

**NSLPP MEETING HELD ON 05/02/2025****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Request
4. Letter re access

ADDRESS: 55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay (Lot 4 DP 580525)

APPLICATION No: 261/23

PROPOSAL: Alterations and additions to a dwelling house and associated works

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
000CP	E	Cover Page	Archer Design	20 06 24
110GA	F	Ground Floor General Arrangement Plan		
111GA	F	First Floor General Arrangement Plan		
112GA	D	Attic & Garage General Arrangement Plan		
113GA	G	Front & Back Yard General Arrangement Plan		
114GA	H	Roof Plan		
120DP	E	Ground Floor Demolition & Proposed		
121DP	D	First Floor Demolition & Proposed		
122DP	D	Attic & Roof Demolition & Proposed		
140SD	B	Colour and Materials Schedule		
141SD	B	Sediment Control Plan		
142SD	A	BASIX Certificate		31 07 23
143SD	A	BASIX Certificate		
821EL	A	East Elevation Proposed		
822EL	D	South Elevation Existing & Demolition		20 06 24
823EL	H	South Elevation Proposed		
824EL	D	West Elevation Existing & Demolition		
825EL	G	West Elevation Proposed		
826EL	C	North Elevation Existing & Demolition		
827EL	F	North Elevation Proposed		
828EL	B	Rear Lane Elevation		
850SE	F	Sections		
851SE	C	Sections		31 07 23
852SE	D	Sections		
853SE	B	Sections		

OWNER: J Chen & J Liao

APPLICANT: D Ciccio, Archer Design

AUTHOR: Jim Davies, Executive Planner

DATE OF REPORT: 17 January 2025

DATE LODGED: 4 September 2023

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to a dwelling house and associated works. The site is in the Cremorne Heritage Conservation Area of the North Sydney Local Environmental Plan 2013 and is next to a heritage item known as San Michele, a residence at 60A Shellcove Road (Item I0698, Schedule 5 of the aforementioned LEP).

Proposed works are comprehensive, in that alterations are proposed to every façade, principally replacing windows. The main extensions involve removing the rear, west-facing wing and elevated deck, and replacing them with an addition of similar footprint and increased height from one to two storeys, with a third west-facing dormer, being for a new stairwell to the existing attic space in the roof.

Part of the site is presently used and has been so used for almost 50 years by neighbours and previous owners and occupants of the site for vehicular access to their respective parking spaces on the two neighbouring properties. This access, effectively a private lane, and appurtenant manoeuvring space, is afforded partly by a right of way that burdens 57 Wycombe Road and 55A Wycombe Road in favour of 55 Wycombe Road. As far as can be ascertained from information submitted with the application (attached, a letter to Council from Keighran Legal & Advisory, 27 May 2023, on the applicant's behalf) and later advice from the applicant, there are no reciprocal rights of way or other access-related dealings that burden the site to benefit the other parties (i.e. occupants of land neighbouring the site).

Regardless, these parties have used the 'private lane' from Wycombe Road to 6 parking spaces, being three spaces at No 57, two at No 55A and one at No 55. This arrangement is understood to have been perpetuated under a 'handshake agreement', since the mid to late 1970s.

More recently, steps have been taken by the owner of the subject land to prevent access over their land, restricting use of the private lane by owners and occupants to access their parking spaces, at 55A and 57 Wycombe Road.

Occupants of the subject dwelling have enjoyed the benefits of these access arrangements as have the neighbours. The subject application seeks approval to now remove these benefits, to increase landscape area and reduce site coverage of the proposed development, removing the originally proposed new carport and replacing them with a gate and fence, footpath, a bin enclosure and landscaping.

As originally submitted, the application proposed to retain vehicular and pedestrian access via the lane between the site and Wycombe Road, as the only other access to the house is via a stairway from the garage facing Shellcove Road, a climb of about 12m from the garage to the house.

Amended plans have removed the carport, and replaced it with a footpath, bin storage and landscaping. A large al fresco dining/BBQ area has also been removed, that was first proposed in the location of the extant carport, adjacent to habitable rooms and outdoor leisure area at 53 Wycombe Road.

The originally submitted application and the amendments would physically prevent neighbours using the previously unrestricted area to gain access to parking spaces on their own property, under the benefit provided by the informal agreement detailed above.

A tenet of any environmental assessment is to ensure both physical and lawful means of access are or can be made available to land the subject of, or impacted by, a development application.

In the circumstances described, the current proposal fails to satisfy this test because it prevents the practical form of access available to the neighbours and the applicant, who have relied on this access for almost half a century.

Regarding the other aspect of the access question, it is beyond Council's (and the Panel's) power in the assessment and determination of a development application to resolve the matter of lawful means of access, in the absence of an application to subdivide land and the application being duly authorised by all owners of the land thus affected by such an application.

Power to enforce a legal remedy and to ensure all parties have both practical and legal access to their properties from this shared lane, being 55, 55A, 57 Wycombe Road and 60A (proprietors have taken legal steps to obtain a right of footway over the site and 57 Wycombe Road) is not available to Council.

However, parties may be able to reach a suitable civil agreement and/or a boundary realignment or consolidation of land to facilitate lawful access and maintenance-sharing arrangements for all parties. Failing that, a legally enforceable remedy is available via s88K of the Conveyancing Act 1919, to obtain a NSW Supreme Court order for a suitable right of way to burden land as necessary, to provide all parties legal and physical, practical access between Wycombe Road and their respective properties.

The access issue raised by the application has been the subject of submissions by way of objection from affected parties. Submissions have also objected to the application's approval for other reasons, summarized below and addressed in this report:

- Reduction of neighbourhood amenity, including loss of aural and visual privacy, harbour views, skylight and airflow.
- Potential impacts of excavation and removal of retaining/structural walls on boundaries.
- The proposed third dormer is uncharacteristic with other development in the locality, being a conservation area. It is not recessive, rather it is bulky and the window causes loss of privacy.
- Maximum height and site coverage requirements are breached.

Although amended plans did address some of these concerns, in these circumstances, refusal of the application is recommended.

DESCRIPTION OF PROPOSAL

Alterations and additions to the dwelling house at 55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay are proposed as follows:

- Partial demolition of the extant dwelling, internally and externally, to allow proposed alterations and additions,
- Extend the west-facing part of the house, with a small, paved area and a pergola extending into the backyard,
- Remove a carport from the south western corner of the site and replace it with landscaping,
- Provide a new gate and footpath between the house and the private lane at the rear of the site, which currently provides pedestrian access and vehicular access and manoeuvring space for the site and adjoining properties, to Wycombe Road,
- Various internal alterations to the ground floor of the house,
- As part of the western extension, new floor area is proposed for a 'retreat' (able to be used as another bedroom) and new bathrooms/ensuite on the first floor,
- A new west-facing dormer over a new stairway from the second floor to the attic, which is shown as a 'tea room' which could otherwise be used for other domestic purposes, and
- New windows are proposed on each façade, for the addition and replacing almost all windows on eastern, northern and southern façades. Some of the windows facing east and south, towards the harbour, appear to be slightly larger than existing fenestration.

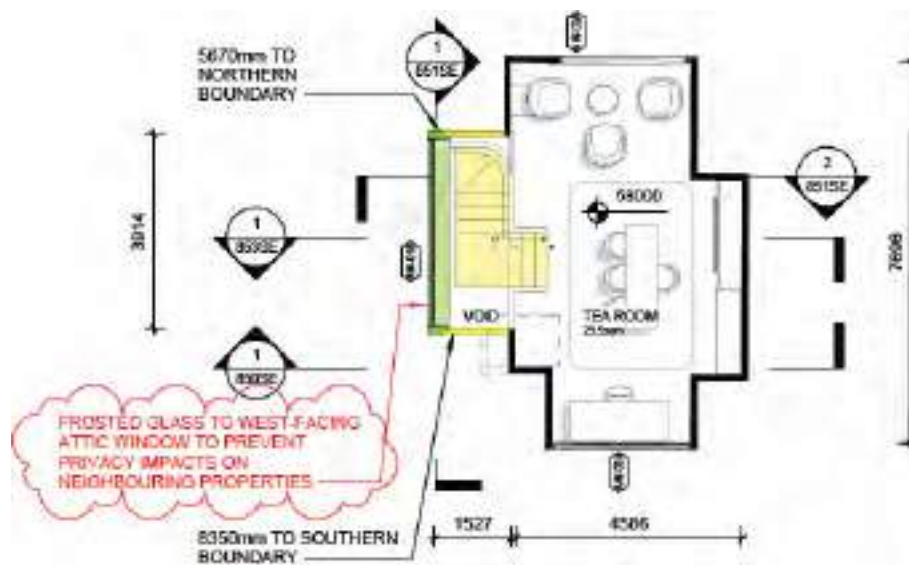
Excerpts of the architectural plans follow, to illustrate key features of the application.



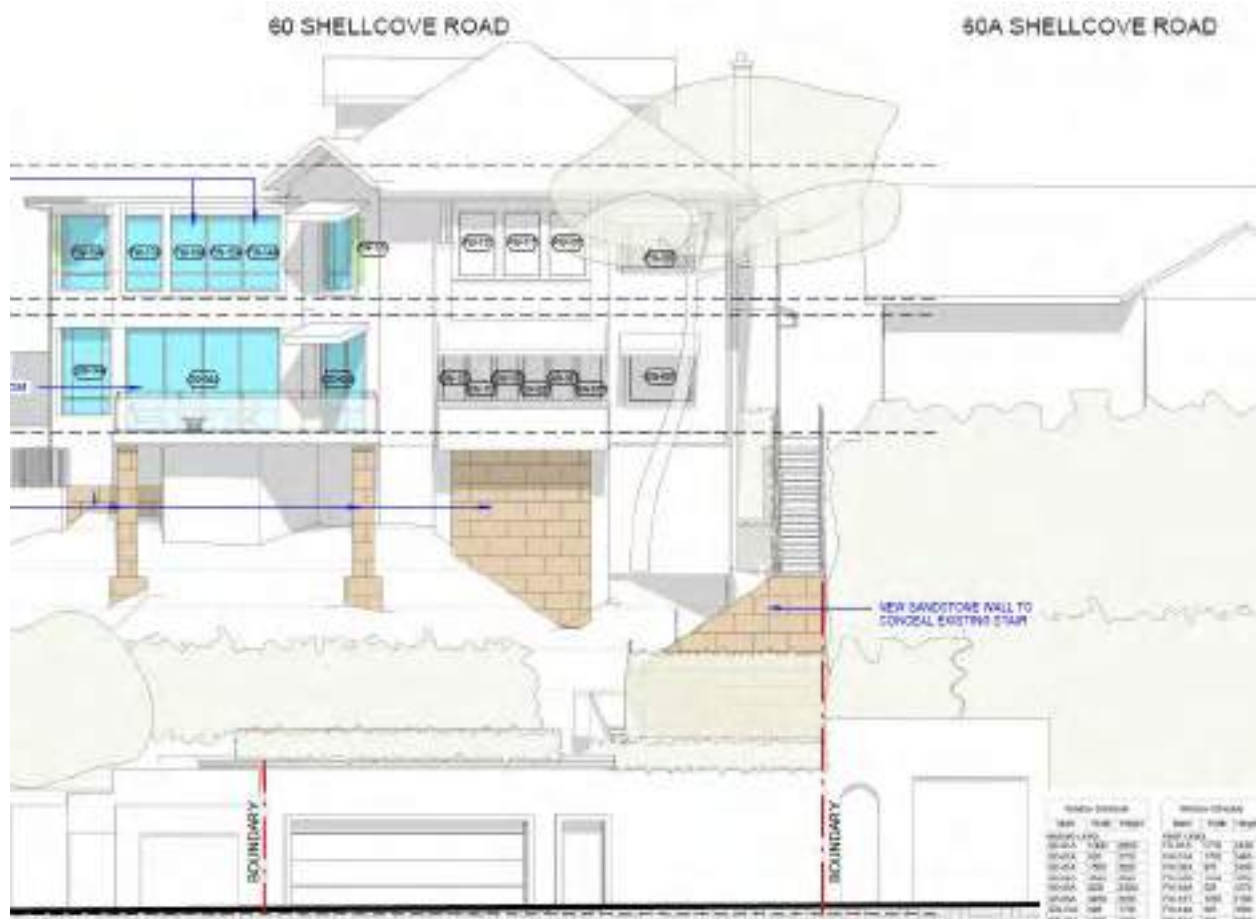
Ground floor alterations and additions, coloured, not to scale (Archer Design).



