof, 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 6: Aerial view of subject site and surrounding development Source: SIX Maps



Photo 2: Existing dwelling viewed from Shellcove Road



Photo 3: View of existing 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 adjoins a two storey dwelling plus 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 providing 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



Photo 12: View of existing dwelling from Cremorne Point coastal walkway

RELEVANT HISTORY

Previous applications

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.

On 6 October 2021, the NSLPP granted consent to DA33/21 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 as well as associated landscaping works.

This application

The history of the subject development application is summarised below: -

Date	Action
29 August 2022	A Pre-lodgement meeting was held with the applicant and senior Council planning staff. The application as presented on the day was not supported for a number of reasons. In summary the design was considered to overwhelm the heritage significance of the original dwelling.
3 January 2023	A Development Application (DA3/23) for alterations and additions to dwelling house including excavation to allow for four (4) levels below the existing dwelling, a pool, demolition of existing garages and two new single garages (in the same location), internal and external alterations to the existing dwelling, as well as associated landscaping works was lodged with Council through the NSW Planning portal.
27 January 2023 to 10 February 2023	The application was notified in accordance with Council's Community Engagement Protocol. A total of twenty seven (27) submissions were received during the notification period.
24 February 2023	A site visit was undertaken by the assessing officer, heritage officer, landscape officer and the applicant's architect; landscape architect and heritage planner.
3 March 2023	<p>Following the site visit, a preliminary assessment letter was provided to the applicant outlining the issues of concern and/or matters where additional information were required. The issues are listed below-</p> <ul style="list-style-type: none"> • Heritage matters • Development in the foreshore area • The extent of earthworks • Form, massing and scale • Front fence • Demolition of garages • Site coverage and landscape area non-compliance • The provision of swimming pool sections • Landscape plan • Shadow diagrams
19 April 2023	A meeting was held with the applicant to discuss concept plans and a preliminary response to the preliminary assessment letter.

REFERRALS

Heritage

The proposal was referred to Councils Heritage who made the following comments:

a) North Sydney LEP 2013 Clause 5.10

The proposal does not satisfy this clause as it will result in detrimental impact to the primary façade (harbourside elevation) as a result of the eastern addition, the removal of sandstone from the sub-base and the use of extensive glazing; to the western elevation through the demolition of the front verandah; plus detrimental loss of original interior fabric as a result of changes to the room configuration and the removal of original heritage fabric that exhibits Arts and Crafts style detailing. The perceived storey height will be altered and the dwelling will lose its Arts and Crafts style character.

The proposal will result in loss of aesthetic significance to the streetscape by the demolition of the front sandstone wall and the original garage as well as loss of aesthetic significance to the setting of the dwelling as a result of additional changes to the topography.

b) North Sydney DCP 2013

The following controls in Part B Section 13 are of note:

13.4 Development in the Vicinity of Heritage Items- Non-compliant. *The proposed works will detract from the setting of the adjacent heritage -listed Interwar apartment building located at 11 Shellcove Road. Collectively, each building from the core periods of development in the conservation area contribute to the setting of each other. The change in character of even one building will detract from the setting of these buildings. Changes to the eastern and western elevations of the dwelling as described above will result in a more contemporary character, thus detracting from the setting of the adjacent heritage item.*

13.5.1 Heritage Items – Objective O1 – Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item- *The proposal will result in the loss of original heritage fabric on the primary façade by the removal of the majority of the sandstone sub-base on the east elevation which is characteristic to the Arts and Crafts style of the building. The large new glazed openings on the eastern elevation will result in the introduction of a contemporary character to the façade. Together these changes will detract from the existing ‘grounded character’ of the Arts and Crafts style dwelling as the building will lose heavily textured natural materials. The proposed works will remove original interior fabric such that the original room configuration will no longer be evident, with the loss of the western verandah to be demolished and the interior detailing destroyed.*

13.5.1 Provision P5 Locate change away from original areas of the heritage item that are intact- *The proposal will result in changes to the intact sandstone sub-base, the primary form as perceived from the east, the entry verandah, the interior, the demolition of the original garage and street boundary sandstone wall.*

13.5.2 Form, Massing and Scale - Objective O1 To allow new alterations and additions to heritage items, where new work does not impact on the heritage significance of the heritage item- The current perceived storey height of the primary elevation when viewed from the east is that of a single storey dwelling with rooms in the roof. The proposal will however, alter this to three storeys with rooms in the roof. It will alter the character of the dwelling from a modest bungalow to that of a large dwelling.

13.5.3 Additional Storeys – Objective O1 To minimise the visual dominance of any new work from public places- The proposal does not comply as the new work will be visible from the harbour and Cremorne Reserve and is not located away from the primary façade. The new addition will not be subservient as it will be forward of the primary elevation and will detract from its aesthetic significance.

13.5.4 Roofs – Objective O1 To ensure that original roofs, their hierarchy and materials are maintained- Further clarification is sought as to whether the dwelling originally had tapestry roof tiles.

13.5.5 Interior Layouts – Objective O1 To ensure that significant interior elements are retained and preserved- The proposal will result in the loss of the beamed ceilings and joinery in the foyer and the two primary rooms (harbourside), inglenook fireplace, tongue and groove wall cladding, leadlight doors, original moulded panelled doors as well as all of the original interior features in the attic level (Level 1).

13.6.1 General Objectives O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area- The character of the dwelling will be altered as a result of the addition to the primary elevation which will remove the heavy textured sandstone sub-base and introduce extensive glazing.

13.9.3 Verandahs and Balconies- Objective O2 To encourage the retention and reinstatement of original verandahs and balconies, especially where they are significant or contributory to an individual, row or group of buildings- The proposal will result in the demolition of the verandah on the street entrance.

13.9.4 Materials - Objective O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas- The proposal introduces the extensive use of glazing, frameless glazed balustrades, and standing seam metal roof sheeting which are not defined as characteristic materials in the Area Character Statement.

13.9.5 Garages and Carports- Objective O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area- P5 Retain original garages for heritage items and contributory items- The demolition of the original garage is not supported as it will result in the loss of original Arts and Crafts style fabric and will alter the character to the streetscape.

13.9.6 Fences –P1 Retain original fences and gates where they are characteristic elements of a conservation area or add to the significance of the building or place- The proposal will result in the demolition of the original street boundary fence which will have a detrimental impact to the aesthetic significance of the setting of the dwelling and the character of the streetscape.

Gardens- P3 Terraced gardens are to retain strong visual relationship to topography-
The proposal will result in extensive excavation of the eastern garden and hence the existing topography will be further modified. There will also be a void to create a sunken courtyard adjacent to the western elevation. These will have a negative impact upon the historic and aesthetic character of the setting of the dwelling and the conservation area. The

13.10.3 Larger Scale Single Dwellings- Provision P2 New additions should generally comply with the examples illustrated in Figures 13.43 to 13.46- *The proposal does not comply as the addition is located in context of the primary façade forward of the eastern building line and will alter its perceived storey height.*

3. Conclusion

The proposal is considered to be unsupportable with regard to heritage. It is recommended that it be withdrawn as it will result in detrimental impact to the dwelling's setting, character as well as its aesthetic and historic significance. In addition, it will detract from the aesthetic significance of the streetscape and the character of the Kurraba Point Conservation Area.

Planning Comment

The existing waterfront façade presents as a characteristic form with characteristic detailing consistent with the Kurraba Point Conservation Area Character Statement. Although its rear façade is not visible from the street, it is visible from the Cremorne Point coastal walkway and the waterway.

The proposal removes the sandstone base and “solidness” of the traditional detailing associated with the Arts and Craft style dwelling. In addition, it introduces large single pane windows to the eastern façade, which will visually compete in terms of its character due to its modernist style and the extent of glazing. Accordingly, the proposed amendments to the waterfront façade are uncharacteristic and unsympathetic to the original character.

Notably a condition of consent to amend the plans to address some of the heritage requirements (such as sandstone blockwork, exterior colours; window materials; window detailing and proportions) to allow for a more traditional pallet is possible. However, the proposed massing (additional visible two levels below) dominates the existing single storey plus rooms in roof dwelling.

Accordingly, the proposal does not satisfy Clause 5.10 of the NSLEP, as the proposed alterations and additions detract from the significance of the heritage item due to its massing and detailing and will not positively contribute to the character of the Kurraba Point Conservation Area.

It is considered that the proposed development will alter the character of the existing dwelling and as such the Heritage officers comments are concurred with.

Landscaping

The application was referred to Council's landscape officer who commented as follows:-

- *Removal of all site trees is not generally supported.*

- *Extent of proposed excavation would appear excessive.*
- *While the large number of large native canopy trees proposed would be welcomed, and many of these have relatively sparse canopies through which views may be retained/framed, it is likely that view loss concerns may be raised by owners of neighbouring properties. A view loss study undertaken in consultation with an AQ5 qualified arborist may be required to satisfy these concerns.*
- *Should NSLPP be of a mind to approve the proposal, no objection would be raised to the Landscape Plan prepared by Site Image dated 20/12/22.*

Planning comment

The comments are noted and although the landscape officer raised no objection to the landscape plan by Site Image, the placement of large native canopy trees (varying from 6m – 30m tall) will have the potential to impact on views from neighbouring properties. Although a view loss analysis was requested from the applicant which took into consideration the location of trees no additional information was received (refer to view loss analysis within the body of this report).

Engineering

Council's Development Engineers raised no concerns with the application subject to conditions of consent should the Panel be of a mind to support the application.

It was noted that approval from the Traffic Engineering Department would be required because the site has difficult access for construction vehicles. As such a Construction and Traffic Management Plan will be required prior to the issue of any construction certificate should the application be worthy of support.

Planning Comment

The comments are noted.

External Referrals

Transport for NSW

Referred to the Foreshores and Waterways Planning and Development Advisory Committee was not required as Clause 28 of the SREP (Sydney Harbour Catchment) 2005 was repealed before the application was lodged.

SUBMISSIONS

The proposal was notified in accordance with Council's Community Engagement Protocol from 27 January 2023 until 10 February 2023. A total of twenty seven (27) submissions were received during the first notification period.

The planning issues raised in the submissions are summarised below and addressed later in this report (refer to heading SUBMITTERS CONCERNS below).

Basis of Submissions:-

- Impact on traffic and parking during construction
- Extent of excavation is excessive
- Structural stability due to excavation proposed.

- The proposed excavation is likely to cause an adverse impact on the structural stability of the heritage item and neighbouring heritage properties.
- The proposed excavation for four levels below ground will adversely impact on neighbouring properties and the waterway.
- The bulk and scale of the proposal is excessive and is an overdevelopment of the heritage item and the character and scale of the surrounding area.
- Concerns are raised about the planting of trees at the rear and their potential to become a future hazard to adjoining properties.
- The proposed rebuilding of the studio within the front setback will interrupt the connection of the house to the street and limits the benefits of additional garden.
- The proposed stormwater measures on site are insufficient.
- The proposal will result in overlooking to adjoining sites and the swimming pool will result in excessive noise impacts.
- The proposed tree planting on site is likely to impact upon view sharing and will result in overshadowing.
- The proposed excavation will create excessive vibration.
- Excessive noise and vibration impacts for neighbouring properties
- The proposed tree planting on the site is likely to impact upon view sharing.
- There is insufficient information provided to ensure that the excavation will not cause adverse impacts for nearby properties.
- The proposed scale of development is inappropriate for a heritage item and the surrounding area.

The submissions will be available in full for the Panel's review at the determination meeting.

CONSIDERATION

1) EP& A ACT 1979

The *Environmental Planning and Assessment Act 1979* as amended commenced on 1 March 2018. The objects of the Act are guiding principles that need to be considered by planning authorities when making decisions under the Act.

The applicable objects are:-

- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants*

In this regard, it is considered that the proposed development does not promote the orderly and sustainable management of the land due to the negative impacts on the heritage item and the Kurraba Point Conservation Area and its setting, contrary to objective (f) in section 1.3 of the amended EP&A Act, and as such is not supported.

2) SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 2 - Coastal Management

The provisions of Chapter 2 to SEPP (Resilience and Hazards) 2021 applies to Coastal Management and aims for:-

- *managing development in the coastal zone and protecting environmental assets;*
- *providing a framework to guide land use decisions; and*
- *mapping coastal management areas.*

The site is mapped as being within the Coastal Environment Area as well as within the Coastal Use Area as shown in **Figures 7 & 8**. However, the provisions of Section 2.10 and Clause 2.11 of the SEPP do not apply to land located within the Foreshores and Waterways area of SEPP (Biodiversity and Conservation) 2021 (the provisions of which are addressed below).

Division 5 of Chapter 2 apply general considerations to all development in the coastal zone. Section 2.12 requires that development consent must not be granted to development on land in the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. The proposal will not cause or increase the risk of coastal hazards at the site or on other land.

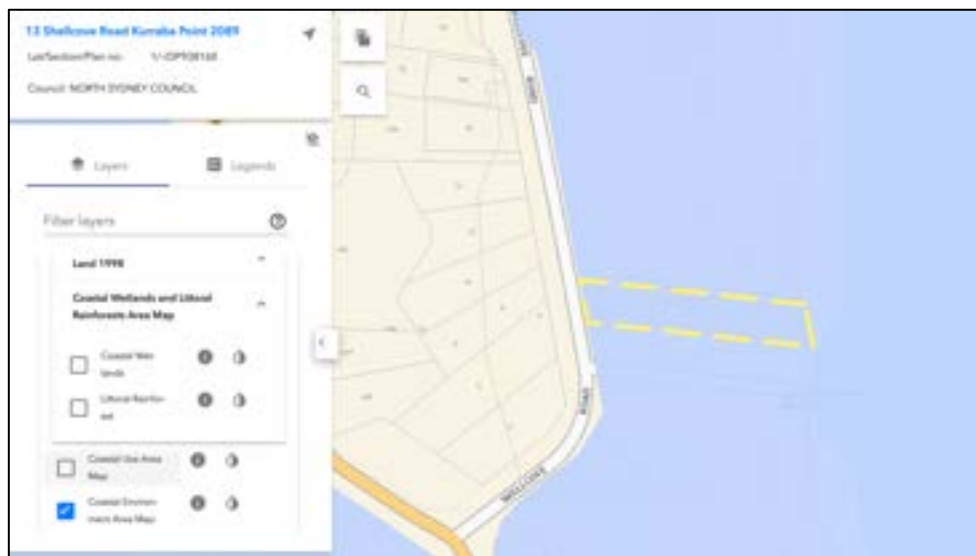


Figure 7: Extract from the mapped Coastal Environment Area showing the site outlined dashed yellow (Source: NSW Spatial Viewer)

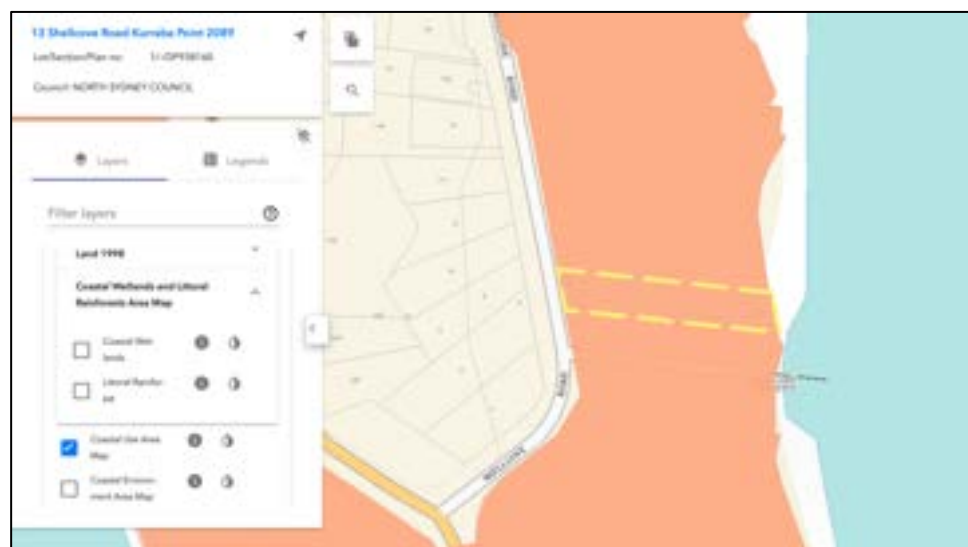


Figure 8: Extract from the mapped Coastal Use Area showing the site outlined dashed yellow (Source: NSW Spatial Viewer)

Section 2.13 requires that development consent must not be granted to development in the coastal zone unless the consent authority has considered the provisions of a certified coastal management program that applies to the land. The Greater Sydney Harbour Coastal Management Program is under preparation and is not yet certified. The scoping studies undertaken to date have identified urban stormwater discharge and coastal inundation by sea level rise as the major factors to consider with assessment of new development. Council's Development Engineer has recommended conditions of consent to ensure appropriate stormwater infrastructure is installed and monitored during construction and prior to the issue of a Construction Certificate.