First floor alterations and additions, coloured, not to scale (Archer Design).



Attic floor plan, showing new dormer for stairway, coloured, not to scale (Archer Design).



Eastern elevation, alterations coloured (Archer Design).



Western elevation, alterations and additions coloured (Archer Design)

Site

The site, lot 4 DP 580525, is addressed as 55 Wycombe Road and is also known as 60 Shellcove Road, Neutral Bay. Having frontage to Shellcove Road and access to Wycombe Road via a private lane, the subject land has access to the lane via a right of carriageway over adjacent land. This access is detailed in the attached letter (attachment 4) from Keighran Legal and Advisory, submitted on the applicant's behalf. With an area of 644m² the site is irregularly shaped, bisected by a rockface which rises some 12m from Shellcove Road to the dwelling house, perched along the edge of this escarpment.

The land has a gentle slope at the rear, falling from west to east toward the rockface, the site drains to Shellcove Road. The land is relatively level between cliff and road frontage. A series of staircases provides foot access from the garage to the house. A large eucalypt is situated in the front yard, shown in the images below.

Locality

To the west, the site adjoins the private lane, which is also used by occupants of two adjacent two-storey residential buildings, for access to parking spaces on their own property. These buildings, at 55A and 57 Wycombe Road, are strata subdivided, former single residences now used as apartment buildings. Respectively, they have a single car port and three open parking spaces. Each of these spaces rely on using the open, paved part of the site to gain access to their parking spaces, the applicant advising that neighbours do not have a right of carriageway over the site, even though the site's owners have the benefit of right of way over adjacent properties.

On Shellcove Road the subject dwelling is part of a group of homes that sit above the roadway having a distinctive character afforded by topography, vegetation, subdivision pattern and architecture. Images follow.



Site (orange marker) and locality. West of the site are 55A (immediately west of the site) and 57 (north west of the site) Wycombe Road, which share the laneway with the site, partly obscured by trees, also visible is the part of the site used by the neighbours to gain access to their parking areas (Neap Map image 30 October 2024).



Existing Dwelling from Shellcove Road



The dwelling on the site is centre-left in the image. In the centre, right of the subject dwelling, is the heritage item, San Michele, yellow-ochre-rendered with tiled roof, at 60A Shellcove Road.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (the LEP)

- Zoning – R3 Medium Density Residential
- Item of Heritage – No
- In Vicinity of Items of Heritage – Yes Dwelling ‘San Michele’ 60A Wycombe Road

- Conservation Area – Yes – Cremorne Conservation Area
- Foreshore Building Line - No

Environmental Planning & Assessment Act 1979 (the Act) - Local Development

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

SEPP (Building Sustainability Index: BASIX) 2004

POLICY CONTROLS

North Sydney Development Control Plan 2013 (the DCP)

North Sydney Local Infrastructure Contributions Plan 2020

RELEVANT HISTORY

Previous & current occupation

According to the submitted statement of environmental effects, the dwelling has previously been used as two separate flats, causing previous alterations to the original interior layout when used as a single dwelling. The building's present use has reverted to a single dwelling. Continued single occupancy is indicated by the proposed alterations and additions.

Date	Action
04 September 2023	Application lodged.
15 September 2023 – 29 September 2023	Application notified for 14 days. 11 submissions received.
11 April 2024	A formal request was made for the applicant to provide additional information, to address: <ol style="list-style-type: none"> 1. Access to the site from Wycombe Road. 2. Carport requiring swept path for vehicles over adjoining property. 3. Non-compliance with site coverage. 4. Potential privacy impacts relating to neighbours to the site's rear. 5. Inadequate landscaped area. 6. The clause 4.6 request to breach the building height standard not demonstrating that the breach would be justified. 7. Council's heritage assessment, in terms of the extent of past internal alterations being sufficient to support further alterations. 8. Erection of height poles to assist assessment of potential view loss from 3/57 Wycombe Road.
14 March 2024	Applicant responded to Council's request, submitting: <ul style="list-style-type: none"> - A letter from lawyers demonstrating that the site benefits from a right of carriageway burdening adjacent land enabling access from the site to Wycombe Road. - Removal of the carport proposed at the rear, replacing it with a footpath, gate, wall, bin enclosure and landscaping, thus maintaining pedestrian access to the right of way to Wycombe Road, but still preventing use of the lane by neighbours to access parking on their own land. - Amendments being made to reduce site coverage to 42%, compared to the existing site coverage of 46%. - Removing the outdoor living area proposed at the rear of the site, to maintain visual and acoustical privacy with neighbours. - Landscaped area being increased to a compliant 40.5%, originally proposed at 33.5%.

	<ul style="list-style-type: none"> - Privacy impacts of proposed west facing dormer window (above the height limit) addressed by replacing clear glass with opaque glass. - A revised heritage statement was submitted, concluding that the amended design would have acceptable impacts in the heritage conservation area context, and the adjacent heritage item. The report noted the development at the rear adds bulk to building, considered acceptable from a heritage perspective as it would not diminish the streetscape’s heritage qualities. - Height poles for the additions were installed, to indicate potential view impacts from neighbouring properties. The surveyor-certified poles were inspected by the author from the neighbour (ground floor unit, 57 Wycombe Road) likely to have been most-affected, which indicated the additions to the rear of the existing dwelling would have acceptable impacts on the neighbour’s views. - Shadow diagrams were submitted for the amended design which indicate the amended development would have acceptable mid-winter overshadowing impacts on neighbouring dwellings and their open space.
14 June 2024 – 28 June 2024	Application renotified following receipt of additional information and amended plans.
12 June 2024	Site inspected by author, also viewed from neighbouring property, 3/57 Wycombe Road, regarding view impacts (height poles) and access.
06 August 2024	Met with owners of 60A Shellcove Road to primarily discuss access-related issues.
16 October 2024	Viewed site from 53 and 1/55A Wycombe Road, regarding various amenity impacts, to revisit access and parking issues and examine the height and bulk of the proposed additions from these homes.

INTERNAL REFERRALS

BUILDING

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. A comprehensive assessment is required before a Construction Certificate is issued. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

HERITAGE

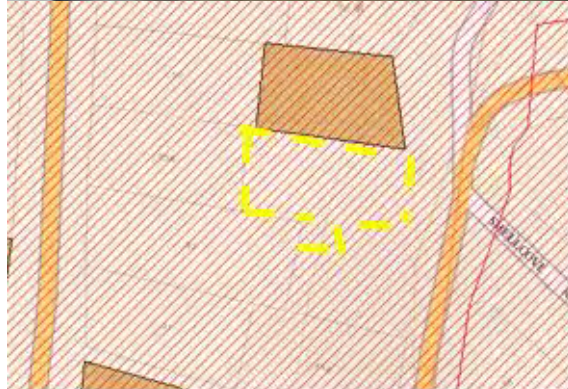
The conservation planner’s report is provided hereunder.

Heritage status and significance

The existing Federation dwelling at 55 Wycombe Road is not identified as a scheduled heritage item but is identified as a contributory item within the Cremorne conservation area. Additionally, the site is immediately adjacent to the heritage item known as San Michele at 60A Shellcove Road to the north [I 0698]. It is significant as a prominently sited, well-executed example of the Inter-War Mediterranean style, which is a feature of an area of large, expensive and highly stylised houses. A good example of the work of inter-war Sydney architect John Shirley.

With reference to NSDCP 2013 Part C: s6.3.3 the Cremorne conservation area is significant

- (a) as a consistent late 19th/early 20th Century residential area with a mix of Victorian, Federation one and two storey housing, mixed with Inter-war residential flat buildings,*
- (b) as a largely intact early 20th Century suburb retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone, sandstone kerbing, natural rock faces, wide streets and compatible plantings, all of which are a response to the topography of the area.*



View facing Shellcove Road [Google maps dated May 20]22



Aerial view

A site inspection was undertaken on 29 February 2024.

A comparison of the historical Google map images has highlighted that unauthorised works to the upper level of the primary elevation have occurred over the last 24 months or so. This matter has been referred to Councils Compliance Team for investigation. The new windows/doors in the primary elevation and in an elevated position would not be supported for the adverse impact on the character and significance of the subject contributory item and its impact on the setting of the adjacent heritage item.

Heritage Assessment and Recommendations

The assessment of the proposed alterations and additions separate to the identified unauthorised works at 60 Shellcove Road, (also known as 55 Wycombe Road), has been undertaken in relation to NSDCP 2013 Part B s13 Heritage conservation and NSLEP 2013 Clause 5.10.

13.6.3 Roofs

13.9.2 Dormer windows

55 Wycombe Road comprises two lots - number 55A facing Wycombe Road and the subject site, referred to as 55 Wycombe Road and/or 60 Shellcove Road. The topography of the site is such that the subject dwelling sits above Shellcove Road but below Wycombe. This being the case, the proposed works to the rear, western elevation, will not be directly visible from Wycombe Road and are largely obscured by 55A Wycombe Road.

The proposed dormer is set in the rear roof plane and its form and scale is compatible with the existing building and to which no objections are raised.

No objection is raised to the internal changes and particularly noting that the house has previously been altered with its original staircase having been removed. The proportions of the new dormer are to be compatible with the existing. However, given the doubt cast by the unauthorised works to the primary elevation, the heritage impact statement should be updated to provide greater details about the planning history of the site to identify when the internal alterations to the early stairs and layout took place and to support further intervention to the attic area.

The proposed relocation to the rear garaging is generally supported subject to ensuring its overall bulk and scale remains subservient to the host dwelling and in terms of its impact on the setting of the neighbouring heritage item. Notwithstanding the current active investigation into the potential unauthorised works in the primary elevation, the works relating to the proposed dormer.

3. Conclusion and recommendations:

With reference to the above, and notwithstanding the investigation into the unauthorised works to the primary elevation, the internal and external works to the rear are supported subject to further clarifying the planning history of the subject site that is not covered by the current version of the HIS.

NON STANDARD

- 1. That the gap view between the heritage item and the subject dwelling be retained by ensuring the new garage is of a subservient scale.*

STANDARD

2. A4 No Demolition of Extra Fabric
3. C13 Colours, Finishes and materials (Conservation areas)
4. C17 External Colours, Finishes
5. E11 Removal of Extra Fabric

(REASON: To retain the heritage significance of the heritage item(s) in the vicinity of the site and the character and significance of the heritage conservation area)

ENGINEERING

Council Development Engineer's advice:

"...owners of adjoining land ... will not be able to access their parking areas because 55 Wycombe Road owners are proposing to build over the "right of way", which is the rightful access for neighbours, to their parking area.

"...the owners of 55 Wycombe Rd must be prevented from building any structure that would extend in height over current right of way surface level."

LANDSCAPING

Council's Landscape Development Officer has reviewed the application, concluding the submitted landscape plan is acceptable.

EXTERNAL REFERRALS

None required.

SUBMISSIONS

The application was notified for 14 days on two separate occasions in accordance with Council's Community Engagement Protocol. The first period was from 15 September 2023 until 29 September 2023 and the second was between 14 June 2024 and 28 June 2024, following submission of amended plans.

The original submissions for both periods may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

Matters raised in the submissions received during both notification periods are considered below.

Matter	Consideration
Reduction of neighbourhood amenity, including loss of aural and visual privacy, harbour views, skylight and airflow.	Amended plans, including reduction and rearrangement of outdoor dining and leisure amenities in the rear yard have reduced potential neighbourhood amenity impacts and could be conditioned to be acceptable (reduce size of pergola, for example), were to be consent granted.