The proposal is consistent with the relevant provisions of Chapter 2 to the SEPP (Resilience and Hazards) 2021.

Chapter 4 - Remediation of Land

The existing building has been used for residential purposes for a long period of time and there is no evidence to suggest that the site is contaminated therefore the requirements of Chapter 4 have been satisfactorily addressed.

Notwithstanding, should the application be worthy of support conditions of consent could be imposed requiring an asbestos and contaminated materials survey to address the requirements of the SEPP and to protect the long term health of workers on site and the occupants of the future development are not put at risk unnecessarily.

3) SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The proposed development involves the removal of all the trees on site. Council's Landscape Development Officer noted that removal of all trees on site is not generally supported however substantial new tree planting is proposed.

An appropriate and acceptable landscape outcome can be achieved through conditions of consent should the application be worthy of support. However, the application failed to demonstrate that the selected tree species and location of these trees, do not adversely impact on views to adjoining properties – refer to view analysis in the DCP section of this report.

Chapter 6 Water Catchments

Chapter 6 to this SEPP applies to land mapped as Foreshores and Waterways. The site is within the mapped Foreshores and Waterways Area.

Part 6.3 Foreshores and Waterways Area

Section 6.28 applies to all development in the Foreshores and Waterways area. Section 6.28(1) requires that the consent authority consider the matters listed below:-

- (a) *Whether the development is consistent with the following principles:*
- i. Sydney Harbour is a public resource , owned by the public, to be protected for the public good,*
 - ii. The public good has precedence over the private good,*
 - iii. The protection of the natural assets of Sydney Harbour has precedence over all other interests*

Comment: The proposal is unlikely to have an adverse impact on the natural assets and the environmental qualities of Sydney Harbour and its islands and foreshores because the majority of the building works would be carried out away from the foreshore. The proposal would not change the level of public access to the foreshore given that there is no formal public access across the subject site, and this proposal would not alter this arrangement.

(b) *Whether the development will promote the equitable use of the Foreshores and Waterways area including use by passive recreation craft.*

Comment: The development will not change current uses of the foreshores and waterways or access by passive recreation craft. No changes to existing boatshed below MHWM.

(c) *whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,*

Comment: The development is not considered to have adverse impacts on the Foreshores and Waterways Area.

(d) *whether the development promotes water-dependent land uses over other land uses,*

Comment: The development will have no impact on water-dependent land uses.

(e) *whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,*

Comment: The proposed works are above the predicted sea level rise anticipated within the lifetime of the structures and the site is not affected by flooding.

(f) *whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*

Comment: The proposed includes landscaping within the foreshore area. Councils landscape officer raised no concern with the vegetation species. Should the application be worthy of support appropriate conditions of consent will ensure appropriate density of native vegetation within the site.

(g) *whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,*

Comment: The development will have no impact on terrestrial and aquatic species and habitat.

(h) *whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.*

Comment: The development will have no impact on watercourses, wetlands, riparian lands, remnant vegetation or ecological connectivity.

Section 2.68(2) requires that development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied as to certain matters. Those matters relevant to the proposal are listed and commented on below.

(d) *if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*

Comment: Councils engineers recommended conditions of consent to ensure traffic management during construction so as not to result in excessive traffic congestion. Once operational, the traffic generation from the site will be compatible with the local road network capacity.

(e) *the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from:-*

- (i) *the Foreshores and Waterways Area, and*
- (ii) *public places, landmarks and heritage items.*

Comment: The proposed scale, form and siting of the proposed development have been considered having regard for the adjoining land which allows for a five-storey residential flat building (No. 11 Shellcove Rd); a two storey plus basement residential flat building (No. 15A Shellcove Rd) and a two-storey residential dwelling (No. 15B Shellcove Rd) much further forward than the proposed works. The proposed massing results in a tree storey plus room in roof (4 level) built form when viewed from Shell Cove.

The proposal would be generally consistent with the existing adjoining built forms in terms of height, bulk/scale and appearance; however it is considered to visually dominate the original heritage fabric and scale of the existing dwelling.

The proposed development is unlikely to impact views to and from the heritage item and is generally consistent with adjoining built forms with respect to bulk and scale.

However, the proposed changes to the character of the Arts and Craft style heritage dwelling are not supported and is considered to adversely impact on the heritage significance of the dwelling and conservation area as viewed from the harbour.

4) NORTH SYDNEY LEP 2013

Aims of Plan

The proposal does not satisfy the aims of the NSLEP 2013, pursuant to Clause 1.2(2)(f) as it fails to protect the built heritage of North Sydney and would detract from the significance of the subject heritage listed dwelling and the Kurraba Point Conservation area.

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 11** 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 12**.

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

R2 Low Density Residential zone objectives

The objectives of the R2 zone are:-

- *“To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.”*

It is considered that the proposed development is inconsistent with the zone objectives as it compromises the cultural heritage of the area and detract from the significance of the subject heritage item (Clause 2.3(2) dot point 3 of the Land Use Table).

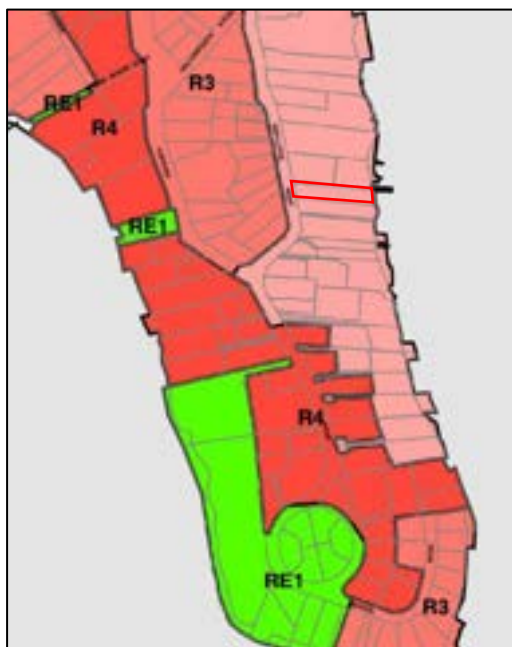


Figure 11: Zoning



Figure 12: Heritage

Provisions of NSLEP 2013

Clause 2.7 Demolition

The subject application is accompanied by a demolition plan.

The structural feasibility study submitted with the application includes construction methodology with the following note:-

“Demolish the existing garage structures and non-heritage listed members to the heritage listed portion of the residential structure. Provide temporary support as required to the existing building to permit the demolition of these areas. Refer to architectural drawings for the extent of this demolition.

The excavation and temporary building support plan annotates the front setback area as the *“temporary construction area, garages to be demolished and rebuilt”*. These structures were not included within the demolition plan.

The demolition of the original northern garage is not supported by the heritage officer, as it will result in the loss of original Arts and Crafts style fabric and will alter the character to the streetscape.

There are inconsistencies in the documentation submitted with the application and the applicant failed to provide sufficient and or adequate information in order to enable a reasonable assessment under the applicable legislation.

Clause 4.3 Heights of Building

The subject site has a maximum permissible building height of 8.5m. The proposed development does 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, particularly Clauses 5.10(1) and 5.10(4) of the North Sydney LEP 2013.

For the reasons as noted in the heritage referral comments above, the application fails to satisfy objectives (a) and (b) of Clause 5.10(1) of the NSLEP 2013, specifically the works that are considered to result in an adverse heritage impact to the original heritage fabric of the Arts and Crafts style dwelling, the setting and context of the adjacent heritage item and on the Kurraba Point Conservation Area. In addition, the application is likely to have an adverse effect on the heritage significance of the heritage item contrary to Clause 5.10(4).

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. Appropriate conditions of consent to that effect can be imposed should the application be worthy of support.

Clause 6.10 Earthworks

The proposed development involves extensive excavation to accommodate four (4) levels under the existing dwelling, as well as extensive excavation within the foreshore garden area to accommodate a swimming pool (see **Figure 10** below). Excavation is proposed to a maximum depth of 16.1m (RL0.61).

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 applicant has submitted a geotechnical report as well as a structural engineering report for the proposed works.

The proposal has been assessed against the provisions of Clause 6.10(3) of 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 if the Panel is of the mind to support the application.

The proposed excavation work is likely to cause disruption within the localised streets. In order to minimise adverse impacts on the amenity of the adjoining properties during the construction phase, Council's engineers recommended appropriate conditions of consent relating to road safety; geotechnical stability during works; construction hours, air quality, noise/vibration, health and safety.

Note:

The proposed excavation under the existing heritage listed dwelling would necessitate temporary support. In this regard, the application is accompanied by a structural engineering report including an excavation and temporary building support plan – See **Figure 13**.

Concern is raised with respect to the proximity of the proposed steel piles and capping beam along the southern boundary being 200mm from the common boundary and 400mm for the heritage listed structures at No. 11 Shellcove Road.

The consent authority will need to be satisfied that the structural integrity of the subject heritage dwelling as well as the structures on the neighbouring heritage listed property will not be compromised by the proposed excavation (temporary or permanent).

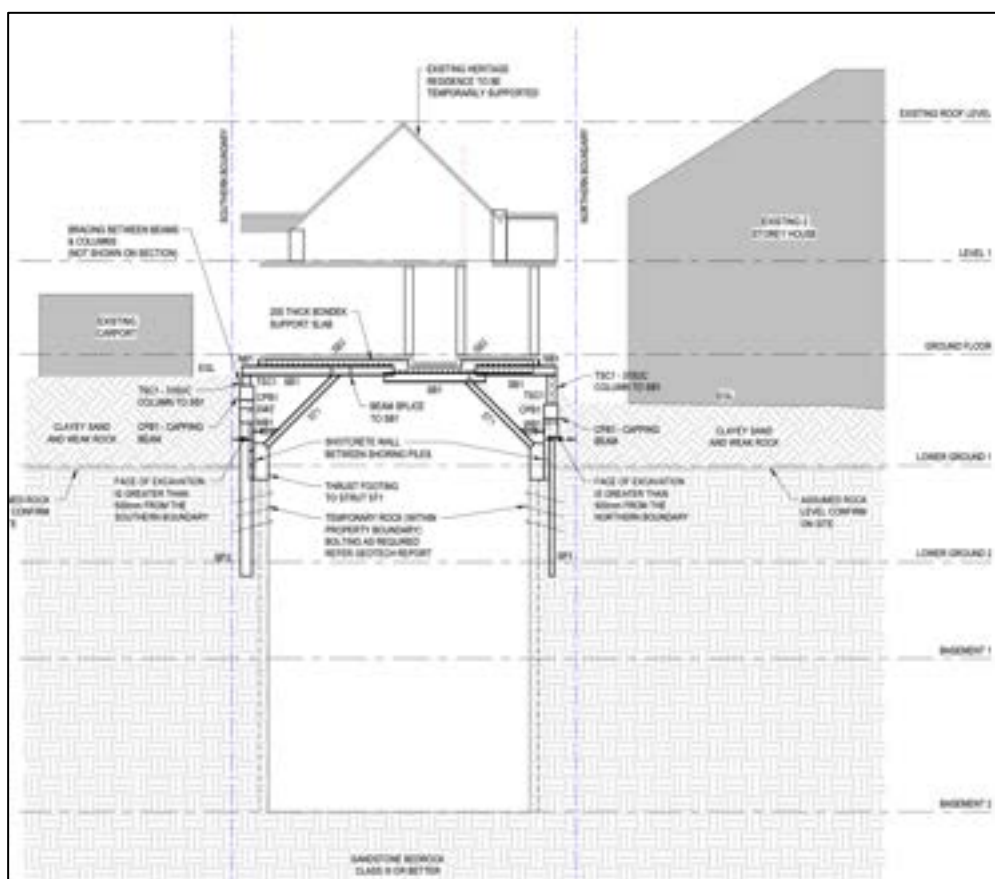


Figure 13: Section 1

Source: ACOR Consultants structural Drawings

It is acknowledged that the structural report demonstrates that the excavation is physically possible, and conditions of consent can be imposed to protect adjoining properties (such as dilapidation reports), however it does not justify the appropriateness thereof. The proposed development necessitates these structural works which would otherwise not be required or at least would be reduced in scale if the proposal was more appropriately scaled.

Groundwater

The geo-technical report did not observe groundwater during its investigations at three borehole locations (varying in dept from 0.5m to 1.3m), whilst the proposed excavation extends 16.1m below the existing ground level (RL0.61).

In this regard, Section 4.4 Groundwater consideration of the Geo-Technical report noes as follows:-

"...The initial flows into the excavation may be locally high, but would be expected to decrease considerably with time as the bedding seams/joints are drained. We recommend that monitoring of seepage be implemented during the excavation works to confirm the capacity of the drainage system.

We expect that any seepage that does occur will be minor and will be able to be controlled by a conventional sump and pump system. We recommend that a sump-and-pump system be used both during construction and for permanent groundwater control below the basement floor slab.

Having regard for the depth of excavation proposed and the comments above, it is unclear whether approval under the Water Management Act 2000 (WMA) for the temporary dewatering

(controlled activity) will be required. At the time of writing this report no additional information was received and as the application is not recommended for approval no further action was taken.

5) 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:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
Control	Complies	Comments
1.2 Social Amenity		
Population Mix	Yes	The proposed development does not affect this consideration.
Maintaining Residential Accommodation		
Affordable Housing		
Housing for Seniors/Persons with disability		
1.3 Environmental Criteria		
1.3.1 Topography	No	<ul style="list-style-type: none"> The proposed excavation is inconsistent with O4 as the proposal will result in major site disturbance due to the extent of proposed excavation, including the depth and the proposed footprint beyond the existing building; The extent of the proposed excavation would result in the removal of a sandstone retaining wall and the sandstone base of the heritage listed dwelling contrary to P2 New finished floor levels are greater than 500mm below existing ground level contrary to P3 New habitable rooms are located more than 1m below existing ground level for more than 50% of the rooms floor area contrary to P4. Excavation occurs within 1m of the side boundaries contrary to P5 as measured on the Basement 2 floor plan and Section 1 (S012) of the Structural drawings. <p>Accordingly, the application fails to satisfy the objective of the control and would have an adverse impact on neighbouring uses, heritage items and natural features of the surrounding land.</p>
1.3.4 Properties with a foreshore frontage	Yes	<ul style="list-style-type: none"> 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 which were found appropriate by Council’s Landscape Officer.
1.3.5 Visual Impact	No	See discussion below

The subject site is highly visible from public vantage points (Cremorne Point foreshore walkway) and Shell Cove (refer to **Photos 13 & 14**).

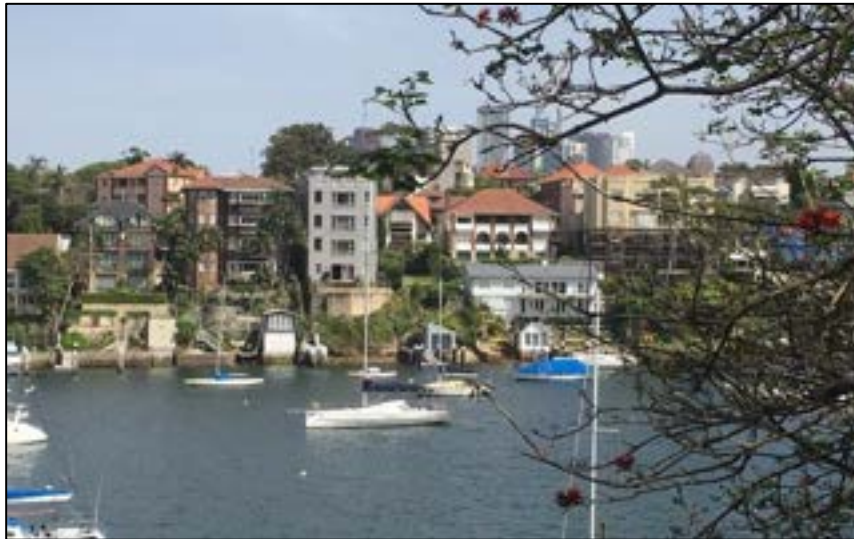


Photo 13: View from Cremorne Point foreshore walkway



Photo 14: Existing View from Shell Cove



Photo 15: Photomontage of proposed eastern elevation



Photo 16: Photomontage. Source: Urban Design Report

It is considered that the proposed development fails to achieve the objective (O1) of this control in that it does not minimise the adverse visual effects as viewed from the Harbour for the following reasons:-

- The visual quality/significance of the heritage item is diminished within the visual setting;
- The new built form is considered to dominate the original fabric of the heritage listed dwelling;
- The over scaled alteration to the dwelling is considered to adversely impact on views; of the heritage item, from the Harbor and the Cremorne Point coastal walkway; and
- The proposal fails to retain the visual character of the existing heritage listed dwelling.

1.3.6 Views	Can be conditioned	Refer to view loss analysis below.
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View Analysis

The proposed application retains the existing ridge with new massing located towards the rear (harbourside) and below the existing dwelling, and as such will have no impact on views as a result of the built form. However, views from Unit 1 of No. 15 Shellcove Road towards Shellcove and the Harbour may be affected due to the location of proposed new tree plantings.

It is noted that the planning principle on sharing of views established in **Tenacity Consulting v Warringah [2004] NSWLEC 140** do not specifically include consideration of vegetation. Notwithstanding, in order to establish the reasonableness of the potential view loss from Unit 1 of No 15 Shellcove Road, the test has been undertaken below.

Step 1 – “The first step is the assessment of views to be affected”

Water views are valued more highly than land views; iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The existing views from the veranda of Unit 1 of No 15 Shellcove Road is towards Shell Cove and

the Harbour (see **Photos 17** below) and include land water interface.



Photo 17: Views from veranda of Unit 1 of No. 15 Shellcove Road

Step 2: “The second step is to consider from what part of the property the views are obtained”

The views which may be affected by the proposed development, are obtained from a standing position (eye level) from the verandah off the living and dining rooms of Unit 1 of No 15 Shellcove Road -refer to **Photo 18**.



Photo 18: Location of Unit 1 of No 15 Shellcove Road outlined in red

Step 3: “The third step is to assess the extent of the impact”

The applicant has not undertaken a view loss analysis and potential view loss is based on the spread and height of nominated trees on the landscape plans submitted with the application – see **Figure 14** below.

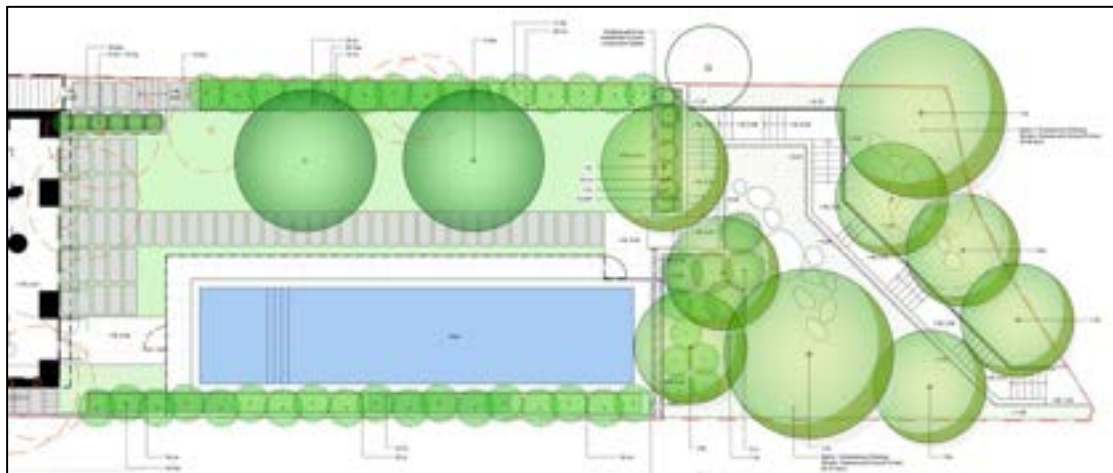


Figure 14: Landscape Plan – Lower Ground floor 2

Source: Site Image

Step 4: “The fourth step is to assess the reasonableness of the proposal that is causing the impact”

The proposed new planting along the northern boundary and within the foreshore area allows for a 11 new trees varying in height from 6m to 30m with a spread varying between 5m to 7m.

Council’s landscape officer noted that many of the proposed trees “*have relatively sparse canopies through which views may be retained/framed*” however, a view loss study was recommended in order to determine the best placement and the most appropriate species to limit impact on views. Unfortunately, no additional information in this regard was received.

In order to minimise impact on views and should the application be worthy of support, appropriate conditions of consent can be imposed for appropriate species selection limiting height and canopy spread.

<p>1.3.7 Solar Access</p>	<p>Insufficient information</p>	<p>The application is accompanied by shadow diagrams in plan form only. However, additional shadow would occur on the northern elevation of No. 11 Shellcove Road. Unfortunately, no elevational shadows diagrams were submitted to demonstrate the extent of the proposed shadow effect on No. 11 Shellcove Road’s northern elevation.</p> <p>The additional shadows will affect apartments towards the western end of the northern elevation of No. 11 Shellcove Road.</p>
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Figure 15: Proposed 9am mid-winter shadow

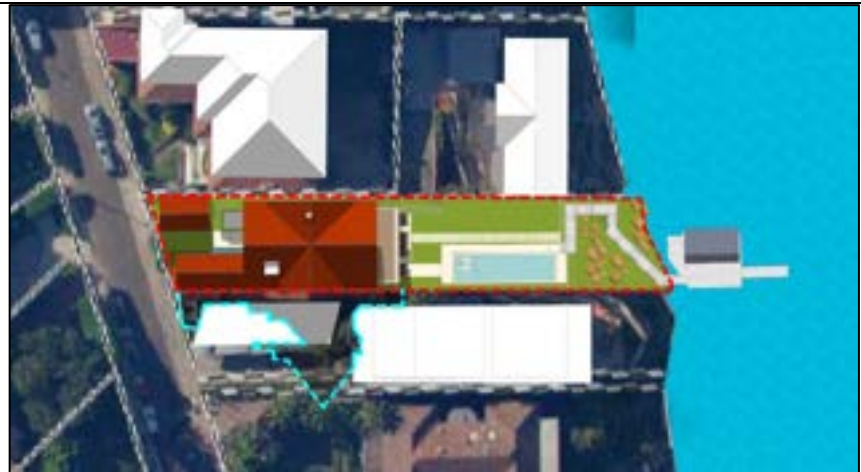


Figure 16: proposed 12 noon mid-winter shadow



Figure 17: Proposed 3pm mid-winter shadow



Photo 19: Northern elevation of No. 11 Shellcove Road

Summary

The proposal will retain solar access to most of the apartments during the morning period. However, there will be additional overshadowing to the apartments within

		<p>the north western corner of No 11 Shellcove Road during the morning and afternoon period.</p> <p>Without elevation shadow diagrams the amount of solar access retained to the affected apartments cannot with accuracy be determine. The applicant failed to provide sufficient information to allow for an appropriate assessment under the relevant legislation.</p>								
1.3.10 Visual Privacy	Can be conditioned	<ul style="list-style-type: none"> • Lower Ground 2 Floor Plan Northern and southern elevation The proposed development does not introduce new windows on the northern or southern elevations, with the works being below EGL, with no opportunity for overlooking. Pool The new swimming pool is located 1.2m from the southern boundary. The finished coping level is at RL9.4 being 2.4m to 1.17m below existing ground level whilst the landscape plan proposes 18 Italian cypress along the southern boundary with a mature height of up to 12m minimising any opportunity for direct overlooking. • Lower Ground 1 floor Plan Northern and southern elevation The proposed development does not introduce new windows on the northern or southern elevations, with no opportunity for overlooking. • Ground level Northern elevation The new window within the northern elevation serves the stairs within the existing porch (in effect replacing the existing opening with glazing), with no adverse impact on privacy to No. 15A Shellcove Road. Southern elevation A new door (sunset lounge) and new bathroom window are proposed within ground floor level. The existing 1.8m high boundary fence obscures the new door and window and limits the potential for direct overlooking. <p>The rear addition includes a new green roof 800mm below the finished floor level of the ground floor. It is unclear if this roof is accessible. It does have the potential for overlooking so a condition to limit its use to a non-trafficable area can be imposed should the application be worthy of support.</p> <ul style="list-style-type: none"> • Level 1 There are no new windows or outdoor areas on this level. 								
1.4 Quality built form										
1.4.1 Context	No	The proposed development is considered to be inconsistent with the context of the Kurraba Point Conservation Area for the reasons provided within the Heritage assessment and throughout this report.								
1.4.3 Streetscape	Yes	The proposed works to the footpaths and kerbs are appropriate.								
1.4.5 Siting	Yes	The characteristic building orientation and siting is maintained. The heritage assessment raised no concern with the siting of the proposed development.								
1.4.6 Setbacks – Front Match the alignment of the primary façade of adjoining buildings	Yes	No change to existing.								
Setback – Side Ground floor (up to 4m) = 900mm 2nd storey (up to 7m) = 1.5m	No	<p>A DCP side boundary setback compliance table is provided below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Elevation</th> <th style="width: 25%;">Existing</th> <th style="width: 25%;">Proposed</th> <th style="width: 25%;">Comply</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Elevation	Existing	Proposed	Comply				
Elevation	Existing	Proposed	Comply							

3rd storey (above 7m) = 2.5m Below ground = 1m		N Elevation			
		LG2	-	1.18m (below EGL)	Yes
		LG1	-	1.18m (part below EGL)	Yes
		GL	1.3m	1.3m	Yes
		L1	1.3m	1.3m	No(existing)
		S Elevation			
		LG2	-	900mm (below EGL)	Yes
		LG1	-	900mm (below EGL)	Yes
		GL	900mm	900mm	Yes
		L1	900mm	900mm	No(existing)
See discussion below.					

Side Setback:

The built form above existing ground remains largely unchanged, however, due to the proposed excavation and rear extension, new wall planes and massing are created. The impact of which is most noticeable along the northern elevation (refer to **Figure 18** below).

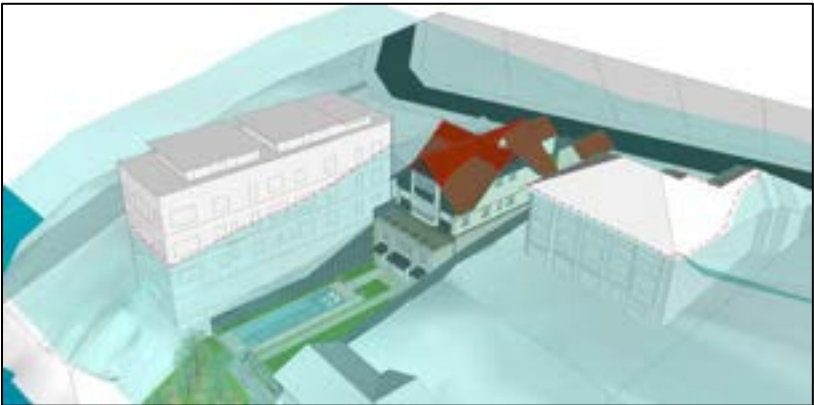

The proposed built form follows the alignment of the existing building above resulting in a non-compliance with the side setback provision. The resultant bulk and scale are considered to dominate the heritage item and is not in keeping with the character of the Kurraba Point conservation area.

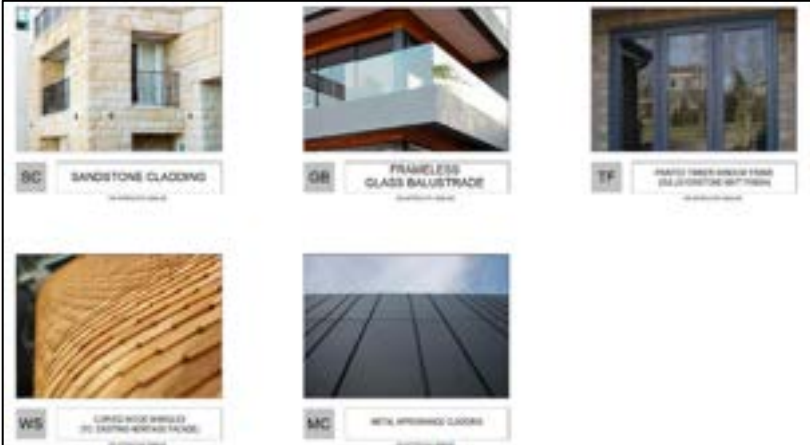


Figure 18: Northern elevation

In summary, the proposed bulk and scale within the side setbacks results in a massing which dominates the heritage item contrary to Objective O2, in Part B, Section 1.4.6 Setbacks in NSDCP 2013.

Setback – Rear	Yes	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. However, the new works which project forward (towards the Harbour) of the existing heritage dwelling, is considered to dominate the existing dwelling and are not considered submissive (refer to Form, massing and scale controls below).
1.4.7 Form Massing & Scale 1.4.8 Built Form Character	No	The proposal allows for two additional visible levels below the existing single storey with rooms in roof built form. The new visible levels project further forward than the existing rear sandstone façade, detracting from the heritage significance. Although the proposed massing may be considered consistent with the adjoining properties it is worth noting that the adjoining built form consists of residential flat buildings with the exception of No 15A Shellcove Road.

		<p>What is currently a single storey with rooms in roof modest bungalow is proposed to be altered to a three storey with rooms in the roof built form. The proposed massing substantially alters the form and scale of the original heritage listed dwelling. The resultant massing is considered to dominate and overwhelm the heritage fabric of the original dwelling, whereas additions should be subservient.</p> <p>The proposed window proportions, the extent of the glazing as well as the material selection is considered inappropriate and not in keeping with the style and built form character of the existing heritage listed arts and craft style dwelling contrary to P5 of S1.4.7.</p>  <p>Figure 19: Non-complying height plane diagram – demonstrating massing</p> <p>Accordingly, the proposed development does not satisfy the objectives of Section 1.4.7 and Section 1.4.8 of the NSDCP.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>The existing porch is proposed to be used for the purposes of new stairs allowing access to the lower levels, (with a new front door / entry shifting towards the west) and a new lift.</p> <p>The new arrangement satisfies the objectives of Section 1.4.9 however the infill or use of the existing porch for new access stairs is not supported by the heritage officer.</p>  <p>Photo 20: Existing entry verandah proposed to be infilled</p>
<p>1.4.10 Roofs</p>	<p>Yes</p>	<p>The roof form of the dwelling generally remains unchanged.</p>
<p>1.4.12 Colours & Materials</p>	<p>Can be conditioned</p>	<p>The rear addition utilises sandstone which is characteristic of the site and conservation area and is an appropriate material. However, the extensive</p>

		<p>glazing; glass balustrading and metal cladding is not consistent with the characteristics of the heritage item or the conservation area. Conditions for appropriate material selection can be included should the application be worthy of support.</p> <div data-bbox="612 412 1425 855" style="text-align: center;">  <p>Figure 20: Proposed materials and finishes</p> </div> <p>The proposed material for the front fence is timber and is considered acceptable.</p>
<p>Front Fences</p>	<p>Can be conditioned</p>	<p>The proposed ground floor plan identifies the front fence noting “customised gate (to manufacturer detail)” whilst DA304 West (street) Elevation highlights the fence as “new” work. The existing situation allows for a roughcast stuccoed fence and timber gate approximately 1.5m high. While it appears that the new fence is proposed at the same location as the existing, the proposed fence is shown of a timber construction with a new gate that is wider than the existing.</p> <p>New work needs to comply with Section 1.4.14 “Front fence”; and particularly Section 13.9.6 “Fences” and Section 6.2 “Kurraba Point Conservation Area” of the NSDCP 2013, particularly to reflect the style of the house.</p> <p>The proposal will result in the demolition of the original front fence which will have a detrimental impact to the aesthetic significance of the setting of the dwelling and the character of the streetscape.</p> <p>Rebuilding the existing front fence and gate with like for like is possible and could be achieved via a condition of consent should the Panel be of a mind to approve the subject application.</p>
<p>1.5 Quality Urban Environment</p>		
<p>1.5.1 High quality residential accommodation</p>	<p>No</p>	<p>It is questionable whether the kitchen and formal dining room (LGF2) will receive appropriate natural solar access with no windows proposed within the side elevations. Natural light penetration is limited to the windows fronting the east with the back of the kitchen being 11.7m from the light source, contrary to P6.</p>
<p>1.5.2 Lightwells</p>	<p>No</p>	<p>Council does not support the use of lightwells for the provision of light and ventilation to dwellings, where the lightwell is the primary source of natural daylight and ventilation to a habitable room.</p> <p>The proposed void space / lightwell is the only light and ventilation source to the rooms within the western part of Basement 1; Lower Ground 2 and Lower ground 1 contrary to P1.</p> <p>As such the proposal fails to allow for sufficient natural solar access and ventilation to habitable spaces contrary to Objective O1.</p>
<p>1.5.4 Vehicle Access and Parking</p>	<p>No</p>	<p>The proposal seeks to provide underground car parking in the form of a basement, inconsistent with P3. Allowing for a new basement which requires extensive excavation is not considered the most appropriate solution for parking provision on site, especially having regard for the existing two garages on site.</p>