Matter	Consideration
	Views and other matters are discussed below.
A 2002 proposal for the subject land to extend a deck to the boundary with 53 Wycombe Road was refused by Council, in 2003 (DA 748/02).	Noted. All applications are assessed according to their own merits.
Replacing the carport with an Alfresco dining and BBQ area. This area is 2.0m from a bedroom and 1.0m from the only principal private open space (a deck) at 53 Wycombe Road. It is also close to a bedroom at 2/55A Wycombe Road.	The BBQ and large alfresco area has been removed from the proposal, replaced by a small, paved area with a pergola over, adjacent to the kitchen, away from the boundary with 53 Wycombe Road. There is no longer any entertainment area or BBQ proposed in the site's south western corner, presently occupied by the carport. This area is proposed to be landscaped as part of the rear open space.
Entertaining areas could be located on the eastern side of the dwelling which would have lesser impact.	Outdoor facilities that were directly related to and accessible from the dwelling would be difficult to achieve on the eastern side of the dwelling, given the site's dramatic drop towards Shellcove Road.
The outdoor area as proposed has potential to accommodate a larger number of people, which could be disruptive and impact the quiet enjoyment of neighbours of their properties.	The reduction and relocation of amenities could be conditioned to ensure a reasonable outcome, were approval recommended.
Westward extension of the dwelling toward the residence at 53 Wycombe Road and 55A Wycombe Road.	The western extension results in the dwellings fronting the private lane would become closer together. However, the rear setback is consistent with DCP setback requirements.
The common wall between the carport on site and 53 Wycombe Road includes plumbing and electricals for a water feature in the private opens space of No 53, its removal would likely affect these services and the water feature.	Noted, amended plans as discussed above would alleviate potential need for such works.
Excavation may impact a large tree that provides privacy between the site and 53 Wycombe Road.	The works within the dripline of the tree would be unlikely to cause significant damage, requiring minimal excavation. However, if approval were recommended, supervision of works by an arborist would have been required.
Filling in the deck and westward and southward extension should not be supported.	The westward extension proposed and its potential impacts are addressed elsewhere in this table.
The height and bulk of the addition will cause loss of amenity (privacy and views) for neighbours and is excessive and out of character with adjacent development.	Addressed later in this report.
The additions are beyond the reasonable needs of a family.	Large dwellings with several, often generously sized living spaces are common in Neutral Bay and other harbourside localities in North Sydney.

Matter	Consideration
The proposed additional dormer is out of character with local heritage.	While the heritage assessment accepts the proposed dormer, principally due to it not being visible from the public domain, this part of the proposal is deemed to be unacceptable on non-heritage-related grounds. These include the size and shape of the roof as viewed from nearby properties and the amount of glazing combined, deemed to negatively impact amenity of occupants of neighbouring homes.
Use of heavy vehicles during construction may damage the driveway which is on land at 55A Wycombe Road. The driveway should be considered and addressed in dilapidation reporting before and after construction.	Noted, appropriate measures would have been enforced by conditions were approval recommended.
Site coverage is outside the guidelines.	The amended design reduced site coverage from 46% to 42%, 40% being maximum for a dwelling house on a 644m ² lot. Landscaped area was increased from 30% to 40.5%, the minimum required being 40%. Performance against these criteria are not determinative in this application.
<p>Access from Wycombe Road was originally a 1.0m wide footpath to the site and 60A Shellcove Road (directly north of the site), in use for about 90 years, (the objector claims “existing use rights”) by occupants of 60A Shellcove Road. In the 1970s this was footpath was widened to form a driveway (over 55A Wycombe Road and 57 Wycombe Road) and parking was provided for 57 Wycombe (3 parking spaces), 55A Wycombe (2 parking spaces) and the site 1 parking space.</p> <p>The application precludes continuation of the informal arrangement between owners to provide and maintain this access to each property and parking thereon.</p>	<p>Vehicular access and parking are examined elsewhere in this report.</p> <p>Use of the path and the lane for pedestrian access is acknowledged as legitimate grounds for objection. Owners of the affected property have also advised they are seeking to have this long-standing and current arrangement ratified by the Courts.</p> <p>Although “existing use rights” strictly has another meaning under EP & A Act, to prevent use of the land for access after such a long period of time should, and in the author’s opinion, must be given due consideration in present circumstances.</p>
The abovementioned pedestrian access from 60A Shellcove Road to Wycombe Road has always been preferred over the access available from Shellcove Road, as the latter requires traversing the dramatic increase in elevation from the street to the house, which involves climbing 3 ½ flights of stairs.	It is unreasonable to prevent the alternative foot-access to Wycombe Road and force the use of the inconvenient access from Shellcove Road for the residents of 60A.
The carport being relocated adjacent to the site’s boundary with 60A Shellcove and a 3.0m high hedge proposed along this boundary will impose on the amenity of the residents at this address.	This carport has been deleted and replaced with a pedestrian gate and path between the private lane and the subject house, a gate and wall, and landscaping, while maintaining the objected-to hedge. No on-site parking at the rear with access to Wycombe Road is proposed.

Matter	Consideration
	<p>Regarding the carport's removal, one objector suggested a garage (or new carport) could be built in the location of the current carport, to enable access to the neighbours parking to be maintained.</p> <p>However, the applicant's architect advised the purpose of removing parking altogether was to increase landscaped area, also affecting a reduced unbuilt upon (paved and open) area of the site.</p> <p>The boundary hedge remains part of the application and would reduce natural daylight to the neighbouring kitchen. A smaller species and/or low fence would be preferred, and conditioned, if approval were recommended.</p>
<p>35 windows are proposed to be altered/installed. 1/55A Wycombe Rd has all main living areas facing west and its owners are concerned about the impacts of the reduced setback in this direction.</p>	<p>The amount of glazing proposed on the western side of the dwelling is a concern and should be reduced, to lessen potential reflectivity impacts and perceived impacts on privacy and enjoyment of space between the proposed development and adjacent dwellings to the west, particularly the apartments at 55A Wycombe Road.</p> <p>That the proposed extensions do not extend further west of the adjoining dwelling at 60A Shellcove Road, is relevant. The rear setback relative to the house at 58 Shellcove Road is less relevant, this building being sited forward of and considerably lower than the subject dwelling (see DWG 100GA in the Architectural Plans).</p> <p>Also relevant is the separation distance of the proposal with the building at 55A. The distance between this building and the proposed extension is 15m, the edge of its principal open space is about 11.7m from the extension.</p> <p>This proximity, in the local context, arguably compromises the amenity for occupants of both residences.</p> <p>The Apartment Design Guide (Department of Planning and Environment 2015) recommends increased separation between sites with differing density controls, the proposal is broadly consistent with these guidelines.</p>

Matter	Consideration
	Although addressed in the amended extension design, the glazing at both levels and the size of the dormer window still compromise resident amenity and local character (albeit the dormer cannot be seen readily from the public domain).
Occupants of 58 Shellcove Road have objected, as the increased size of fenestration on the southern side of the building would impact their privacy, also noting the subject dwelling is well above their dwelling, increasing the impact of overlooking.	Window-size is being increased, albeit slightly, facing this home. The relative siting of the dwellings, not being adjacent one another and as noted, the house at No 58 is well below the subject dwelling. Impact on privacy would be marginal in these conditions. The view over this house's roof would be the visual attraction from the windows of the subject house's southern side, rather than the roof and rear yard of the adjacent home. The proposal does not significantly alter privacy between the two dwellings.
The amended plans restrict access to and from parking at 1/55A Wycombe Road. Assessment in accordance with relevant provisions of the DCP indicates the impact of the proposal makes manoeuvring areas non-compliant with several parking-related provisions of the DCP B NSDCP 2013.	Noted, this impact is canvassed elsewhere in this report.
Then application's impact on parking arrangements promotes unordered use of land and does not maintain a high level of residential amenity.	Agreed, this is addressed later in the report, the impacts of the proposal are examined regarding s. 4.15 (1) of the Act, which set out matters to be considered in the evaluation of development applications.
Existing rights of way should be extended over that part of the site which has been used by neighbours and occupants of the site for decades.	Considered elsewhere in this report.
The dormer in the western elevation is proposed to be fitted with frosted glass to maintain privacy. Glazing could be replaced with transparent material following construction and issue of an occupation certificate.	This is possible, and remedies are available under the EP & A Act for failure to comply with development consents.
The proposed dormer has a "dominating appearance", is not characteristic in the neighbourhood and is not within the "relevant building envelope", it is above the maximum height.	Considered elsewhere in this report. A revised clause 4.6 request for the amended design has been submitted, to vary the height standard.
Increased intensification of use of the access easement has not been assessed.	Should the application have been recommended for approval, use for construction purposes would be subject to limitations imposed by the instrument applying the right of carriageway to the land, if any. Post-construction use of the lane would be similar to current use.

Matter	Consideration
<p>Consent to the making of the DA has not been granted by the owner of the easement (right of way).</p>	<p>Legal opinion supplied relating to other applications recently, in similar circumstances, has stated this is not required. Other opinion has expressed the opposite view, also noting that should development approval be granted, then the owner of the access affected by a right or easement in favour of another party, may deny use of the access, when that use would breach the terms of the right or easement that grants access to another party.</p> <p>This issue is unresolved and contestable. Refusal as recommended on other grounds means this matter need not be decided for the subject application.</p>
<p>A construction management plan is required due to the limited access available to the site via the right of way, which is 2.44m wide.</p>	<p>One would have been required as a condition, were approval recommended.</p>
<p>Previous assessment by Council (DA 748/02) for a parking space to be re located on the site noted that:</p> <p><i>In order for Council to give further consideration to the provision of a relocated parking space at the rear of the property, Council would need to be satisfied that vehicles could be adequately manoeuvred from the new parking space to Wycombe Rd in accordance with the provisions of AS2890 relating to the provision of on-site parking facilities.</i></p> <p><i>If it was apparent that encroachments for vehicle manoeuvring were required over adjoining land, then it would be necessary for the applicant to make suitable arrangements to formalise compliant vehicular manoeuvring from the rear of the site by initiating and completing amendments to the deposited plans and covenants of adjoining properties.</i> (Emphasis added).</p>	<p>Refusal is recommended, as the proposal would prevent the physical ability to park and manoeuvre cars to and from parking spaces for 57, 55A and 55 Wycombe Road (the site), from the private lane off Wycombe Road.</p> <p>Notwithstanding, the legal question of the right to use the land for access has been demonstrated by the applicant.</p> <p>The applicant has confirmed, with advice from their lawyer, that there is no right of way over the site (No 55) in favour of other users (Nos 55A and 53). This and other anomalies, should they exist, may be addressed via civil means amongst owners, to clarify and confirm rights and responsibilities over the shared space, into the future.</p> <p>Failing an agreement of all parties to do so, the matter may be resolved in the Supreme Court.</p> <p>In the absence of an application to subdivide the land, Council is powerless to address these matters.</p> <p>Notwithstanding and in the circumstances, the applicant preventing use by other parties of part of the owner's land to access parking spaces on their own land, at 55A and 57 Wycombe Road, would be an unacceptable outcome. It would also be considered an adverse environmental impact, should the development be permitted and carried out. This is further discussed below.</p>

Matter	Consideration
Harbour views may be affected.	<p>Height poles (heights verified as correct by a registered surveyor) were erected to show the upper levels of at the southwestern corner of the proposed extensions, where harbour views may have been affected.</p> <p>That the proposal would have acceptable impacts on views from this property was confirmed, by inspection from the affected property.</p> <p>The owner of 3/57 Wycombe Road, the affected property, had objected to the application based on potential view impact and later withdrew the objection following installation of height poles.</p>
Potential commercial use of the property.	Zoning prevents commercial use of the property (other than for home based offices and the like), enforceable under the Act and the LEP.

CONSIDERATION

Relevant matters for consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 are assessed hereunder.

SEPP (Biodiversity & Conservation) 2021

Part 6.2 Development in regulated catchments

Sydney Harbour is defined as a regulated catchment for the purposes of the SEPP.

Division 2 Controls on development generally

The following provisions apply and the proposed development is not inconsistent with those applicable to the site and the proposed development.

Provision	Consistency
6.6 Water quality and quantity	Erosion and stormwater controls are included for proposed works, and water quality and run-off would be unlikely to impact the harbour.
6.7 Aquatic ecology	Aquatic flora and fauna are unlikely to be adversely affected.
6.8 Flooding	The site is not flood prone.
6.9 Recreation and public access	Proposed development will not impact recreation and public access in the catchment.
6.10 Total Catchment Management	This provision only relates to large-scaled development that could affect a catchment, which requires consultation with other Councils in the same catchment.
6.11 Land within 100m of a natural waterbody	The site is about 260m from Shell Cove.