		<p>Vehicular access to the basement carpark is provided via a car lift within the existing southern garage.</p> <p>Council's Development Engineer has raised no objection to the proposed vehicular access design subject to the imposition of appropriate conditions.</p>																
1.5.5 Site Coverage	No	<p>The table below provides a summary of the compliance with the relevant site coverage, landscaped area and unbuilt upon areas provisions in NSDCP 2013:</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage Max. of 35%</td> <td>264sqm 34.3%</td> <td>280.18sqm* 36.44%</td> <td>No</td> </tr> <tr> <td>Landscape Area Min. of 45%</td> <td>376.7sqm 49%</td> <td>347.19sqm^ 45.15%</td> <td>Yes</td> </tr> <tr> <td>Un-built upon area Max of 20%</td> <td>128.3sqm 16.7%</td> <td>120.89sqm 15.72%</td> <td>Yes</td> </tr> </tbody> </table> <p>*The architectural and landscape plans are inconsistent. The landscape plans allow for a much larger pool measuring 15.4m x 3.4m compared with the architectural plans at 12.7m x 3.4m. The site coverage calculation did not include the larger pool area (9.18sqm) which constitutes site coverage.</p> <p>The proposed gross floor area is approximately 1,175sqm (as taken from the Cost summary report), or 1.5:1 if expressed as floor space ratio (FSR).</p> <p>The non-compliance with the site coverage control demonstrates the developments inability to ensure a building footprint which is in keeping with the optimum capacity of the site, especially having regard to the heritage context.</p> <p>The proposal includes an excavated courtyard, (8.7sqm) which is included within the landscape area calculation. This area is 16.1m² below existing ground level. It is questionable whether this area will receive sufficient solar access to sustain any plants and contribute to the landscaped character of the site.</p> <p>The non-compliance results in an overdevelopment of the site that would fail to promote the existing and desired future character of the Kurraba Point Conservation Area contrary to Objectives O1 and O2 of Section 1.5.5 of the NSDCP.</p>	Control	Existing	Proposed	Complies	Site Coverage Max. of 35%	264sqm 34.3%	280.18sqm* 36.44%	No	Landscape Area Min. of 45%	376.7sqm 49%	347.19sqm^ 45.15%	Yes	Un-built upon area Max of 20%	128.3sqm 16.7%	120.89sqm 15.72%	Yes
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1.5.6 Landscape Area	Yes																	
Un-built Area	Yes																	
1.5.7 Landscaping	Yes	<p>Council's Landscape Officer raised no concern subject to appropriate conditions of consent.</p>																
1.5.8 Front gardens	No	<p>The front garden is dominated by built form (single garage; studio; paving and void space).</p> <p>The introduction of additional structures within the already constrained front garden exacerbates the prominence of built structures, removing the ability to soften the built form and removing landscape area. As such the application fails to satisfy O1 and O2.</p>																
1.5.9 Private open space 50sqm	Yes	<p>The proposal allows for ample rear garden private open space (143.4sqm).</p>																
1.5.10 Swimming Pools and Spas	Can be conditioned	<p>The application is not accompanied by sections through the pool in order to determine the finished coping level relationship to adjoining land and buildings.</p> <p>The proposed pool coping is setback 900mm from the southern boundary inconsistent with P3 (whilst the water's edge is setback 1.2m). A condition to set the pool further back to comply with the 1.2m setback measured to the coping is possible should the application be worthy of support.</p> <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</p>																

		as well as below the enclosed entry walkway with structures built to the boundary of the subject site. The landscape plan proposes 18 Italian cypress along the southern boundary with a mature height of up to 12m minimising any opportunity for direct overlooking.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	The application is accompanied by a BASIX Certificate No. 1356546S.
1.6.8 Stormwater Management	Yes	Councils engineers reviewed the stormwater design and found it appropriate subject to conditions of consent.
Part B Section 10 Carparking and Transport		
10.1 Parking Provision	Yes	The development may have a maximum of two parking spaces on-site as the dwelling contains more than three bedrooms. The plans indicate that basement 2 provides a single car space only with a car wash bay and a turntable. The generous basement size can easily accommodate 3 car spaces which is over and above the maximum car spaces required in accordance with NSDCP 2013. Although P6 requires parking areas to be designed to enable a forward in and forward out movement, in the circumstances of a single dwelling house with maximum carparking provisions, the substantial excavation to achieve this movement is not warranted. The use remains for a single dwelling house and reversing out of a garage or carport is typical of the area. The use of the existing northern garage structure for the purposes of a new art workshop is contrary to P5 of Section 13.9.5 as it would introduce a new use within the front setback area other than for the purposes of carparking.
Design and Layout	Yes	The proposal is consistent with the provisions and objectives outlined in Section 10.3 of the NSDCP 2013.
Part B Section 13 Heritage and Conservation		
Heritage and Conservation	No	An assessment has been undertaken by councils Heritage officer refer to referral section within the body of this report. The proposed development is inconsistent with the objectives and provisions of the North Sydney DCP 2013 for the reasons explained in the heritage referral.

South Cremorne Planning Area (Kurraba Point Conservation Area)

The application has been assessed against the relevant controls in Section 6.2 in Part C of the NSDCP 2013 relating to the Kurraba Point Conservation Area within the Cremorne South Planning Area. The proposal is considered to be inconsistent with these policies for the following reasons:-

- The proposed large single pane glazing is uncharacteristic elements within the Conservation area;
- The proposal has an adverse heritage impact by distracting from the extent of the original dwelling;
- The proposed massing is not considered to be of a subservient nature;
- The proposed alterations and additions are not considered to be consistent or complementary to, the existing character of the heritage item or the conservation area.

Section 7.12 Infrastructure Contribution

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 \$13,511,764. The total contribution payable is \$135,117.64 and is required to be paid prior to the issue of the any Construction Certificate.

SITE SUITABILITY

The proposed development is likely to have an undesirable outcome for heritage conservation. The alterations and additions are considered to overwhelm the existing heritage listed dwelling. The character of the dwelling will be altered especially to the primary / waterfront elevation which seeks to remove the heavy textured sandstone sub-base and introduce extensive glazing.

The proposed development detracts from the significance of the subject heritage listed building and the Kurraba Point Conservation Area. As such the application is considered not suitable for the site, contrary to Section 4.15(c) of the EP&A Act.

ENVIRONMENTAL APPRAISAL

CONSIDERED

1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing Facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

SUBMITTERS CONCERNS

The issues raised by the submissions are summarised below and addressed with planning comments:-

- *Impact on traffic and parking during construction*

Comment

Appropriate conditions of consent may be imposed such as a traffic management plan during the construction phase, should the application be worthy of support. However, the application is recommended for refusal and no further assessment is made in this regard.

- *Extent of excavation is excessive*

Comment

This matter has been addressed in the section of this report concerned with excavation and earthworks. In conclusion the proposed excavation is considered excessive, especially having regard to the heritage context and the proximity to adjoining heritage listed item and is not supported.

- *Structural stability due to excavation proposed.*

Comment

Appropriate conditions of consent may be imposed to ensure no structural damage during the excavation period should the application be worthy of support. However, the application is recommended for refusal and no further assessment is made in this regard.

- *The proposed excavation will likely adversely impact on structural stability of the heritage item and neighbouring heritage properties.*

Comment

Refer to excavation and earthworks analysis within the body of this report. In conclusion the proposed excavation is considered excessive, especially having regard to the heritage context and the proximity to adjoining heritage listed item and is not supported.

- *The proposed excavation for four levels below ground will adversely impact on neighbouring properties and the waterway.*

Comment

Refer to excavation and earthworks analysis within the body of this report. In conclusion the proposed excavation is considered excessive, especially having regard to the heritage context and the proximity to adjoining heritage listed item and is not supported.

- *The bulk and scale of the proposal is excessive and is an overdevelopment of the heritage item and the character and scale of the surrounding area.*
- *The proposed scale of development is inappropriate for the heritage item and the surrounding area.*

Comment

Council's Heritage Officer does not support the application in its current form. In summary, the application is not considered complementary or subservient to the existing character of the heritage dwelling or the Kurraba Point Conservation Area and is recommended for refusal.

- *Planting of trees at the rear and their potential for future hazard to adjoining properties.*

Comment

The application is accompanied by an arborist report and landscape plan which identifies a selection of species, TPZs and canopy spreads. Council's landscape officer raised no concern with potential hazard to adjoining properties. However, a view loss study was recommended in order to determine the best placement and species selection in order to limit impact on views. No detail was received, and the application is recommended for refusal.

- *The proposed rebuilding of the studio within the front setback will interrupt the connection of the house to the street and limits the benefits of additional garden.*

Comment

The use of the existing original northern garage structure for the purposes of a new art workshop is contrary to P5 of Section 13.9.5 as it would introduce a new use within the front setback area other than for the purposes of carparking and is not supported.

- *The proposed stormwater measures on site are insufficient*

Comment

Council's engineers reviewed the stormwater design and found it appropriate subject to conditions of consent.

- *The proposal will result in overlooking to adjoining sites and the swimming pool will result in excessive noise impacts.*

Comment

Refer to privacy analysis within the body of this report. In summary the proposal would not result in a material loss of privacy for any surrounding property.

- *The proposed tree planting on site is likely to impact upon view sharing and will result in overshadowing.*

Comment

Refer to solar access analysis within the body of this report. In summary, there will be additional overshadowing to the apartments within the north western corner of No 11 Shellcove Road during the morning and afternoon period. Without elevation shadow diagrams the amount of solar access retained to the affected apartments cannot with accuracy be determined. The application is recommended for refusal and no further assessment is made in this regard.

- *The proposed excavation will create excessive vibration.*
- *Excessive noise and vibration impacts for neighbouring properties*

Comment

Appropriate conditions of consent may be imposed to mitigate noise during the construction phase should the application be worthy of support. However, the application is recommended for refusal and no further assessment is made in this regard.

- *The proposed tree planting on site is likely to impact upon view sharing.*

Comment

Council's landscape officer noted that many of the proposed trees "have relatively sparse canopies through which views may be retained/framed" however, a view loss study was

recommended in order to determine the best placement and species to limit impact on views. Unfortunately, no additional information in this regard was received. Appropriate conditions of consent can be imposed to provide an appropriate species selection limiting height and canopy spread. However, the application is recommended for refusal and no further assessment is made in this regard.

- *There is insufficient information provided to ensure that the excavation will not cause adverse impacts for nearby properties.*

Comment

Refer to excavation and earthworks analysis within the body of this report. In conclusion the proposed excavation is considered excessive, especially having regard to the heritage context and the proximity to adjoining heritage listed item and is not supported.

PUBLIC INTEREST

The cumulative effect of the non-compliances with Councils controls, particularly the adverse impact on the heritage significance of the dwelling and the Kurraba Point Conservation Area the non-compliances with site cover and built form, the application is not considered to be in the public's interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The application was notified in accordance with Council Community Engagement Protocol from **27 January 2023 until 10 February 2023**. A number of issues were raised that have been addressed in this report.

CONCLUSION

The proposed application has been assessed against the *North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013* and the relevant State Planning Policies and found to be unsatisfactory having regard to the heritage controls.

The subject site is identified as a heritage item of local significance in Part 1 of Schedule 5 in NSLEP 2013. It is located within the Kurraba Point Conservation area and adjoins a heritage item at No. 11 Shellcove Road.

The heritage officer noted that the proposed development will result in detrimental impact:-

- to the primary façade (waterfront elevation) because of the eastern addition, the removal of the sandstone base and solidness of the traditional detailing associated with the Arts and Craft style dwelling and the use of extensive glazing;
- to the western elevation through the demolition of the front verandah;
- detrimental loss of original interior fabric because of changes to the room configuration and the removal of original heritage fabric that exhibits Arts and Crafts style detailing.
- Moreover, the perceived storey height will be altered, and the dwelling will lose its Arts and Crafts style character.

The proposal is not reflective of the Federation Arts and Crafts style of the building therefore not based on the understanding of the heritage significance of the heritage item contrary to Objective 1, Section 13.5.1 'Protecting heritage significance' of the NSDCP 2013.

It is considered that the proposed development will significantly alter the character of the existing Arts and Craft style heritage, as such the works are not considered to contribute positively to the aesthetic significance of the item and are not characteristic of the surrounding Kurraba Point Conservation Area.

The proposed development will result in excessive excavation beyond the existing building footprint seeking to allow for 4 levels below the existing dwelling to a depth of 16.1m. New finished floor levels are proposed greater than 500mm below existing ground level locating new habitable rooms more than 1m below existing ground level, resulting in poor internal amenity in terms of access to natural light and ventilation.

The proposal does not comply with the maximum site coverage provision of 35%, proposing a site coverage of 36.44%. This non-compliance is indicative of an overdevelopment of a large site which can easily accommodate appropriate building footprint.

The non-compliance with the minimum side setback control in Part B, Section 1.4.6 in NSDCP 2013 exacerbate the proposed massing and would result in adverse visual impact not only to adjoining properties but also overwhelming the existing heritage fabric.

Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979 (as amended)*, the proposal is unsatisfactory and is recommended for **refusal** due to adverse impacts on the heritage significance of the heritage listed dwelling and Kurraba Point Conservation Area and an overdevelopment of the site.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. 3/23 for alterations and additions to existing dwelling house and associated works, for the following reasons:-

- 1. The application does not meet Objective (f) in Section 1.3 of the Environmental Planning and Assessment Act 1979 (as amended) because it would not result in the orderly and sustainable management of land due to the adverse impacts on the significance of the heritage item and the Kurraba Point Heritage Conservation area.**
- 2. Insufficient and inadequate information**
The applicant has not submitted sufficient and/or adequate information as requested by Council under Part 6, Division 1 Clause 54 of the EPA Regulation 2000 to enable a reasonable assessment under the applicable legislation.

Particulars:

- a) The following information was requested, however not provided to Council:-
 - i. demolition plan to include all structures proposed for demolition;

- ii. sections through the proposed swimming pool showing proposed finished RL's of the pool; the coping and adjoining land, as well as any retaining wall details if applicable;
 - iii. elevational shadow diagrams which identify the existing and proposed shadows;
 - iv. view loss analysis in consultation with an AQ5 qualified arborist.
- b) The application lacks sufficient detail to make an informed assessment particularly with respect to determining the extent of overshadowing; potential view loss; existing and finished ground levels; and relationship / impact to adjoining neighbours.

3. Not considered to be in the public interest or suitable for the subject site.

The proposed development is not considered suitable for the subject site nor in the public interest.

Particulars:

- a) The proposed development would set an undesirable precedent for not only the heritage item but also the Kurraba Point Conservation area and is considered to be unsuitable for the subject site contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) A total of twenty seven (27) public submissions were received against the application raising particular concerns about significant impact on the heritage item and conservation area; extent of excavation; as well as structural damage to properties; overshadowing and potential view loss. The proposal is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

4. The application results in adverse impacts on the heritage significance of the dwelling and the Kurraba Point Conservation Area due to its failure to satisfy the heritage requirements of Clause 1.2 and Clause 5.10 of the North Sydney Local Environmental Plan 2013 as well as the heritage requirements of Section 13 the North Sydney Development Control Plan 2013.

Particulars:

- a) Clause 1.2(2) Aims in Part 1 of NSLEP 2013, specifically aim (f) to protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance;
- b) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (a) and (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
- c) Clause 5.10(4) in Part 5 of the NSLEP 2013, specifically the adverse effect of the proposed development on the heritage significance of the item and the Kurraba Point Conservation area;
- d) The proposal will detract from the setting of the adjoining heritage item inconsistent with Section 13.4 "*Development in the vicinity of heritage items*" of the NSDCP 2013;
- e) The proposed development is inconsistent with:-
 - o objectives O1 of Section 13.5.1 "*Heritage Item*" of the NSDCP 2013 as it fails to ensure that changes to the heritage item are based on an understanding of the heritage significance of the heritage item;

- provision P5 of Section 13.5.1 "*Heritage Item*" of the NSDCP 2013 as it fails to locate change away from original areas of the heritage item that are intact;
- objectives O1 of Section 13.5.2 "*Form massing and scale*" of the NSDCP 2013, as it fails to allow for alterations and additions to the heritage items which do not impact on the heritage significance of the heritage item;
- objectives O1 of Section 13.5.3 "*Additional Storeys*" of the NSDCP 2013, as it fails to minimise the visual dominance of the new work from public places;
- objective O1 of Section 13.5.5 "*Interior layouts*" of the NSDCP 2013 as it fails to ensure that significant interior elements are retained and preserved;
- Objective O1 of Section 13.6.1 "*General objectives*" of the NSDCP 2013 as it fails to ensure that new development is designed to retain and complement the character and significance of the conservation area;
- Objectives O2 of Section 13.9.3 "*Verandahs and balconies*" of the NSDCP 2013 as it fails to retain the original front verandah especially where it is significant or contributory to the individual building;
- Objective O1 of Section 13.9.4 "*Materials, colours and finishes*" of the NSDCP 2013 as it fails to ensure that materials and finishes are consistent with the characteristic elements of the heritage item;
- Objective O1 and provision P5 of Section 13.9.5 "*Garages and Carports*" of the NSDCP 2013 as it fails to ensure that vehicular accommodation does not determinately impact on the significance of the heritage item and failing to retain the original garages for heritage items;
- Provision P1 of Section 13.9.6 "*Fences*" of the NSDCP 2013 as it fails to retain the original street boundary fence and gate;
- Provision P3 of Section 13.9.7 "*Gardens*" of the NSDCP 2013 as it fails to retain the strong visual relationship to the existing terraced gardens and topography;
- Provision P2 of Section 13.10.3 "*Larger scale single dwellings*" of the NSDCP as it fails to locate new additions forward of the original eastern building façade altering its perceived storey height.

5. The proposed excavation is considered excessive resulting in a detrimental impact on neighbouring uses, heritage item and features of the surrounding land, pursuant to Clause 6.10(1) of the North Sydney Local Environmental Plan 2013 as well as the requirements of Section 1.3.1 the North Sydney Development Control Plan 2013.

Particulars:

- a) The proposed excavation is inconsistent with O4 of Section 1.3.1 of NSDCP 2013, as the proposal will result in major site disturbance due to the amount of excavation proposed not just the depth but also beyond the existing building footprint;
- b) The extent of the excavation would result in the removal of sandstone retaining wall and the sandstone base of the heritage listed dwelling contrary to P2 of Section 1.3.1 of NSDCP 2013;
- c) New finished floor levels will be greater than 500mm below existing ground level contrary to P3 Section 1.3.1 of NSDCP 2013;
- d) New habitable rooms will be located more than 1m below existing ground level for more than 50% of the rooms floor area contrary to P4 of Section 1.3.1 of NSDCP 2013; and

- e) Proposed excavation along the southern boundary occurs 900mm from the common boundary contrary to P5 of Section 1.3.1 of NSDCP 2013.

6. Uncharacteristic form of development

The application results in a built form which is not subservient to the heritage item. The proposed development would have a detrimental impact upon the characteristics features of the heritage item resulting in a massing that is likely to overwhelm the heritage item contrary to the following provisions within NSDCP 2013.

Particulars:

- a) Objectives of the R2 Low Density zone, specifically dot point 3;
- b) The proposal fails to retain the visual character of the dwelling, contrary to objective O1 in Part B, Section 1.3.5 *Visual Impact* in NSDCP 2013;
- c) The proposed bulk and scale within the side setbacks results in a massing which dominates the heritage item contrary to Objective O2, in Part B, Section 1.4.6 *Setbacks* in NSDCP 2013;
- d) Objective O1 in Part B, Section 1.4.7 in NSDCP 2013 (*Form, massing & scale*);
- e) Objective O1 in Part B, Section 1.4.8 in NSDCP 2013 (*Built form character*);
- f) Provision P6 in Part B of Section 1.5.1 in NSDCP 2013 (*High quality residential accommodation*);
- g) Objective 1 in Part B Section 1.5.2 in NSDCP 2013 (*Lightwells and Ventilation*);
- h) Provision P3 of Section 1.5.4 in NSDCP 2013 (*Vehicle access and parking*);
- i) The proposal provides excessive site coverage across the site contrary to O1 and O2 in Part B, Section 1.5.5 *Site Coverage* in NSDCP 2013;
- j) Objectives O1 and O2 in Part B Section 1.5.8 in NSDCP (*Front Gardens*).

Annelize Kaarlsen
INDEPENDENT ASSESSMENT

Robyn Pearson
TEAM LEADER

Stephen Beattie
MANAGER DEVELOPMENT SERVICES



NOMINATED ARCHITECT: TONY LEUNG NSW 7133

13 SHELLGOVE ROAD, KURRABA POINT

DEVELOPMENT APPLICATION

DEVELOPMENT SUMMARY

DEVELOPMENT SUMMARY		
Site Area	768.9	(to survey)
Zoning	R2 - Low Density Residential	
Allowable FSR	n/a	
Heritage	Conservation Area - General (Local) - Kurabba Point	
Minimum Lot size	450 m ²	

	Area		Percentage Req. in %	
Site Coverage	271	sqm	35.25%	35 (max)
Landscape Area (Front)	347.19	sqm	45.15%	45 (min)
Un-Built upon area	120.89	sqm	15.72%	20 (max)

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)				
13 Shellcove Road, Kurabba Point				
These are the Specifications upon which the Certified Assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.				
Windows	Glass	Frame	U value	SHGC
Default	Single glazed, clear	Timber	5.4	0.58
Default	Single glazed, clear	Timber	5.4	0.63
Default	Double glazed, low E high solar gain	Aluminium	4.3	0.53
The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance.				
Skylights	Glass	Frame	U value	SHGC
None				
External walls	Construction	Added insulation	Detail	
	Concrete block	R 2.0	Levels B2, B1, L02, L01. Finishes as per drawings.	
	Cavity brick	R 1.0	Level G and level 1, existing and new walls. Finishes as per drawings.	
	Flashed	R 2.5	Level 1, existing and new walls. Finishes as per drawings.	
Internal walls	Construction	Added insulation	Detail	
	Plasterboard on studs	None	Generally for new external walls.	
	Plasterboard on studs	R 2.0	Level 1, walls adjacent to roof space.	
	Plasterboard on studs	R 2.0	Level B2 walls separating single parking area from car park.	
	Concrete	None	Lift walls and walls adjacent to car lift.	
Floors	Construction	Added insulation	Detail	Coverings
	Concrete	None	Levels B2, B1	Tiles - bare concrete
	Concrete	R 1.0	Level B1 floor over car park	Tiles
	Concrete	None	Levels LG2, LG1, G, L1	Timber generally, carpet bedrooms (less for wet areas)
	Concrete	R 1.0	Level 1, bedroom floor above outdoor air	Carpet
Ceilings	Construction	Added insulation	Detail	
	Plasterboard	(Refer to roof detail below)		
Roof	Construction	Added insulation	Detail	
	Concrete	R 2.0	Level L01, ceilings below roof	
	Roof Tiles	R 3.5	Level G and L1, all areas below roof or roof space, excluding car lift	
Other Requirements				
All vents, exhaust fans and downlights (if installed) to be sealed to prevent air infiltration.				

DRAWING NO.	DRAWING NAME
	COVER SHEET
DA 001	Development Summary
DA 101	Site Plan / Roof Plan
DA 102	Demolition Plan
	FLOOR PLANS
DA 201	Basement 2 Floor Plan
DA 202	Basement 1 Floor Plan
DA 203	Lower Ground 2 Floor Plan
DA 204	Lower Ground 1 Floor Plan
DA 205	Ground Floor Plan
DA 206	Level 1 Floor Plan
DA 207	Roof Plan
	ELEVATIONS
DA 301	North Elevation
DA 302	East Elevation
DA 303	South Elevation
DA 304	West Elevation
	SECTIONS
DA 401	Section A-A
DA 402	Section B-B
	SCHEDULE OF MATERIALS & FINISHES
DA 501	Materials & Finishes - North Elevation
DA 502	Materials & Finishes - East Elevation
DA 503	Materials & Finishes - South Elevation
DA 504	Materials & Finishes - West Elevation
	SOLAR STUDIES
DA 601	21 June at 9am - 12pm - 3pm
	COMPLIANCE DIAGRAM
DA 701	Site Coverage
DA 702	Height Plane Diagram
	ARTIST IMPRESSION
DA 801	Artist Impression 1
DA 802	Aerial View



Rev	Description	Date
A	DEVELOPMENT APPLICATION	16/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG

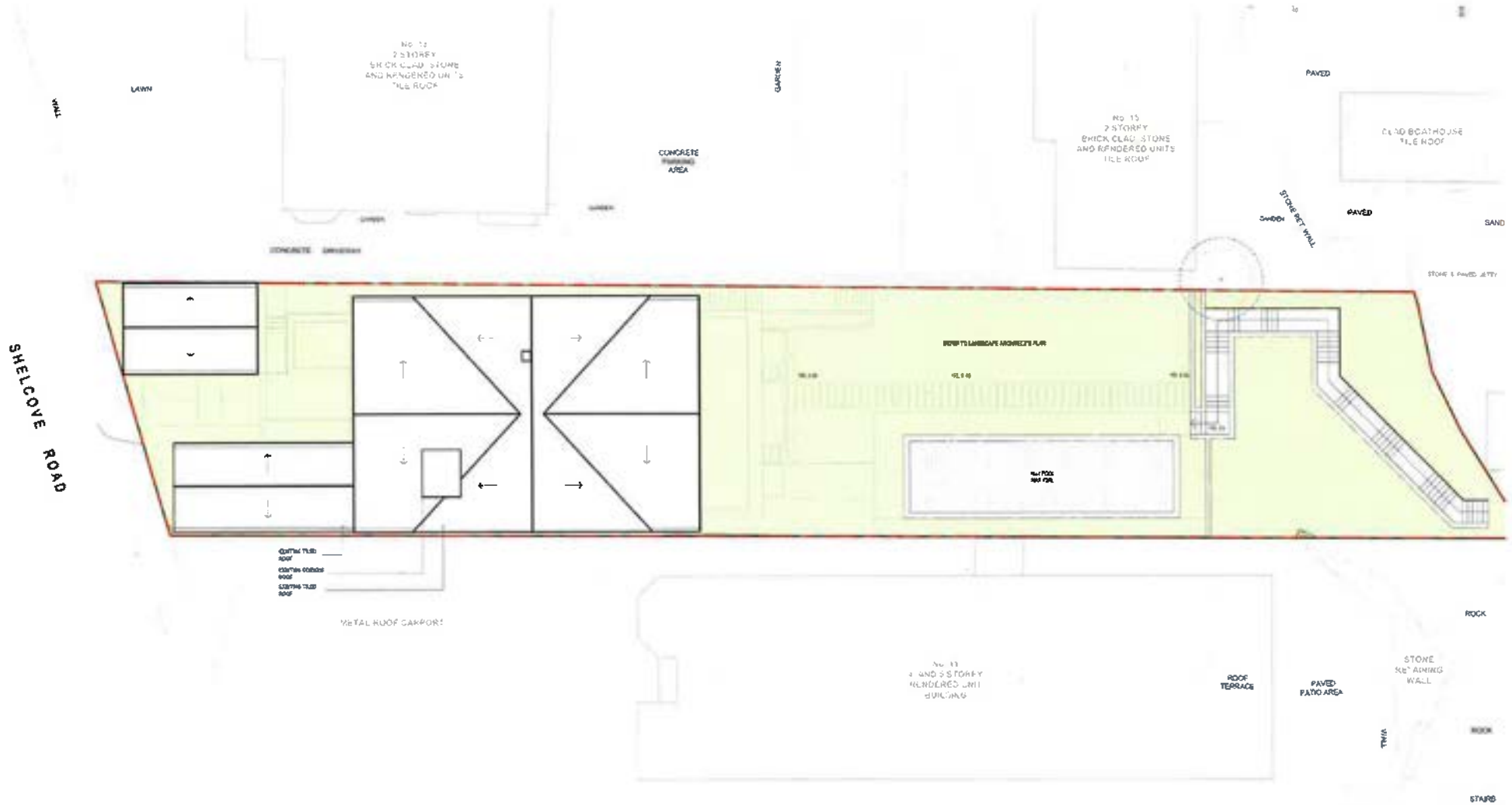
Drawing Title
Development Summary

SCALE
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Drawing no
DA 001

Project No
a2022

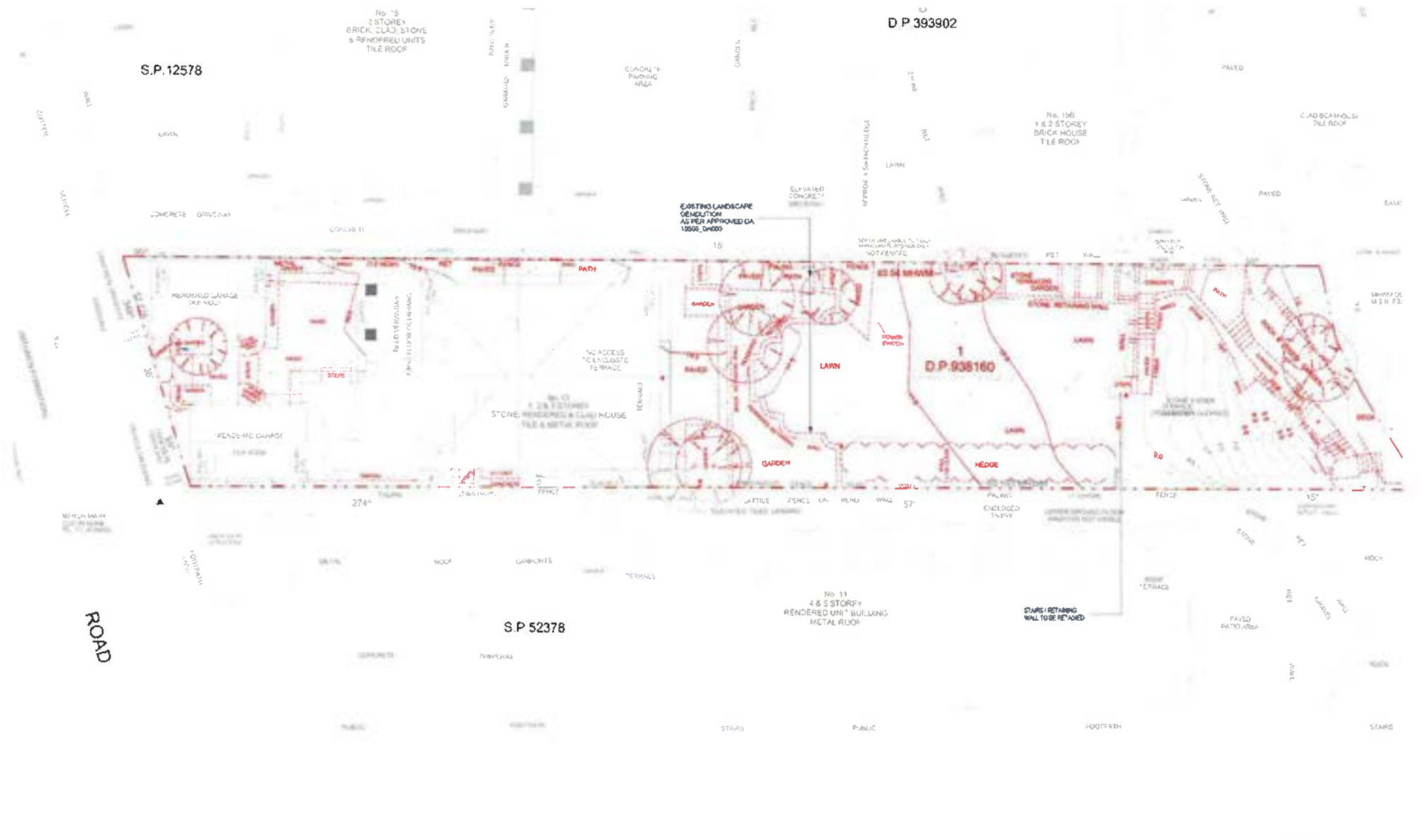
ISSUE
4



Rev	Description	Date
A	DEVELOPMENT APPLICATION	15/12/2022

Project Name 13 SHELLCOVE RD KURRABA PT
Client Name DIANA HIJANG

Drawing Title Site Plan / Roof Plan	Project No 422027
SCALE 1:400 @ A1	Issue A
Drawing no DA 101	ISSUE