Part 6.3 Foreshores and Waterways Area

The site is not in the Foreshores and Waterways Area.

SEPP (Resilience and Hazards) 2021

Past use of the site for residential purposes is unlikely to have caused contamination to an extent that would require remediation. Neither is any change to the current use proposed, likely requiring further investigation or remediation. The application could be approved, as applicable requirements of the policy have been considered.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (No. A491653, 28 July 2023) for alterations and additions has been submitted with the application to satisfy the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The site is zoned R3 Medium Density Residential. Dwelling houses are permissible with consent in this zone, therefore alterations and additions thereto are likewise allowed.

2. Objectives of the zone

R3 zone objectives are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal is consistent with all relevant zone objectives, except the last. As reflected throughout this report, the proposal does not maintain a high level of residential amenity, as it is likely to adversely affect neighbours' amenity and enjoyment of their homes.

In summary, key negative effects on neighbourhood amenity include:

- Loss of access to parking by building over part of the rear lane, relied upon by neighbours.
- In considering the cumulative impact of adding a dormer to a roof which already has two dormers, the resultant height and bulk of the building is unacceptable, as is the consequent modification of the roof's size and shape, above the statutory height control.
- The extent of opaque glazing of the dormer, affecting neighbour's outlook and perceived privacy.
- The extension's amount of west-facing glazing is likely to cause excessive glare from reflected light for neighbours and would likely result in poor environmental performance and comfort for the dwelling's occupants.

- Although compliant with DCP criteria, the extension’s rear setback arguably renders building separation inadequate, between the subject dwelling and neighbouring dwellings. This is due to local topography and the sense of enclosure of the space created by existing buildings, around the fully-paved private lane, several of these buildings already having small setbacks to the lane or adjacent buildings.

Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
Site Area - 528m ²	Existing building	Proposed addition	Standard	Complies
Clause 4.1 – Subdivision lot size				N/A
Clause 4.3 – Heights of Building	9.7m (14.1% over)	9.4m (10.6% over)	8.5m	No
Clause 4.4 – Floor Space Ratio				N/A
Clause 4.4a – Non-residential FSR				N/A
Clause 6.6 Dual Occupancy:				
• Appearance as a dwelling house				N/A
• Level of attachment to common wall (80%) or common floor to ceiling (80%)				N/A
• Minimum lot size – 450m ²				N/A

Height of Building

The following objectives for the permissible height limit pursuant to clause 4.3 in NSLP 2013 are:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
- (b) to promote the retention and, if appropriate, sharing of existing views,
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
- (e) to ensure compatibility between development, particularly at zone boundaries,
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.

The height of the proposed dormer is 9.4m, measured in accordance with the building height definition of the LEP. Proposed height exceeds the development standard by 0.9m (10.6%).

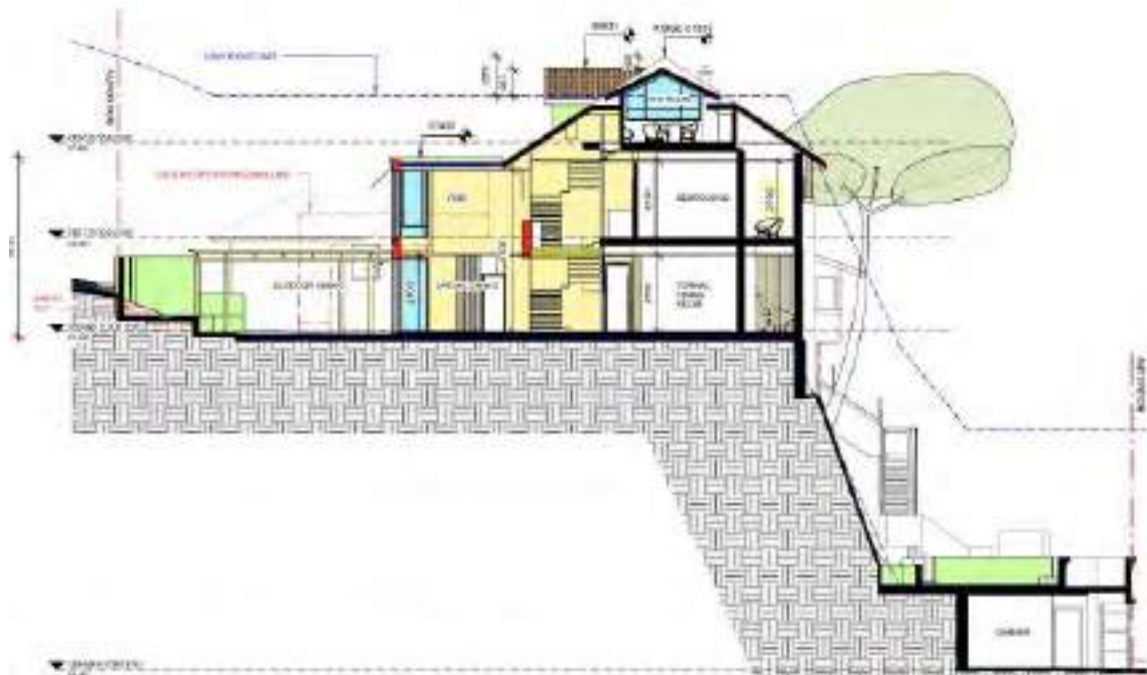


Diagram shows extent of height breach (Archer Design).

The proposed development is inconsistent with the height standard's objectives, as discussed below in relation to the applicant's request to breach the maximum building height control.

Written request to contravene a development standard

As enabled by clause 4.6, the applicant has made a request to exceed a development standard, being the maximum building height of 8.5m. The maximum degree of non-compliance with the standard of the proposed alterations and additions is 10.6%. The existing residence exceeds the standard with a maximum height of 9.7m, a departure of 1.2m or 14.1%.

For consent to be granted, such a request must demonstrate that strict compliance with the standard would be unreasonable or unnecessary, and that environmental planning grounds are sufficient to warrant approval of an application, despite the breach.

The applicant's request to breach the height standard

The applicant's submission (attached) does not adequately demonstrate the proposed non-compliance is unnecessary or unreasonable in the circumstances of the case.

Is compliance unreasonable or unnecessary?

In summary, the request states that compliance would be unnecessary.

In relation to the standard's objectives:

- Objective (a) Development conforms to topography.
 - The attic is marginally above the height limit and below the roof's maximum height,
 - The new dormer replicates the existing dormer(s),
 - Landform is unaffected.

- Objective (b) Promote retention of views.
 - Work above the height control does not affect views from other properties.
- Objective (c) Solar access is maintained
 - The small bulk of the dormer is close to the centre of the site and below the roof pitch, additional overshadowing is negligible,
- Objective (d) Privacy is maintained.
 - The dormer is amended "...to be fitted with obscured glass". However, as discussed in relation to the DCP, below, other aspects of the proposal reduce visual privacy between the proposal and adjacent dwellings.
- Objective (e) Compatibility between development, particularly at zone boundaries, is ensured.
 - The proposed works above the height limit have no effect on compatibility with adjacent buildings,
- Objective (f) An appropriate scale and density of development is encouraged.
 - Proposed works do not affect the scale of development on the site.
- Objective (g) A built form of 1 or 2 storeys is maintained in R2 Low Density and R3 Medium Density and C4 Environmental Living zones.
 - The applicant's written request has not addressed this objective.

Evaluation

The applicant has failed to adequately demonstrate that the proposal is consistent with all objectives of the maximum height standard.

The applicant has not addressed all objectives, and consistency with objective (f) is questionable.

Regarding objective (f) the scale and bulk of the roof is increased by addition of the dormer, as is the building's shape and bulk. Addition of the third dormer to those existing will also further disrupt the roof's original architectural composition and appearance. Depending on the position of the viewer, with the three dormers close to the high point of the existing pitched roof, the balance and symmetry of the roof's form will be diminished. Further, westward protrusion of the third dormer adds to the bulk of the building, when contemplated in conjunction with the western extension of the two floors below. This is apparent in comparing the two images below, of the proposal (top) and existing house (bottom).



Photomontage of the proposal (top) and photograph of the extant house (bottom). In comparing the two images, it is apparent that the perspective and scale of them differs, noting that the existing dormers look smaller in the montage, compared to their depiction in the photo. The montage also indicates the third dormer protrudes above the roofline when viewed from the assumed vantage point.

Relevant to other commentary and examination of the driveway and parking issues, visible are the garage on the site (left), and further to the left is a parking area available to residents of 55A Wycombe Road. To the right can be seen a small stone wall marking the pedestrian entrance to 60A Shellcove Road. Bordered by a horizontally-slatted timber fence in the centre of the image, is part of the area used by site occupants and neighbours to manoeuvre their vehicles between their parking spaces and the lane to Wycombe Road. This is the area proposed to be redeveloped as shown above with new gate, wall, bin enclosure, and landscaping, this preventing use for access to parking on land neighbouring the site (Images, Archer Design).

As noted, objective (g) has not been considered.

Are there sufficient environmental planning grounds?

To demonstrate sufficient environmental planning grounds to contravene the development standard, the applicant's request submits that:

- The proposal is consistent with the standard's objectives,
- The proposal does not alter the character of the area,
- Development above the height control "...would not compromise the character or nature of the area",
- The resultant form would not appear out of place.
- Privacy is maintained,
- No material overshadowing is caused by the dormer, and
- No public or private views are affected.

Evaluation

In response to each of the grounds in support of the height breach:

- The request has not demonstrated consistency with all objectives, noting they are all relevant,
- Regarding local character and visual quality, it is acknowledged that views of the additional built form above the height control, the west facing dormer, will be limited from the public domain. When viewed from neighbouring dwellings, the size and shape of the additional dormer further disrupts the roof's form and geometry. Consequently, the additional dormer could be considered a physical and visual intrusion into the immediate locality, with resultant loss of visual quality and amenity. When compared with the roof form of the house next door, 60A Shellcove Road, the proposal's scale and bulk exceeds that of its neighbour.
- Accordingly, the proposal could be deemed out-of-character with the built form and amenity of the site's immediate locality, and the addition above the height control may also be deemed visually jarring and out-of-place.
- That privacy is maintained, is arguable and requires qualification. The large expanse of obscure glass as proposed for the dormer would be a poor design outcome. It is apparent that the amount of glazing could be reduced and still provide enough light into the area above the new stairway to the attic, for which the dormer is necessary. It would also appear possible to reduce the size of the dormer, however this may not adequately resolve the impact on roof form of the third dormer. Another solution to accessing the attic (currently a pull-down step-ladder) is necessary. Another qualification was outlined above, in that where there is a transition from low to medium density, greater building separation than is available could be considered necessary.

This analysis of the applicant's submission indicates the proffered environmental planning grounds are insufficient to justify non-compliance with the height control.

Would approval be in the public interest?

The applicant's submission, in addressing the public interest test, contends that the proposal is also consistent with zone objectives, in addition to satisfying those of the development standard.

This conclusion is not concurred with, for the reasons given above.

Other matters to be considered

In addition to the above matters and before consent is granted, clause 4.6 requires the consent authority to:

- Consider whether variation of the standard raises planning issues of State or regional significance,

- Consider if there is any public benefit in maintaining the standard, and
- Consider any other relevant matters.

In response:

- Variation of the standard would be of local import only and would not be of State or regional significance,
- In the circumstances described, there is public benefit in maintaining the standard, and
- There are no other pertinent matters to consider.

Does the written request satisfy clause 4.6 (3)?

In conclusion, the applicant's written request has not demonstrated compliance to be unnecessary or unreasonable, or that there are sufficient environmental planning grounds to justify non-compliance.

To summarise the foregoing analysis, key reasons the request fails, is due to inadequate consideration of the following:

- The third dormer exacerbating disruption of the building's original architecture,
- The third dormer adding bulk and being out of scale, when considered as an additional roof element and in conjunction with the western additions, causing the roof and extensions to be physically and visually intrusive,
- The proposed development being incompatible with the character of the immediate locality, and
- Reducing neighbourhood amenity and interfering with local ambience.

Is the request supported and is consent able to be granted?

The foregoing analysis submits that the written request to breach the building height standard should not be supported and consequently, should the Panel concur, consent is unable to be granted, as stipulated by clause 4.6 (3) of the LEP.