LEGEND:
--- TO BE DEMOLISHED
--- TO REMAIN

Rev	Description	Date
A	DEVELOPMENT APPLICATION	18/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG



Drawing Title
Demolition Plan

SCALE
 1:100 @ A1

Drawing no.
 DA 102

Project No.
 4221027

Issue
 A



LEGEND

- EXISTING
- NEXT CONSTRUCTION
- DEMOLITION
- EXISTING HIGH RISE CURRENT APPROVED BUILDING OUTLINE



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Rev	Description	Date
A	DEVELOPMENT APPLICATION	16/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG



Drawing Title
Basement 1 Floor Plan

SCALE
1:10 @ A1

Project No	Drawing No	Issue
422027	DA 202	4

LEGEND

- EXISTING
- NEW CONSTRUCTION
- DESTRUCTION
- DA 2022 AS PER CURRENT APPROVAL BUILDING OUTLINE





LEGEND

- EXISTING
- NEW CONSTRUCTION
- DEMOLITION
- CA-20-2021 AS PER CURRENT APPROVED BUILDING OUTLINE







LEGEND

-  EXISTING
-  NEW CONSTRUCTION
-  DEMOLITION
-  DA 15/20/21 AS PER CURRENT APPROVED BUILDING OUTLINE

Rev	Description	Date
A	DEVELOPMENT APPLICATION	16/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG



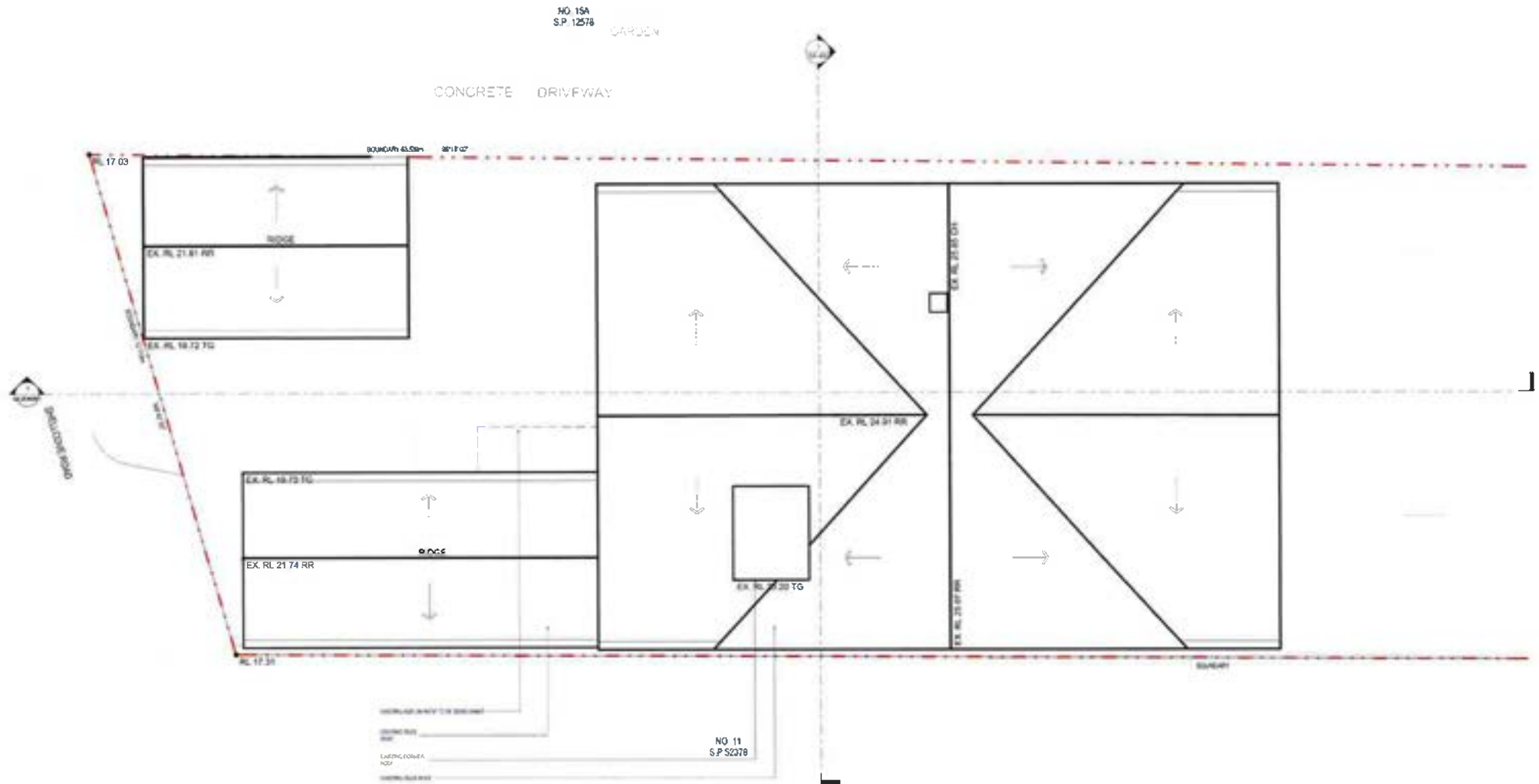
Drawing Title
Level 1 Floor Plan

SCALE
 1:500

Drawing No
 DA 206

Project No
 a22027

ISSUE
 1



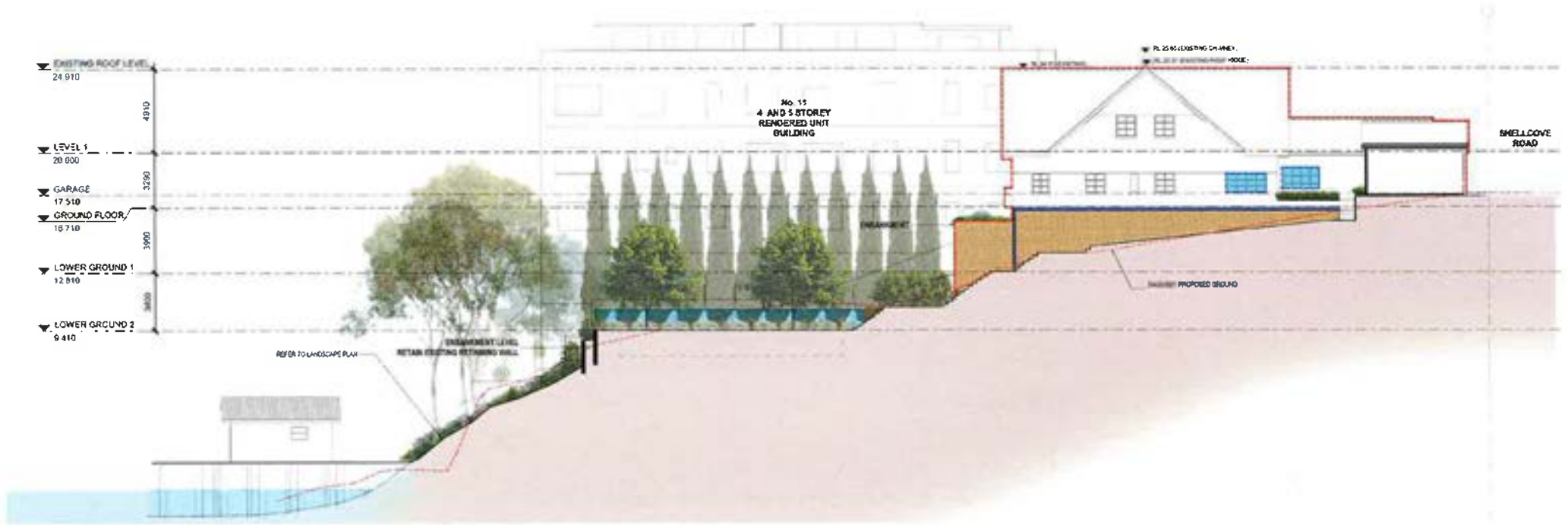
Rev	Description	Date
A	DEVELOPMENT APPLICATION	19/12/2022

Project Name
 13 SHELLCOVE RD KURRABA PT

Client Name
 DIANA HIANG



Drawing Title Roof Plan	Project No x22022
SCALE 1:50 @ A1	ISSUE A
Drawing no. DA 207	



LEGEND

-  OUTLINE OF ADDITIONAL DOORS (WIP - PROPOSED)
-  APPROVED (ALLIED) OUTLINE
-  OUTLINE OF EXISTING CHANGE ROOM
-  LINE OF ADJACENT SITE BEYOND
-  SANDSTONE
-  TIMBER
-  CLAY
-  STEEL AND GALVANIZED IRON

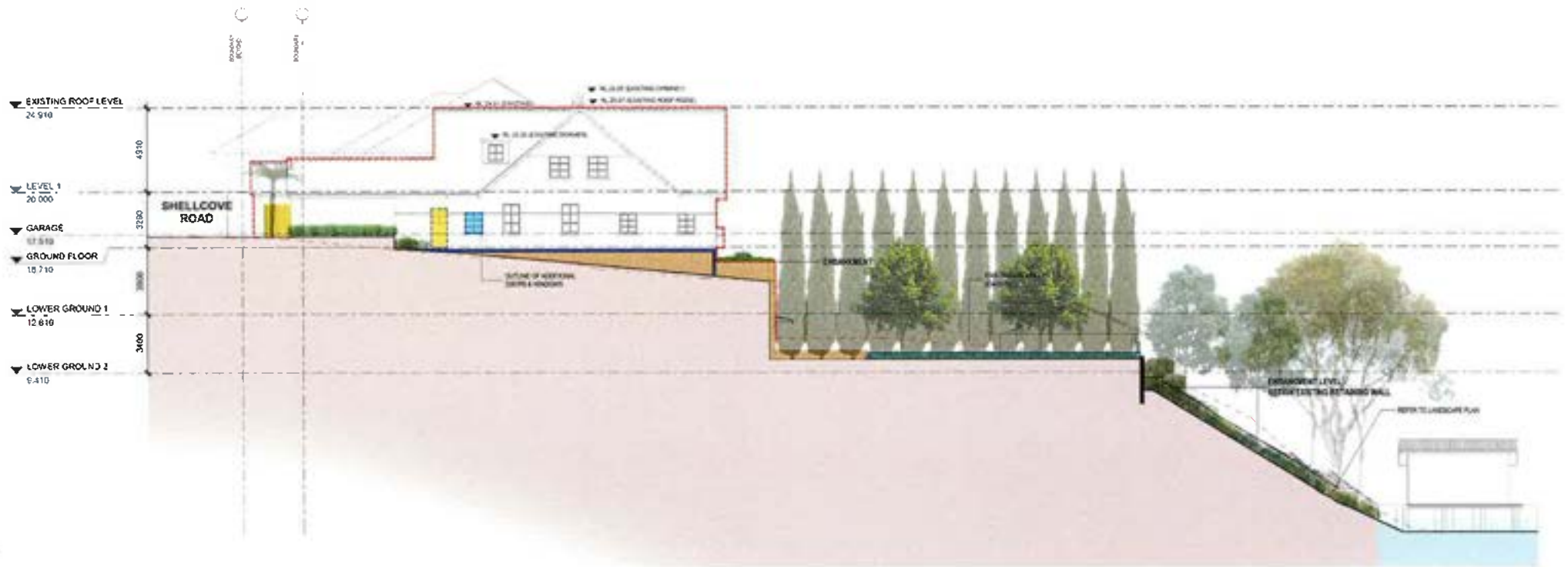
Rev	Description	Date
A	DEVELOPMENT APPLICATION	18/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG

Drawing Title		Project No
North Elevation		422021
SCALE	Drawing no	ISSUE
1:100 @ A1	DA 301	A





LEGEND

- OUTLINE OF ADDITIONAL DOORS AND WINDOWS
- APPROVED DAVIDED OUTLINE
- OUTLINE OF EXISTING GARAGE DOOR
- LINE OF ADJACENT SITE BEYOND
- SANDSTONE
- TIMBER
- GLASS
- STEEL AND GALVANNEZED IRON

Rev	Description	Date
A	DEVELOPMENT APPLICATION	16/12/2022



LEGEND

- OUTLINE OF EXISTING BUILDING AND STRUCTURE
- APPROVED EXISTING OUTLINE
- OUTLINE OF EXISTING GARAGE DOOR
- LINE OF ADJACENT SITE BOUNDARY
- BRICKWORK
- TREES
- GLASS
- STEEL AND GALVANIZED IRON



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LEVEL 3, 3 BARRACK STREET
SYDNEY NSW 2000

Rev	Description	Date
A	DEVELOPMENT APPLICATION	16/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG

Drawing Title
West (Street) Elevation

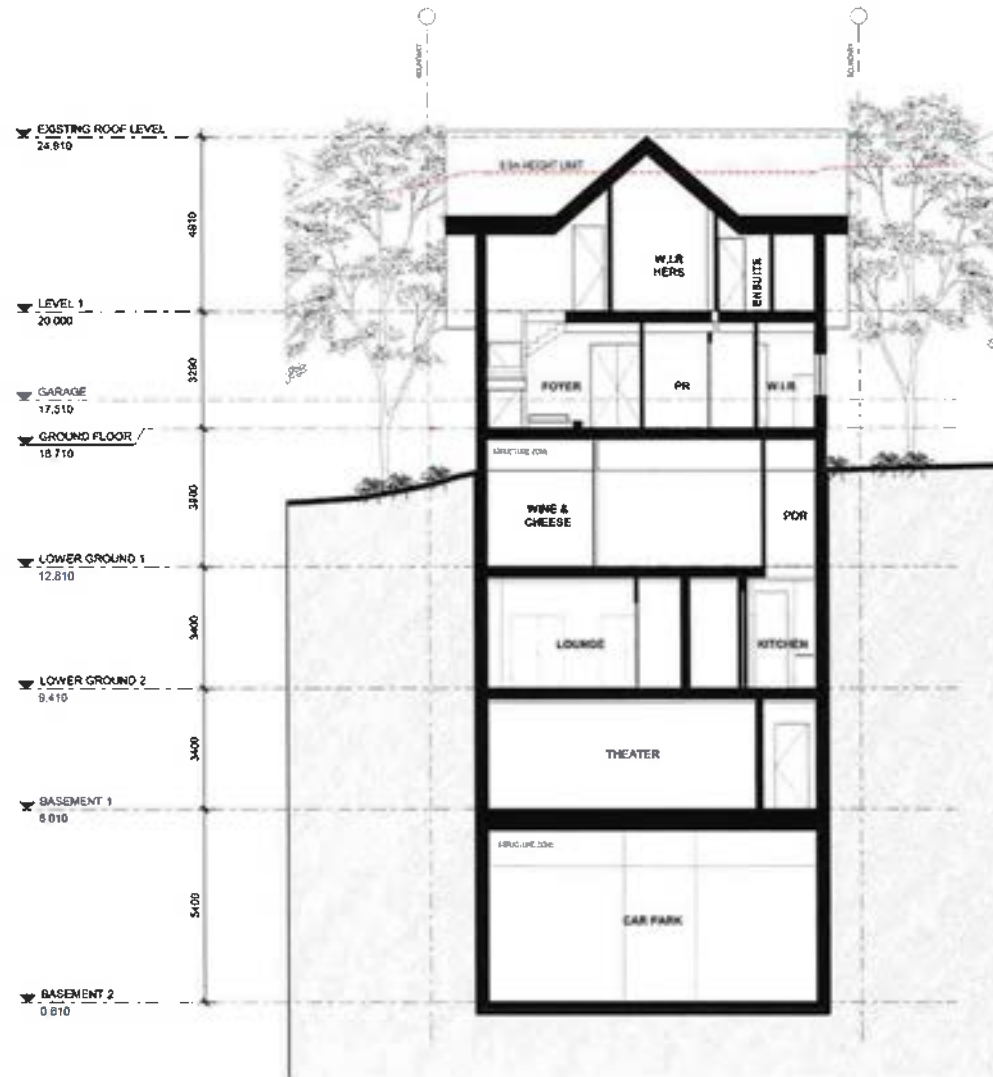
SCALE
1:75 @ A1

Drawing no.
DA-304

Project No.
+22827

ISSUE
A





www.aplusdg.com.au

Ph: 1300 289 799
LEVEL 1, 0 BARRACK STREET
SYDNEY, NSW 2000

Rev	Description	Date
1	DEVELOPMENT APPLICATION	18/12/2022

Project Name
13 SHELLCOVE RD KURRABA PT

Client Name
DIANA HUANG

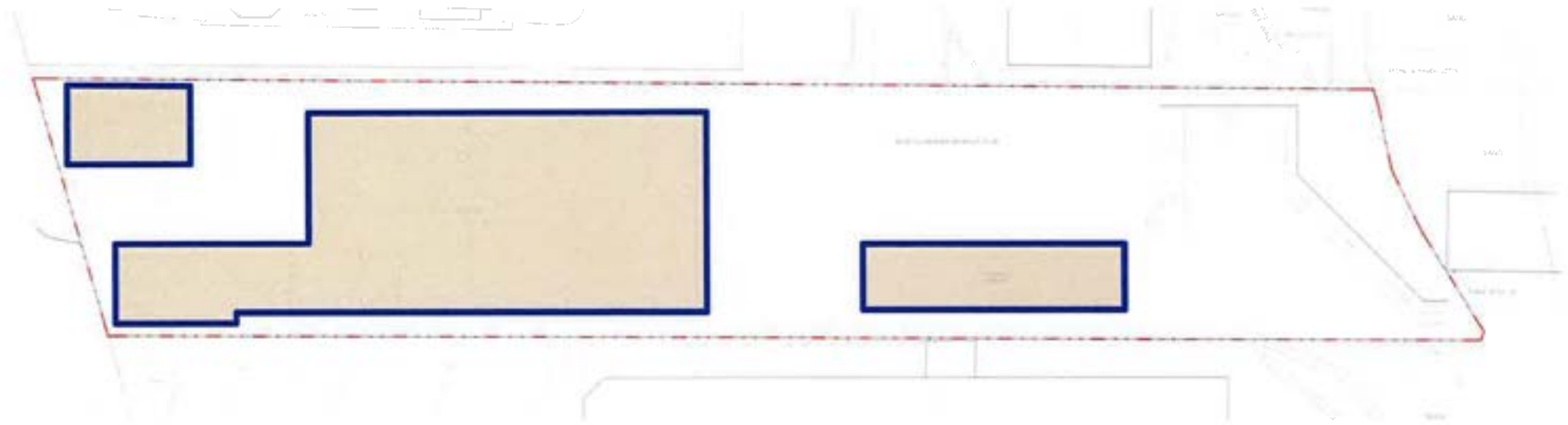
Drawing Title
Section B-B

SCALE
1:75 @ A1

Drawing no.
OA 462

Project No.
a20227

ISSUE



SITE COVERAGE (DEFINITION IN NORTH SYDNEY COUNCIL DCP PART B 1.5.5)

- The following items are considered to constitute site coverage (as buildings as defined by the EPA Act 1978):
- (i) garages and carports;
 - (ii) sheds;
 - (iii) enclosed covered balconies, decks, pergolas and the like;
 - (iv) swimming pools, spa pools and the like;
 - (v) other structures including:
 - (a) permanent BBQ structures;
 - (b) carports;
 - (c) external staircases;
 - (d) gazebos;
 - (e) greenhouses/glasshouses;
 - (f) plant rooms;
 - (g) car-wash bays;
 - (h) ramps;
 - (i) garbage storage facilities;
 - (j) musical and storage containers;
 - (k) any basement;
 - (l) any part of an existing shed to be added to the subject site;
 - (m) any tents;
 - (n) unenclosed balconies, decks, pergolas and the like;
 - (o) paving and paving gutters and run-ways;
 - (p) driveways and car space areas (paved and non-paved);
 - (q) water features; or
 - (r) anything else defined as unenclosed area.

SITE AREA
768.90 m²

NORTH SYDNEY COUNCIL DCP (PART B 1.5.5) PERMISSIBLE SITE COVERAGE
Max 35% SITE (269.11 m²)

PROPOSED SITE COVERAGE
271.0 m²

UN-BUILT UPON AREA (REFER TO LANDSCAPE ARCHITECT'S PLAN)
LANDSCAPE AREA (REFER TO LANDSCAPE ARCHITECT'S PLAN)





JUNE 21ST - 9AM



JUNE 21ST - 12PM



JUNE 21ST - 3PM

LEGEND

- PROPOSED BUILDING SHADOW OUTLINE
- BOUNDARY LINE



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- Legend
- Site Boundary
 - Existing Tree to be Removed
 - Existing Tree to be Retained

- Proposed Tree
- Grasses & Groundcovers
- Shrubs & Accents

- Material 1
- Material 2
- Green Roof
- Turf

- Embankment Planting
- Stepping Stones
- Pool Fence
- Steel Edge

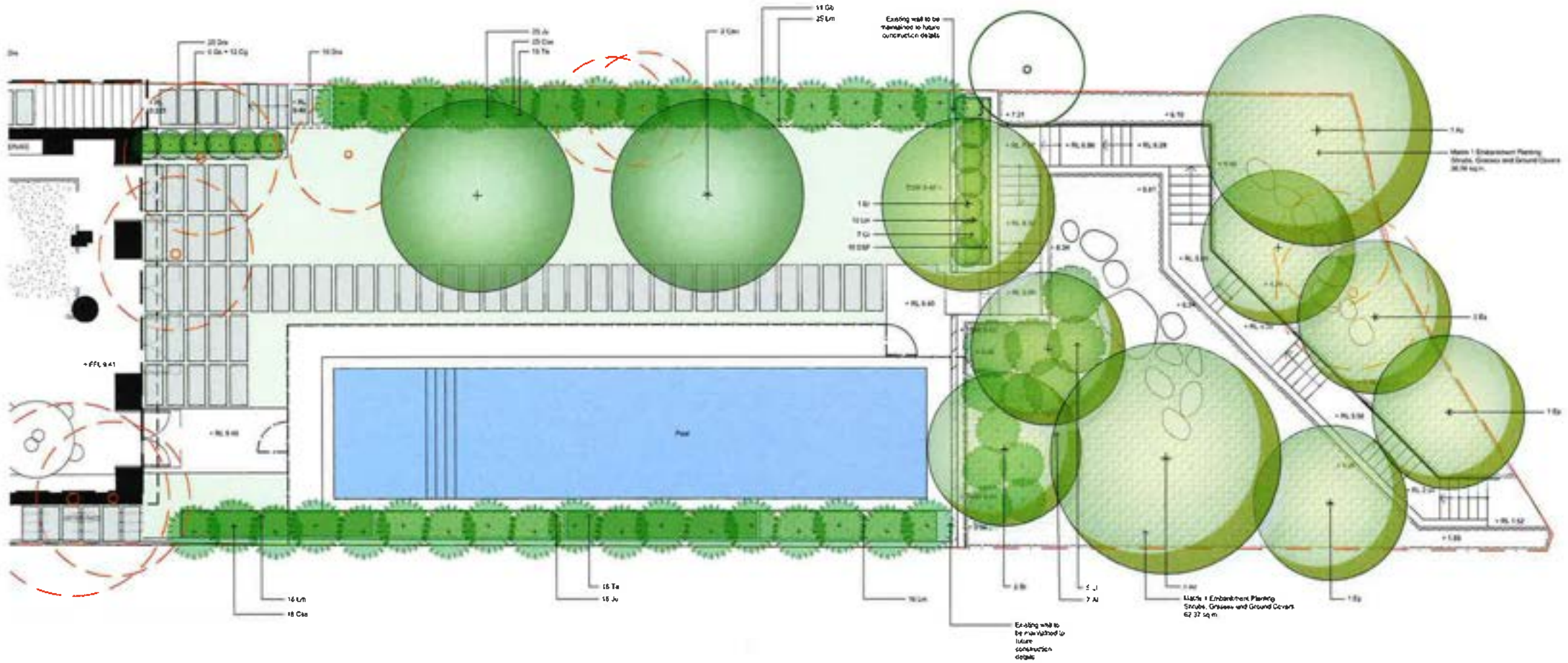


ATTACHMENT TO LPPP1 - 07/06/23

SITE NAME: Diana Huang
 13 Shellove Road
 Kurraba Point

Scale: 1:50 @ A1
 Drawing Number: 5.25
 Date: 25/11/23
 Development Application
 Ground Floor
 Landscape Plan
 Drawing Name





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- Legend**
- Site Boundary
 - Existing Tree to be Retained
 - Existing Tree to be Removed

- Proposed Tree
Refer Plant Schedule
- Grasses & Groundcovers
Refer Plant Schedule
- Shrubs & Accents
Refer Plant Schedule

- Matrix 1 Embankment Planting
- Matrix 2 Green Roof
- Turf

- Steel Edge
- Stepping Stones
- Pool Fence

SITE IMAGE



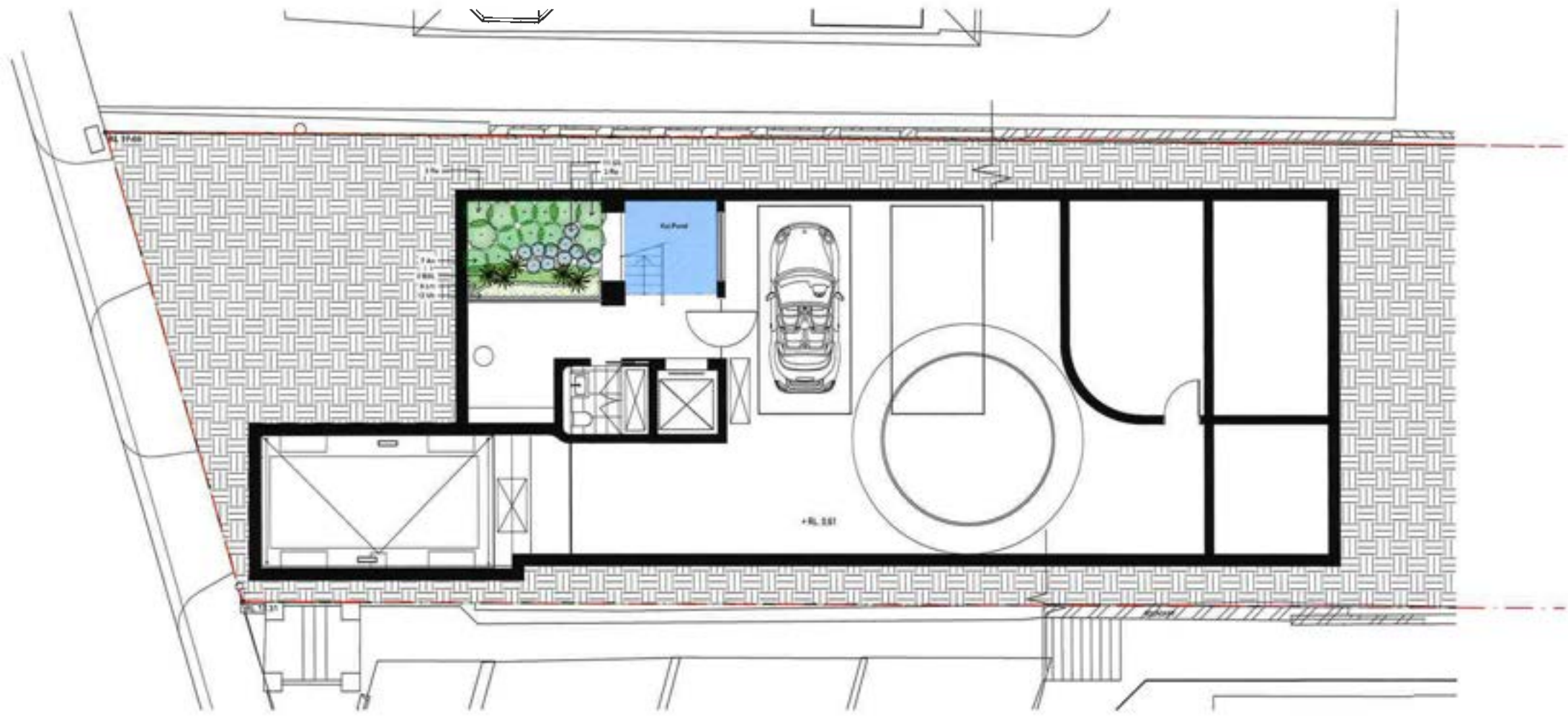
Diana Huang

Project
13 Shelkove Road
Kurraba Point

Owner's Name
Landscape Plan
Lower Ground Floor 2

Development Application

Scale 1:50 @ A1
Job Number
Drawing Number



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- Legend**
-  Site Boundary
 -  Shrubs & Accents
Refer Plant Schedule
 -  Grasses & Groundcovers
Refer Plant Schedule



Designer
Diana Huang

Address
13 Shellcove Road
Kurraba Point

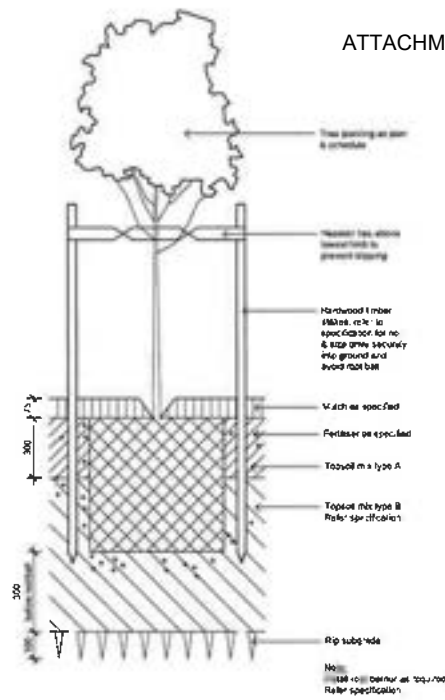
Drawing Name
Landscape Plan
Basement 2

Development Application

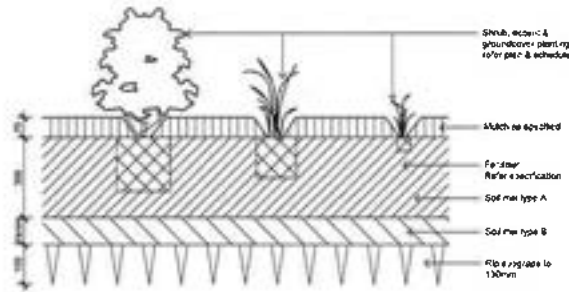
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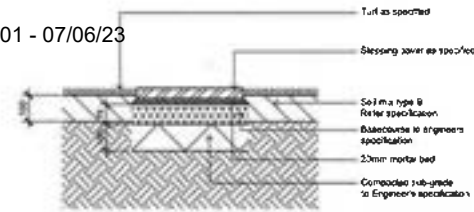
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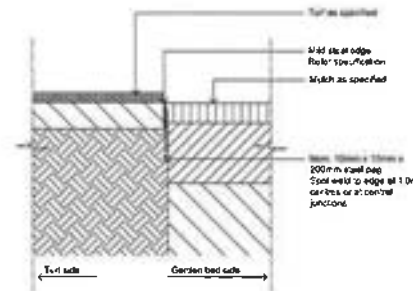
Detail 75-200L Tree Planting on Grade 1:10



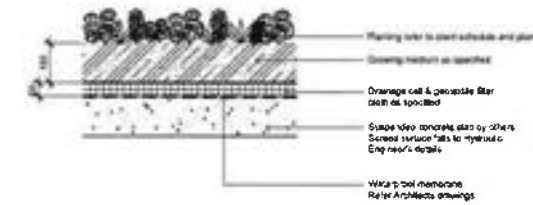
Detail Shrub Accent & Groundcover Planting on Grade 1:10



Stepping Paver in Turf On Grade 1:10



Typical Mild Steel Edge 1:10



Detail Lightweight Green Roof on Structure 1:10



Detail Turf on Even Grade 1:10

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Client
Diana Huang

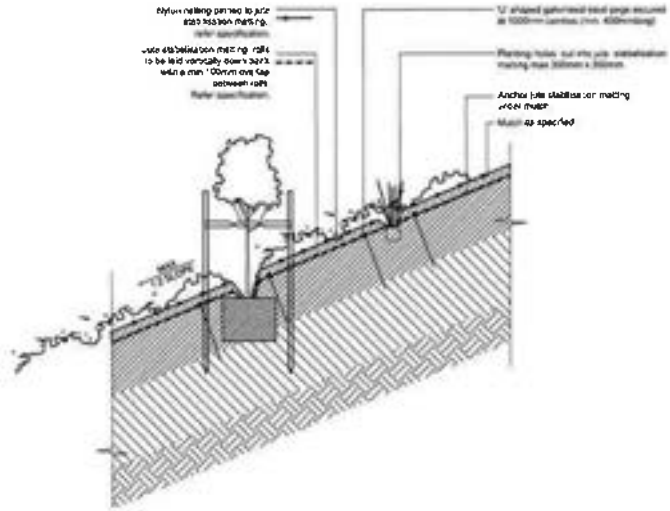
Category
Landscape Details

Project
13 Shelcove Road
Kurraba Point

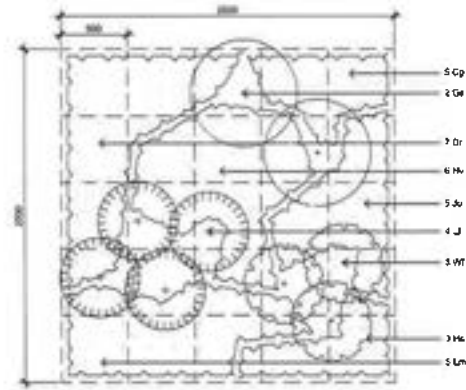
Development Application

Scale: As Shown
Job Number

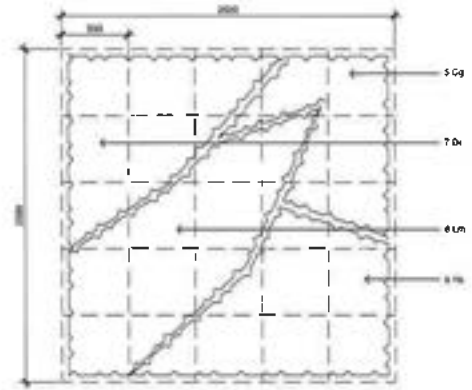
Working Drawing



Typical Embankment Planting



Matrix 1 - Shrubs, Grasses and Groundcovers



Matrix 2 - Green Roof Planting

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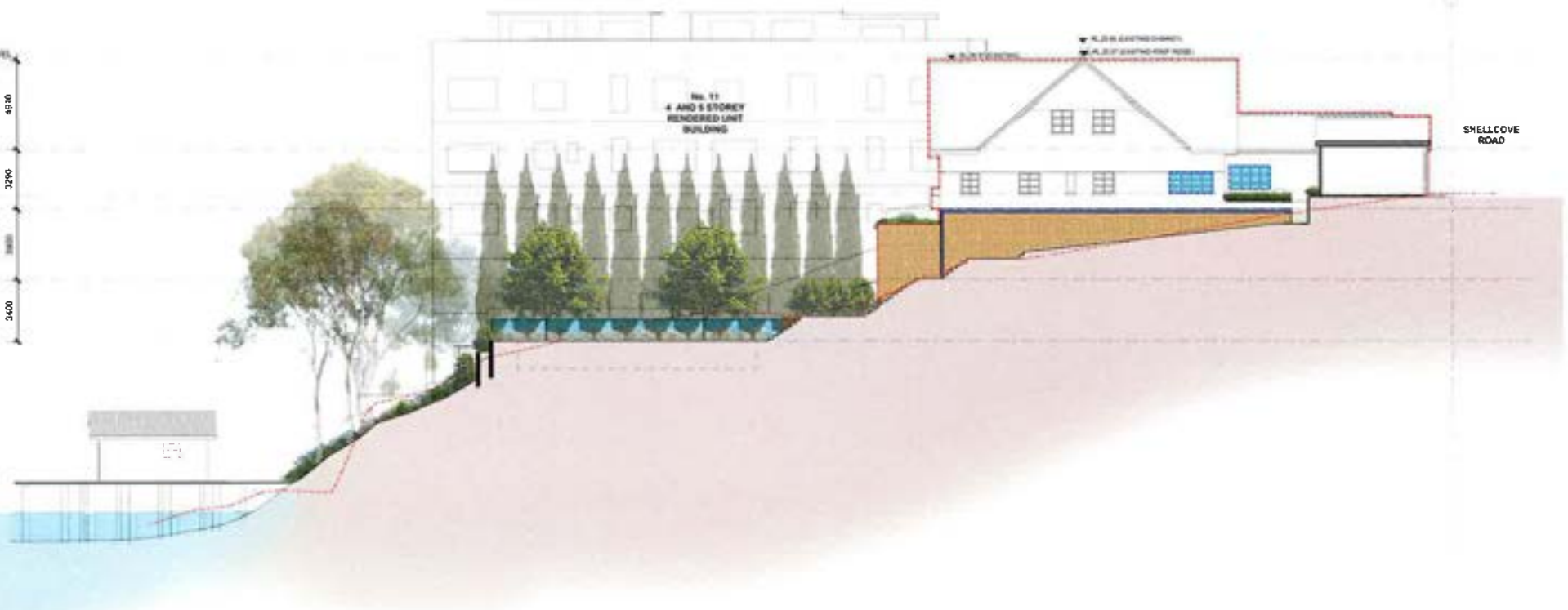
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Diana Huang
 13 Shelkove Road
 Kurraba Point

Development Application
 Site No. 13
 13 Shelkove Road
 Kurraba Point

▼ EXISTING ROOF LEVEL
24.910
 4510
 ▼ LEVEL 1
20.660
 3290
 ▼ GARAGE
17.510
 ▼ GROUND FLOOR
16.710
 880
 ▼ LOWER GROUND 1
12.810
 3900
 ▼ LOWER GROUND 2
9.410



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Designer:
Diana Huang
 Project:
**13 Shellcove Road
 Kurraba Point
 NSW 2226**

North Elevation

Development Application
 Scale: 1:120 @ A1
 Date: 07/06/23



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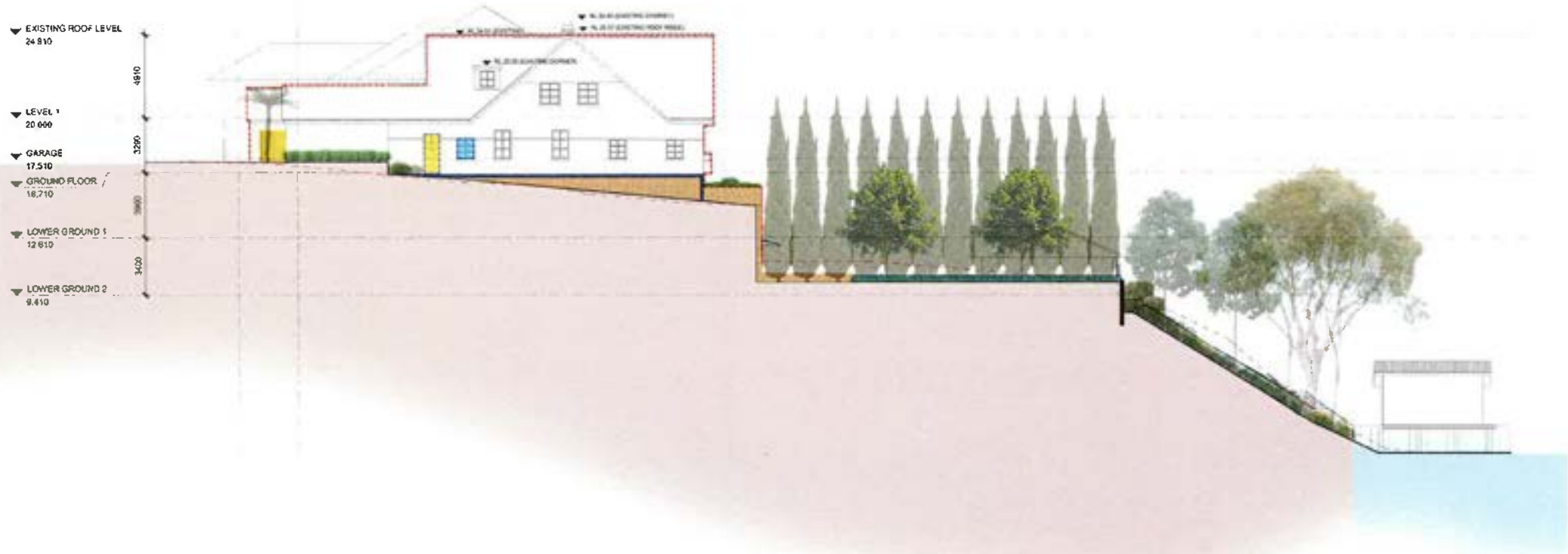
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Site Image
 Diana Huang
 13 Shellcove Road
 Kurra Point
 NSW 2220

Drawing Name
East Elevation

Development Application
 2023-1120 @ A1
 Date Issued
 08/06/2023



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The elevation shall show and refer to all work to be undertaken by the contractor in accordance with the Landscape Architecture Drawings and shall be subject to the approval of the relevant authorities. The appearance of any trademarks in this document is not intended to constitute an endorsement or approval by Site Image Pty Ltd.

SITE IMAGE



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Level 11, 111 St Georges Road
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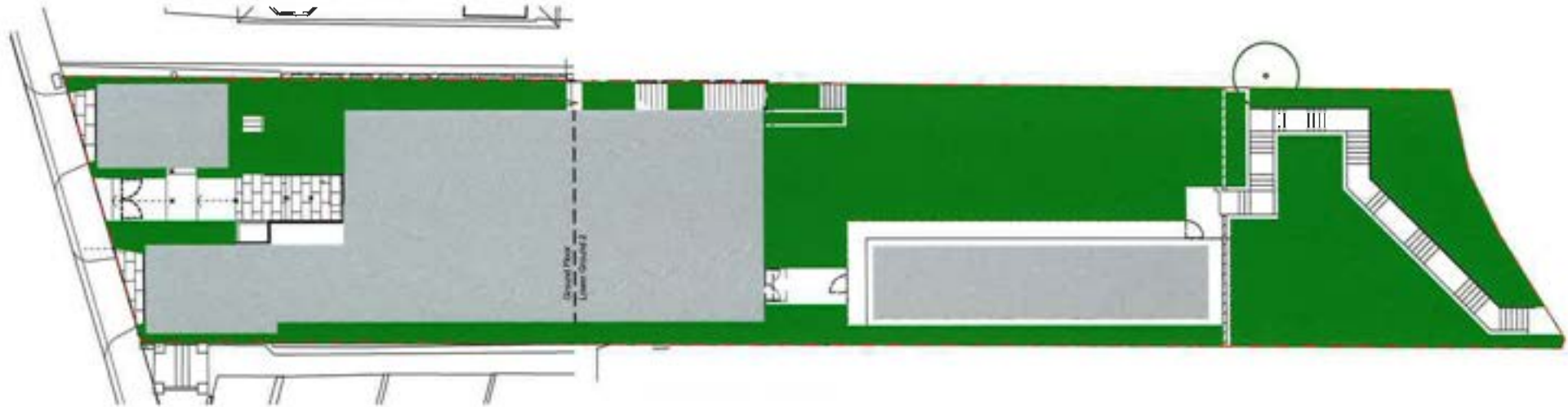
Author
Diana Hyung

Address
13 Shelcove Road
Kuraba Point
NSW 2220

Working Name
South Elevation

Development Application

Scale: 1:120 @ A1
Job Number: 0000-5500
Drawing Number: 000



LANDSCAPE AREA
(DEFINITION IN NORTH SYDNEY COUNCIL DCP PART B 1.5.6)

Landscape area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any built up, structural or hard paved area.
 O1 Landscaping and planting satisfies minimum performance standards and is sustainable and appropriate to the site.
 O2 Landscaping should not adversely impact upon the amenity and usability of adjoining properties.
 O3 To encourage biodiversity conservation and ecological processes.
 O4 To provide a buffer between bushland and development.

Site Area
768.9 sq.m.

NORTH SYDNEY COUNCIL DCP (PART B 1.5.6)
PERMISSIBLE LANDSCAPE AREA
Min 45% Site (346 sq.m.)

Proposed Landscape Area
347.19sq.m. (45.15%)

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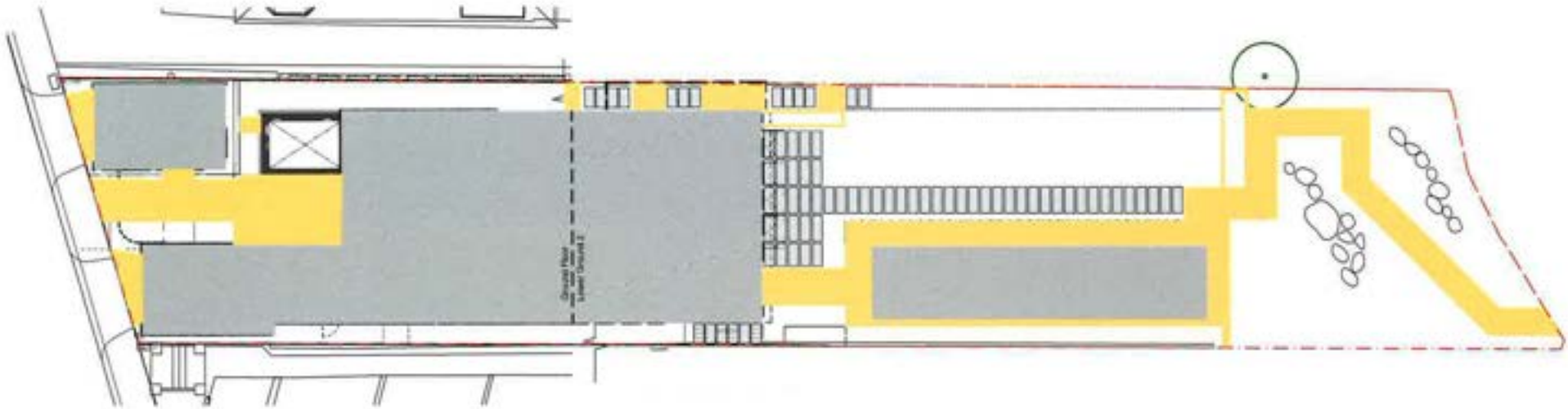
Drawn By
Diana Huang

Title
**13 Shellcove Road
Kurraba Point**

Drawing Name
Landscape Area Diagram

Development Application

Scale
Date Issued
Drawing Number
Sheet



UN-BUILT UPON AREA
(DEFINITION IN NORTH SYDNEY COUNCIL DCP PART B 1.5.6)

- The following items are considered to constitute un-built upon area:
- (i) any part of a basement which does not comprise site coverage;
 - (ii) unenclosed balconies, decks, pergolas and the like;
 - (iii) paving and patios (porous and non-porous);
 - (iv) driveways and car stand areas (porous and non-porous); or
 - (v) water features.
- However, un-built upon area includes:
- (vi) anything else defined as site coverage; or
 - (vii) anything else comprising landscaped area.

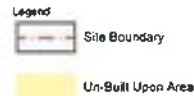
Site Area
768.9 sq.m.

NORTH SYDNEY COUNCIL DCP (PART B 1.5.6)
PERMISSIBLE UN-BUILT UPON AREA
Max 20% Site (153.8 sq.m.)

Proposed Un-Built Upon Area
120.85 sq.m. (15.72%)

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All plan drawings shall be prepared by a registered professional engineer or architect. The engineer or architect shall be responsible for the accuracy and compliance of the drawings with the relevant codes of practice and standards. The engineer or architect shall also be responsible for the accuracy and compliance of the drawings with the relevant codes of practice and standards. The engineer or architect shall also be responsible for the accuracy and compliance of the drawings with the relevant codes of practice and standards.



SITE IMAGE

Address A/19/19
Level 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Client
Diana Huang

Project
13 Shellcove Road
Kurra Point

Client Name
Un-Built Upon Area

Development Application