Heritage Conservation

The subject site is in a conservation area and adjacent to a local heritage item, listed in Schedule 5 of the LEP, and the following objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Being in the vicinity of heritage items, cl. 5.10 (5) of the LEP requires consideration.

The heritage assessment provided in the Referrals section of this report concludes that the proposal is consistent with these provisions of the LEP.

3. Earthworks

No earthworks are proposed that require assessment against this clause.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessed in accordance with applicable DCP provisions, in the following table.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	Complies	Comments
1.2 Social Amenity		
1.2.1 Population Mix	Yes	The proposal alters and makes additions to an existing dwelling.
1.2.2 Maintaining Residential Accommodation	Yes	
1.2.3 Affordable Housing	N/A	
1.2.4 Housing for Seniors/Persons with disability	N/A	
1.3 Environmental Criteria		
Topography Objectives seek to: <ul style="list-style-type: none"> - Maintain natural topography and landform, - Retain vegetation and trees, - Minimise negative impact on neighbour amenity, - Not disturb local geotechnical and hydrogeological characteristics, and - Minimise effects of adjoining transport infrastructure. 	N/A	No significant earthworks area proposed.
1.3.2 Bushland	N/A	
1.3.3 Bush Fire Prone Land	N/A	
1.3.4 Foreshore Frontage	N/A	
1.3.6 Views	Yes	As discussed above in relation to the height breach views from a nearby residence are not significantly affected, which was reinforced by viewing height poles installed to show the extent of the proposed addition's potential impact on harbour views. Due to site and locality conditions, proposed additions would not be readily visible from the public domain, therefore not impacting public views.
1.3.7 Solar Access	Yes	Submitted diagrams indicate minor additional overshadowing of open space of a neighbouring property, however compliant midwinter sunlight, at least 3 hours on the solstice, is maintained.
1.3.8 Acoustic Privacy	Yes	Proposed extensions to an existing dwelling in a residential setting are not expected to cause additional noise compared with that reasonably expected from regular domestic activities.
1.3.9 Vibration	N/A	
1.3.10 Visual Privacy	No	See commentary below this table.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development				
	<i>Complies</i>	<i>Comments</i>		
P4 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices				
1.4 Quality built form				
1.4.1 Context	No	When viewed from the public domain, the proposal is acceptable. However, in the immediate context of the surrounding dwellings, several of which have no alternative outlook due to their orientation toward the site, the proposal is incompatible with due to these specific local conditions – topography, building siting and landscaping, or lack thereof.		
1.4.2 Subdivision Pattern	N/A	Although subdivision is not proposed, and neither is the current subdivision pattern affected, the layout of lots and the private lane have a significant influence on the development of those lots adjacent to the laneway.		
1.4.3 Streetscape	Yes	The streetscape is not substantially affected by the proposal and is acceptable.		
1.4.4 Laneways	N/A	Having regard to the sole objective of this clause, to ensure certain amenity-related outcomes for residents of a lane, the lane being part of their public space and pedestrian network. While the lane does provide pedestrian access, it is not a public thoroughfare and arguably not part of resident’s public space. Fundamentally the private lane has two purposes, to provide access and separation between extant residential buildings.		
1.4.5 Siting	No	Discussed in relation to site coverage and setback controls below.		
1.4.6 Setback – Side	Yes	Zone R3 (Medium Density Residential)		
		Control	Proposed (both sides)	Compliance
		1 st storey (Up to 4m) 900mm	900mm minimum house	Yes, except existing garage, which has a zero side setback.
		2 nd storey (up to 7m) 1.5m	< 1.5m (variable)	On merit. Apart from the south western corner of the first floor which has a min. setback of 900mm (part of the original dwelling) the proposal complies.
3 rd storey (Greater than 7m) 2.5m	< 2.5m (variable)	N/A, an attic is not considered a storey, substantially being within roof space.		
P1 Front setback <ul style="list-style-type: none"> • To match adjoining properties. 	Front: Yes.	Front setback Existing setback remains, no assessment required.		

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>Complies</i>	<i>Comments</i>
P5 Rear Setback – Rear <ul style="list-style-type: none"> To match adjoining properties. 	Rear: Questionable	Rear setback Principally due to topography and road layout, the locality's lot pattern is inconsistent. Consequently, the rear alignment of houses is somewhat haphazard. When considering the proposed setback with the siting of the house to the north, the extension does not extend further westward than the adjoining development. The setback of the house to the south bears little relationship with the subject dwelling as the neighbouring house is located at a significantly lower elevation and is sited east of the subject building, meaning the subject dwelling is sited adjacent to the rear yard of No 58 Shellcove Road. To conclude, the rear setback is consistent with DCP controls. Certain aspects of the design which can be refined to lessen neighbourhood impacts have more to do with reducing scale and being more selective with materials, rather than siting of the additions. However, maintaining the existing rear setback, rather than slightly decreasing it, would also assist in reducing impacts.
1.4.7 Form Massing Scale <ul style="list-style-type: none"> Floor to ceiling height 2.7m 	No.	Scale of the additions has been considered regarding building height, above.
1.4.8 Built Form Character	No.	As above.
1.4.9 Dwelling Entry	N/A	No change.
1.4.10 Roofs	No.	For the reasons already outlined, the roof is rendered unacceptable by the third dormer. As discussed, the proposal is inconsistent with the objective of the clause, "To ensure the provision of a characteristic roof typology though (sic) the use of similar forms, shapes and materials."
1.4.11 Dormers O1 To ensure that the location, design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties	Questionable	The proposed dormer is ostensibly consistent with relevant provisions of this clause, noting most of them address design and appearance of dormers that face streets. What the DCP does not contemplate is the situation being considered in assessing this proposal, in that a four-sided roof with two extant dormers is proposed to be fitted with a third dormer. As examined earlier, the proposed additional dormer is not in character with its immediate neighbourhood context, having adverse visual impacts thus reducing neighbourhood amenity and being incompatible with local character.
1.4.12 Materials	Yes	Materials are of a contemporary style and substance, replicating those of the existing building.
1.4.13 Balconies – Apartments	N/A	
1.4.14 Front Fences	N/A	No change, assessment not required.
1.5 Quality Urban Environment		
1.5.1 High Quality Residential Accommodation	N/A	Applies to flat buildings only.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development																					
		<i>Complies</i>	<i>Comments</i>																		
1.5.2	Lightwells & Ventilation	N/A	Applies to flat buildings only.																		
1.5.3	Safety and Security	N/A	Applies to flat buildings only.																		
1.5.4	Vehicle Access and Parking	No	<p>The following objectives are relevant:</p> <p><i>O1 To provide adequate on-site car parking for residents.</i> <i>O2 To ensure adequate access for all vehicles.</i></p> <p>A strict reading of the related provisions of this clause indicate the intent of this clause is to guide design of access and parking for development on land the subject of a development application. Detailed DCP provisions do not contemplate the possible impacts of a proposal on existing access or parking arrangements on land adjacent to a development site, or a shared lane or driveway, as is the case with the subject application.</p> <p>Notwithstanding, as discussed in relation to submissions and as detailed below this table, the proposal is clearly inconsistent with these objectives, in terms of it's impacts on the use of the neighbours' land and the vehicular access that has been shared amongst neighbours provided by the private lane partially built over Nos 55, 55A and 57 Wycombe Road, since the 1970s.</p>																		
1.5.5	Site Coverage	Acceptable on merit	See table below. The design was amended to increase landscape area and reduce site coverage resulting in a reduced variation of the guideline. Given the unusual site the result is deemed to be acceptable.																		
1.5.6	Landscape Area & Unbuilt Upon Area	Yes	<table border="1"> <thead> <tr> <th>Control</th> <th>Required</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage (max %)</td> <td>40</td> <td>42 (46 existing)</td> <td>No</td> </tr> <tr> <td>Landscaped area (min %)</td> <td>40</td> <td>40.5 (30 existing)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area (max %)</td> <td>20</td> <td>17.5 (214 existing)</td> <td>Yes</td> </tr> </tbody> </table>			Control	Required	Proposed	Compliance	Site coverage (max %)	40	42 (46 existing)	No	Landscaped area (min %)	40	40.5 (30 existing)	Yes	Unbuilt-upon area (max %)	20	17.5 (214 existing)	Yes
Control	Required	Proposed	Compliance																		
Site coverage (max %)	40	42 (46 existing)	No																		
Landscaped area (min %)	40	40.5 (30 existing)	Yes																		
Unbuilt-upon area (max %)	20	17.5 (214 existing)	Yes																		
1.5.7	Landscaping	No	Screen hedging on the northern boundary would have unsatisfactory amenity impacts on occupants of the dwelling at 60A Shellcove Road. The landscaping and other associated works should not impose upon vehicle access as discussed elsewhere. Landscaping is however otherwise satisfactory.																		
1.5.8	Front Gardens	N/A	As above.																		
1.5.9	Private and Communal Open Space	Yes	The principal open space in the rear yard is acceptable, exceeding 50m ² in area.																		
1.5.10	Swimming Pools	N/A																			
1.5.11	Tennis Courts	N/A																			
1.5.12	Garbage Storage	No	Bin storage proposed is acceptable per se, however its location is not, as discussed.																		
1.5.13	Site Facilities	N/A																			
1.5.14	Servicing of new lots	N/A																			
1.6 Efficient Use of Resources																					
1.6.1	Energy Efficiency																				

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	Complies	Comments
1.6.2 Passive Solar Design	Yes, except 1.6.2 Passive Solar Design	A valid BASIX certificate has been submitted with the application and BASIX commitments included on the plans. These cover the applicable provisions of the DCP. Cl. 1.6.2 P13 relevantly states: <i>East and west facing glazing should be minimised and fully shaded at the summer solstice.</i> The extension’s western façade does not minimise glazing, the opposite is indicated by the plans.
1.6.3 Thermal Mass and Insulation		
1.6.4 Natural Ventilation		
1.6.6 Hot Water Systems		
1.6.7 Water Conservation		
1.6.8 Stormwater Management		

Visual privacy

A significant amount of glazing of doors and windows to the west is proposed, the privacy effect of this is somewhat mitigated by the fall of the land, landscaping/screening by structures and use of obscure glazing for the new dormer. However, use of obscure glazing is not considered a good design outcome, for reasons previously outlined in relation to the proposed height breach.

Other openings on the western side of the extension, however, do not have the required 1.5m minimum sill height (measurement of the distance between finished floor level and the lowest edge of glazing in a window (or door)).

Reducing the amount of glazing would improve visual privacy for occupants of the proposed development and neighbours’ dwellings directly visible from these openings.

The images below illustrate the view of the site from adjacent dwellings.



View of the rear of the subject dwelling from the rear ground floor verandah of No 53 Wycombe Road. To the right the southwestern corners of the extension, represented by the metal poles (parapet on the edge of a proposed flat roof), is indicated. In the centre and to the left of the image is the deck and stairway being partly replaced by the extension, the stairs being replaced by a new staircase inside the house, accessing all levels, including the attic. In the foreground is the roof and southern wall (close to or on the boundary) of the existing garage on the site.



View of the subject dwelling from the principal living area of the upper level of an apartment at 55A Wycombe Road. Additional glazing and siting of the extension about 0.6m further west than the deck's balustrade, in addition to the third dormer proposed on the roof plane directly opposite this dwelling, would represent a significant visual intrusion into this vista, also axiomatically decreasing the physical separation between the two homes. This image and that above were taken with a digital camera using a 6.9mm lens, which does not distort the image as would a telephoto or macro lens.

Vehicle access and parking

As discussed in several preceding parts of this report, the proposed construction of a wall, gate, bin storage and landscaping at the rear of the site would prevent the owner and their neighbours from parking their vehicles as they have for almost 50 years, should the works be approved and subsequently carried out.

Submitted by one of the objectors, the swept path diagram below demonstrates the impact of the proposed works on access to and from the parking space of 55A Wycombe Road.



Swept path diagram, from the submission on behalf of the owners of 55A Wycombe Road (Traffix Transport Planners 04 07 24)

Neither the LEP or DCP address this issue specifically, it rarely presents itself in an urban context. However denial of access, via formal or informal means, is more typical in rural, semi-rural and urban release contexts. Planning instruments in these areas typically have provisions to ensure physical and lawful means of access are provided for and maintained, most commonly in relation to subdivision of land.

In the absence of such provisions that could inform assessment of the subject application, provision or the prevention of access to land remains an environmental impact of this proposal – a matter that is considered in accordance with s4.15 (1) (b) and (c) of the environmental planning and assessment Act, which state:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a)...

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) ...

(e) ...

The proposal's prevention of access to private parking spaces would have adverse social and economic impacts on the community, particularly those residents denied access to parking which they have enjoyed, informally, for almost 50 years. Inability to use the parking areas on land they own would push vehicles onto local roads, where on-street parking is already at a premium.

These consequences are deemed to be environmental impacts, considering the Act's definition of the environment:

environment *includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.*

Accordingly, certain Objects of the Act are relevant:

(a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

(b) ...

(c) *to promote the orderly and economic use and development of land,*

(d) ...

(e) ...

(f) ...

(g) *to promote good design and amenity of the built environment,*

(h) ...

(i) ...

(j) ...

The foregoing indicates there is statutory justification for refusal of the application, due to its unsatisfactory impact on vehicular access to neighbouring land, this being inconsistent with the quoted provisions of the Act.

Cremorne Conservation Area – Part C of the DCP

The proposal is in the Cremorne Conservation Area, relevant provisions have been considered in the conservation planner's assessment.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

In accordance with the North Sydney Local Infrastructure Contribution Plan 2020 payment of a contribution towards local infrastructure would be required should the application not be refused, as recommended. The contribution payable would be \$9,898.00, levied in accordance with s7.12 of the Act.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s 4.15 (1) considerations of the Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified on two separate occasions and submitters concerns have been considered, as detailed earlier.

SUITABILITY OF THE SITE

The proposal, alterations and additions to a dwelling house, is a permissible form of development in the R3 Medium Density Residential zone.

However, for the reasons detailed in this report, the proposed development is unsuitable for the site.

PUBLIC INTEREST

The proposal is not considered to be in the public interest for the reasons stated throughout this report.

CONCLUSION & REASONS

The proposal has been considered under relevant Statutes, Environmental Planning Instruments and policies including the EP&A Act and the principal LEP and DCP for the North Sydney area, and is found to be unsatisfactory. Refusal is recommended for the following reasons:

1. The proposed development prevents access to the neighbours' parking facilities at 55A and 57 Wycombe Road Neutral Bay.
2. The proposed dormer on the western side of the roof is excessively large and bulky, when the cumulative impact of this dormer being added to the two existing dormers, is considered.
3. The additional dormer causes an increased proportion of the building to exceed the building height development standard.
4. When the roof addition is considered in conjunction with the proposed western extension of the dwelling below the roof, especially when viewed from the west, the proposed development adds considerable bulk to the rear of the building and reduces the separation distance between the subject dwelling and neighbouring residential buildings.
5. The amount of glazing proposed for the western extension is excessive, as it would likely negatively affect neighbourhood amenity, causing reflection of light (glare) and heat and reducing perceived privacy of neighbours.
6. The written request to breach the height control is unsatisfactory, not demonstrating the breach to be unreasonable or unnecessary, and not providing sufficient environmental planning grounds to justify additional built form breaching the height standard.

Accordingly, consent must not be granted to this application.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified in accordance with Council's Community Engagement Protocol, 16 submissions were received.

This report has detailed the key grounds for objection to the application, which have been considered in the application's assessment.

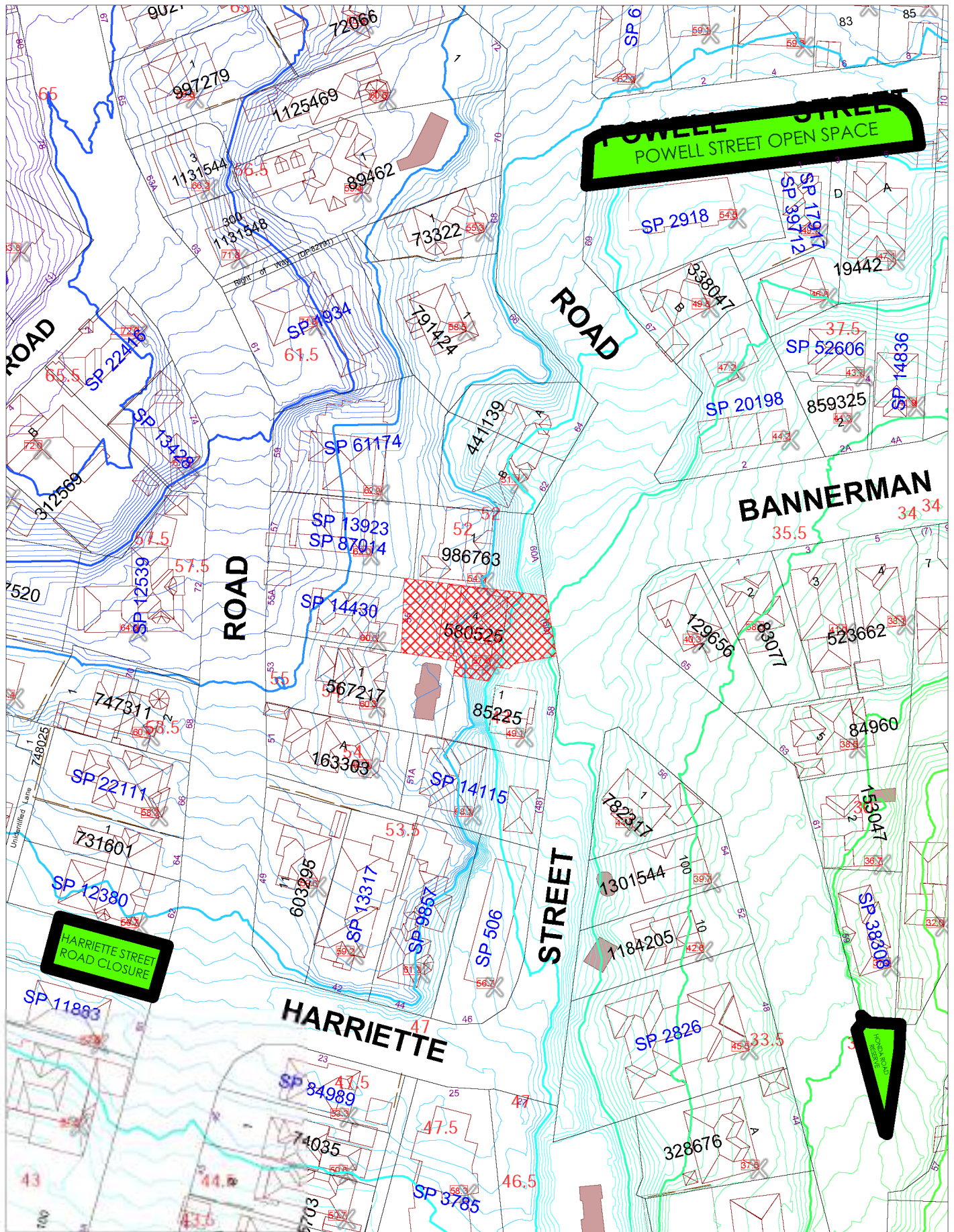
All submissions have been made available to the Panel, for their consideration.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

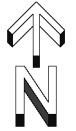
THAT the North Sydney Local Planning Panel, exercising the functions of the consent authority, refuse to grant consent to Development Application No. 261/23 for alterations and additions to a dwelling house and associated works on land at 55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay, for the following reasons:

1. The proposed development is inconsistent with the Objects of the Environmental Planning & Assessment Act 1979, section 1.3, paragraphs (a), (c) and (g).
2. The development application is unsatisfactory, having considered relevant matters prescribed for evaluation of development, by section 4.15 (1) the Environmental Planning & Assessment Act 1979:
 - a) Paragraph (a) (i) – the proposal does not comply with applicable provisions of an environmental planning instrument, per reasons 3, 4 and 5,
 - b) Paragraph(a) (iii) – the proposal is inconsistent with applicable provisions of a development control plan, per reason 6,
 - c) Paragraph (b) – the likely impacts of the development, including on the built environment and likely social and economic impacts in the locality,
 - d) Paragraph (c) – the suitability of the site for the development,
 - e) Paragraph (e) – the public interest.
3. The proposed development is not consistent with an objective of the R3 Medium Density Residential zone of the North Sydney Local Environmental Plan 2013, “to ensure a high level of amenity is achieved and maintained.”
4. The proposed development breaches the maximum height development standard prescribed by clause 4.3 (2) North Sydney Local Environmental Plan 2013.
5. The written request to contravene the maximum building height development standard does not adequately demonstrate that the contravention is unnecessary or unreasonable, and that there are sufficient environmental planning grounds to justify contravening the standard, as required by clause 4.6 (3) North Sydney Local Environmental Plan 2013.
6. The proposed development is inconsistent with the following provisions of the North Sydney Development Control Plan 2013, Part B- :
 - a) 1.3.10 – Visual Privacy,
 - b) 1.4.1 – Context,
 - c) 1.4.6 - Form Mass and Scale,
 - d) 1.5.4 – Vehicle Access and Parking,
 - e) 1.5.7 – Landscaping,
 - f) 1.5.12 - Garbage Storage, and
 - g) 1.6.2 – Passive Solar Design



North Sydney Council
 Copyright © North Sydney Council. Material on this map may be reproduced
 without permission. Commercial editions should not be made based on
 this map or used as a basis for any map without the consent of the
 responsible council authority.
 Further details: <http://www.northsydney.nsw.gov.au>

Scale: 1:1200 approx.



THE DEVELOPMENT APPLICATION OF ALTERATIONS & ADDITIONS TO THE EXISTING DWELLINGS AT

60 SHELLCOVE ROAD, NEUTRAL BAY NSW 2089



Sheet List			
Sheet Number	Sheet Name	Current Revision	Date
000CP	COVER PAGE	E	20.06.24
001LE	LEGEND SHEET	B	31.07.23
002PM	EXISTING & PROPOSED REAR DRIVEWAY VIEW	B	20.06.24
100GA	SITE PLAN	H	20.06.24
101GA	SITE CALCULATIONS - SITE COVERAGE	G	20.06.24
102GA	SITE CALCULATIONS - LANDSCAPE	C	20.06.24
110GA	GROUND FLOOR GENERAL ARRANGEMENT PLAN	F	20.06.24
111GA	FIRST FLOOR GENERAL ARRANGEMENT PLAN	F	20.06.24
112GA	ATTIC & GARAGE GENERAL ARRANGEMENT PLAN	D	30.05.24
113GA	FRONT & BACK YARD GENERAL ARRANGEMENT PLAN	G	20.06.24
114GA	ROOF PLAN	H	20.06.24
115GA	HEIGHT POLE MARKERS	B	20.06.24
120DP	GROUND FLOOR DEMOLITION & PROPOSED	E	20.06.24
121DP	FIRST FLOOR DEMOLITION & PROPOSED	D	20.06.24
122DP	ATTIC & ROOF DEMOLITION & PROPOSED	D	20.06.24
130SD	SHADOW DIAGRAMS_MAR 21	C	20.06.24
131SD	SHADOW DIAGRAMS_SEP 21	C	20.06.24
132SD	SHADOW DIAGRAMS_JUN 21	B	31.07.23
133SD	SHADOW ELEVATIONS JUNE 21ST 58 SHELLCOVE ROAD	A	30.05.24
134SD	SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE	B	20.06.24
135SD	SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE	B	20.06.24
136SD	SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE	B	20.06.24
137SD	SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE	B	20.06.24
140SD	COLOUR AND MATERIALS SCHEDULE	B	20.06.24
141SD	SEDIMENT CONTROL PLAN	B	20.06.24
142SD	BASIX CERTIFICATE	A	31.07.23
143SD	BASIX CERTIFICATE	A	31.07.23
150SD	NOTIFICATION SITE PLAN	B	20.06.24
151SD	NOTIFICATION EAST ELEVATION EXISTING	A	31.07.23
152SD	NOTIFICATION NORTH ELEVATION EXISTING	B	20.06.24
153SD	NOTIFICATION WEST ELEVATION EXISTING	B	20.06.24
154SD	NOTIFICATION SOUTH ELEVATION EXISTING	B	20.06.24
155SD	NOTIFICATION EAST ELEVATION PROPOSED	A	31.07.23
156SD	NOTIFICATION NORTH ELEVATION PROPOSED	B	20.06.24
157SD	NOTIFICATION WEST ELEVATION PROPOSED	B	20.06.24
158SD	NOTIFICATION SOUTH ELEVATION PROPOSED	B	20.06.24
820EL	EAST ELEVATION_EXISTING & DEMOLITION	B	28.04.23
821EL	EAST ELEVATION_PROPOSED	E	31.07.23
822EL	SOUTH ELEVATION_EXISTING & DEMOLITION	D	20.06.24
823EL	SOUTH ELEVATION_PROPOSED	H	20.06.24
824EL	WEST ELEVATION_EXISTING & DEMOLITION	D	20.06.24
825EL	WEST ELEVATION_PROPOSED	G	20.06.24
826EL	NORTH ELEVATION_EXISTING & DEMOLITION	C	31.07.23
827EL	NORTH ELEVATION_PROPOSED	F	20.06.24
828EL	REAR LANE ELEVATION	B	20.06.24
850SE	SECTIONS	F	20.06.24
851SE	SECTIONS	C	31.07.23
852SE	SECTIONS	D	31.07.23
853SE	SECTIONS	B	31.07.23



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

REVISION
D
E

DRAWING
COVER PAGE

STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 1 @ A3

DRAWN DC
CHECKED RA

DRAWING NO.
000CP



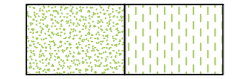
BOUNDARY LINE



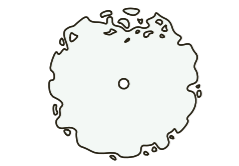
SETBACK LINE



EXTENT OF EXISTING DWELLING



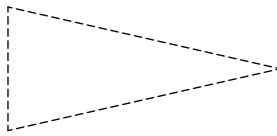
LANDSCAPE / LAWN



EXISTING TREE



STORMWATER DRAINAGE



CAR PARKING



PEDESTRIAN ACCESS



OVERHEAD POWER LINES

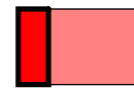


POWER POLE

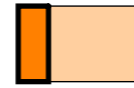


SEWER MANHOLE

SITE PLAN LEGEND
1 : 50



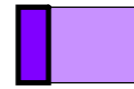
BRICK



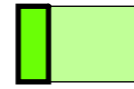
ROOF TILES



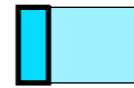
CONCRETE



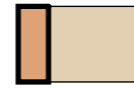
TILE



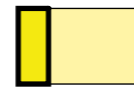
CEMENT RENDER



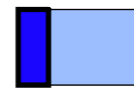
GLASS



SANDSTONE



TIMBER, STUD WALLS, PLASTERBOARD



STEEL, METAL ROOF SHEETING

BUILDING MATERIAL COLOUR CODES
1 : 50



EXISTING STRUCTURE TO BE DEMOLISHED



PROPOSED STRUCTURE



EXISTING STRUCTURE TO BE RETAINED



OUTLINE OF EXISTING DWELLING

DEMOLITION & PROPOSED LEGEND
1 : 50



270mm DOUBLE BRICK WALL



300mm BLOCKWORK WALL



110mm SINGLE BRICK WALL



90mm TIMBER STUD WALL

WALL LEGEND
1 : 50



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
28.04.23
31.07.23

REVISION
A
B

DRAWING
LEGEND SHEET

STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 50 @ A3

DRAWN DC
CHECKED RA

DRAWING NO.
001LE



PROPOSED VIEW FROM REAR DRIVEWAY
(ACCESS FROM WYNCOMBE ROAD)



EXISTING VIEW FROM REAR DRIVEWAY
(ACCESS FROM WYNCOMBE ROAD)



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

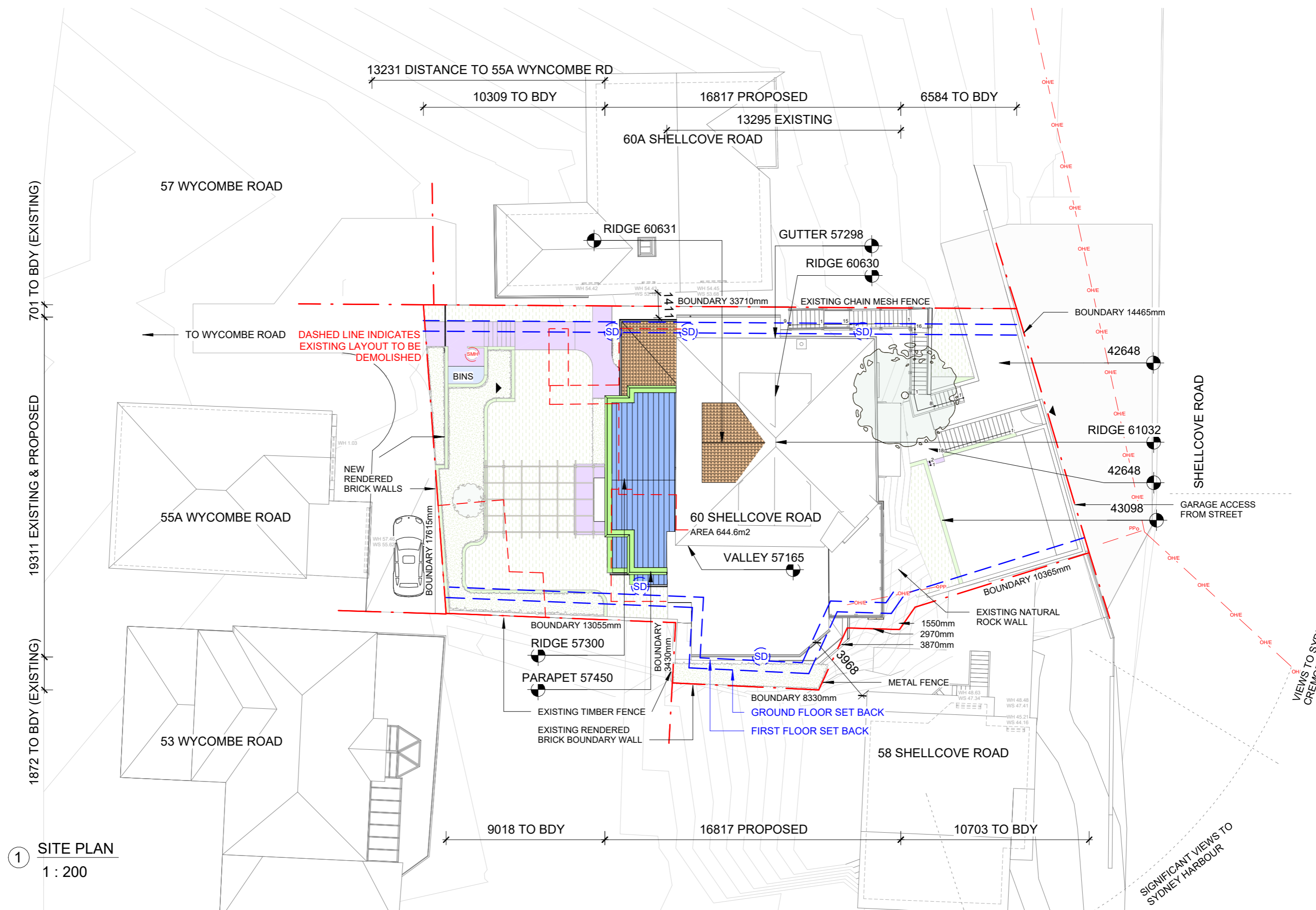
PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE	REVISION
31.07.25	A
20.06.24	B

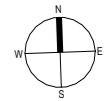
DRAWING
EXISTING & PROPOSED REAR
DRIVEWAY VIEW
STATE
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
@ A3

DRAWN DC
CHECKED RA
DRAWING NO.
002PM

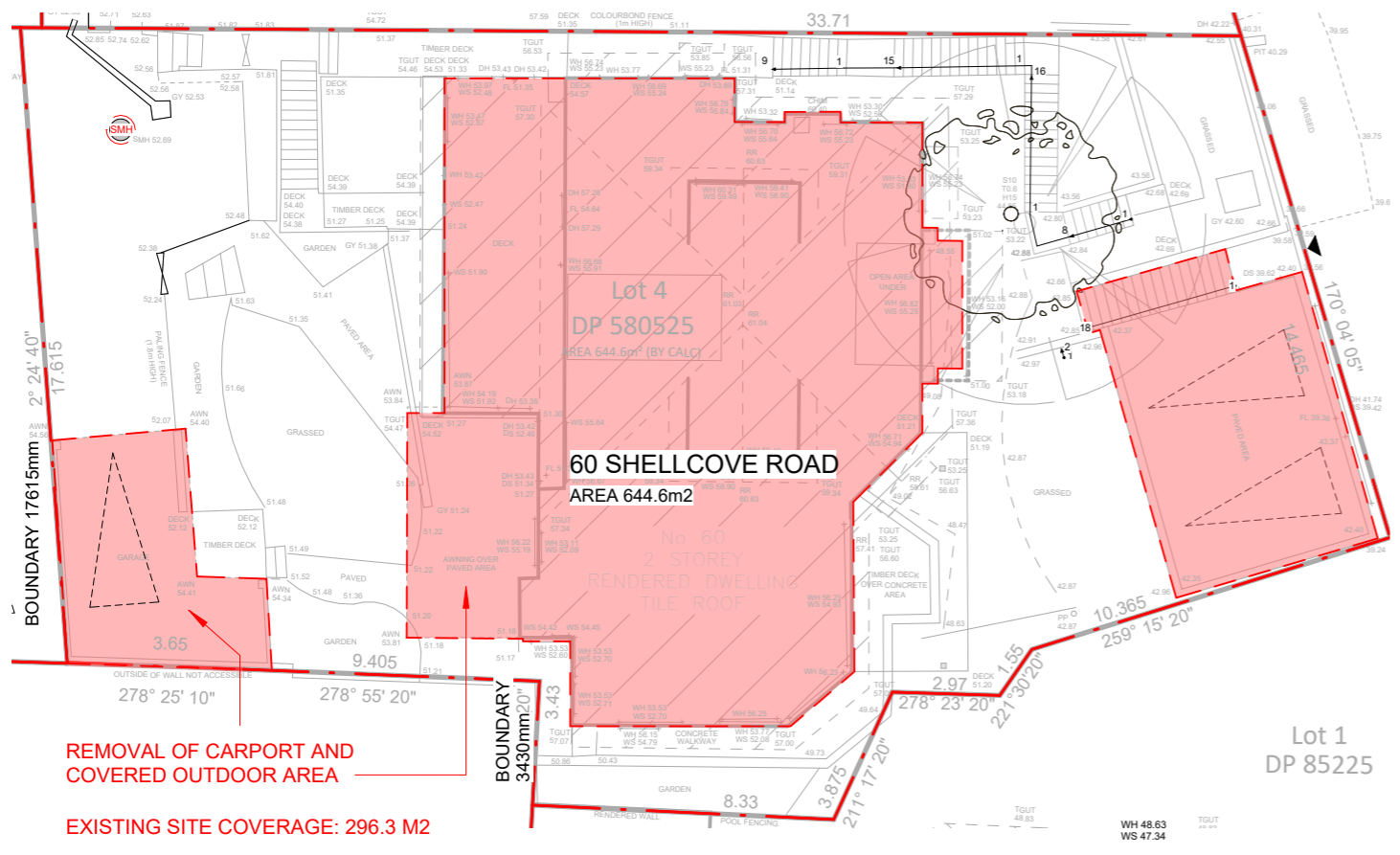


1 SITE PLAN
1 : 200

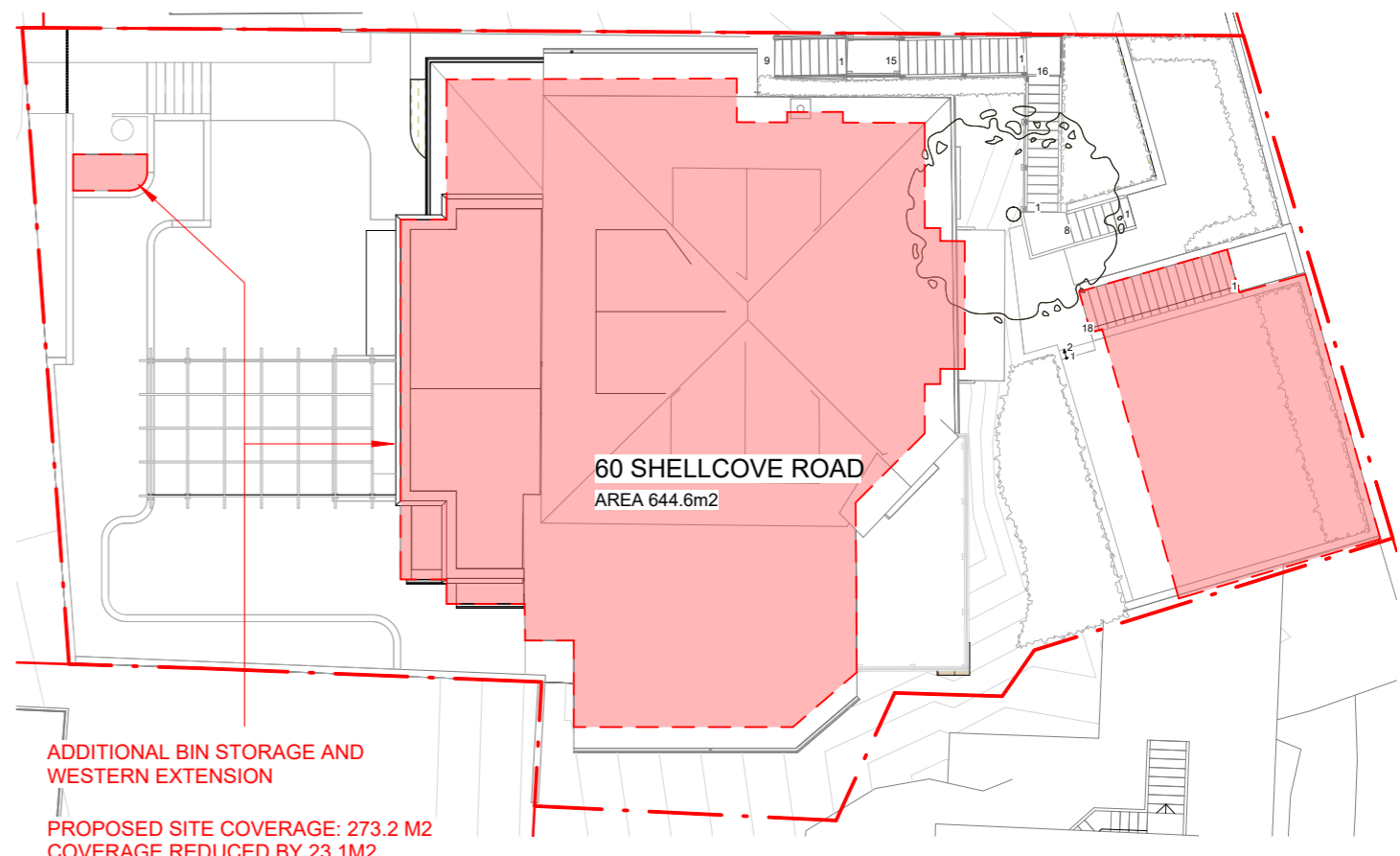


SIGNIFICANT VIEWS TO
 SYDNEY HARBOUR

VIEWS TO SYDNEY
 CREIMORNE

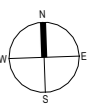


① **SITE COVERAGE EXISTING**
1 : 200



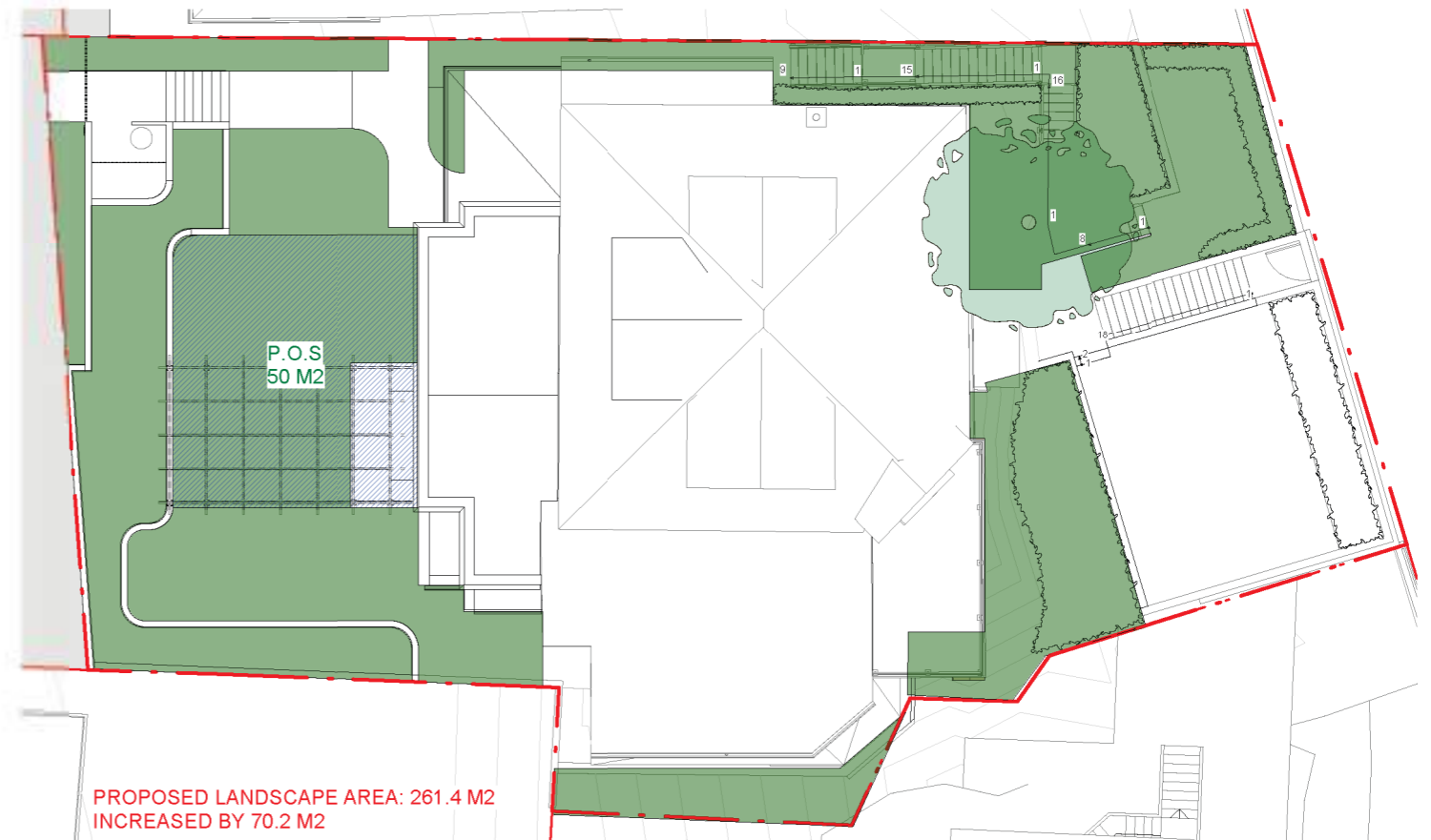
② **SITE COVERAGE PROPOSED**
1 : 200

SITE AREA: 644.6 M2	DCP REQUIRED	EXISTING	PROPOSED	COMPLIES
SITE COVERAGE 	40% (257.8 M2)	46% (296.3 M2)	42% (273.2 M2) REDUCED BY 23.1 M2	NO
MAXIMUM HEIGHT OF BUILDING	8.5 M	9.9 M	EXTENSION COMPLIES (DORMER OVER BY 0.9M)	NO
LANDSCAPING 	40% (257.8 M2)	30% (191.2 M2)	40.5% (261.4 M2)	YES
PRIVATE OPEN SPACE	50 M2		50 M2	YES
SIDE SETBACK	GF: 0.9 M / FF:1.5 M			YES
FRONT SETBACK	MATCH THOSE ON ADJOINING PROPERTIES			YES
REAR SETBACK	MATCH THOSE ON ADJOINING PROPERTIES			YES



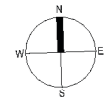


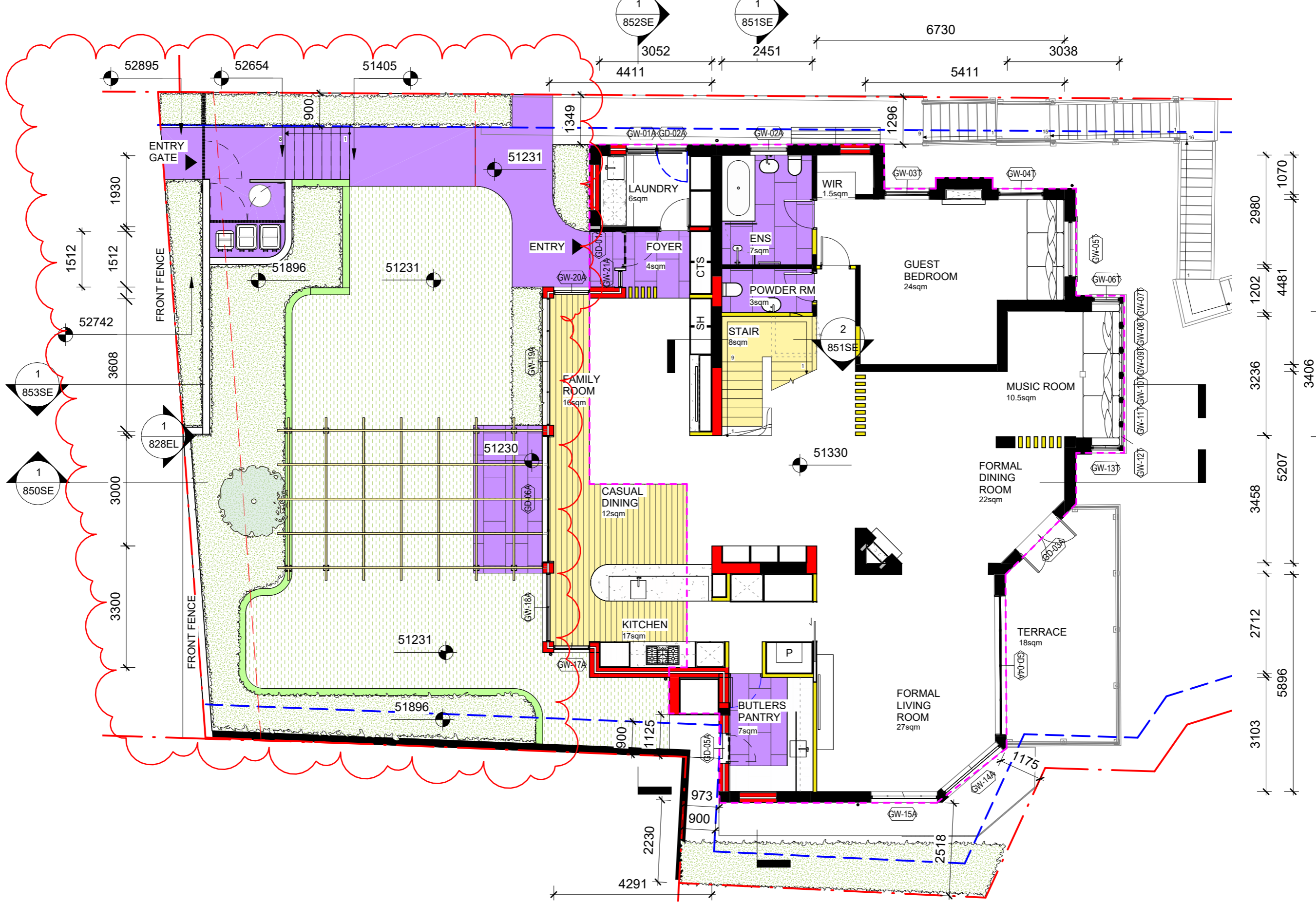
1 **LANDSCAPE EXISTING**
1 : 200



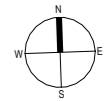
2 **LANDSCAPE PROPOSED**
1 : 200

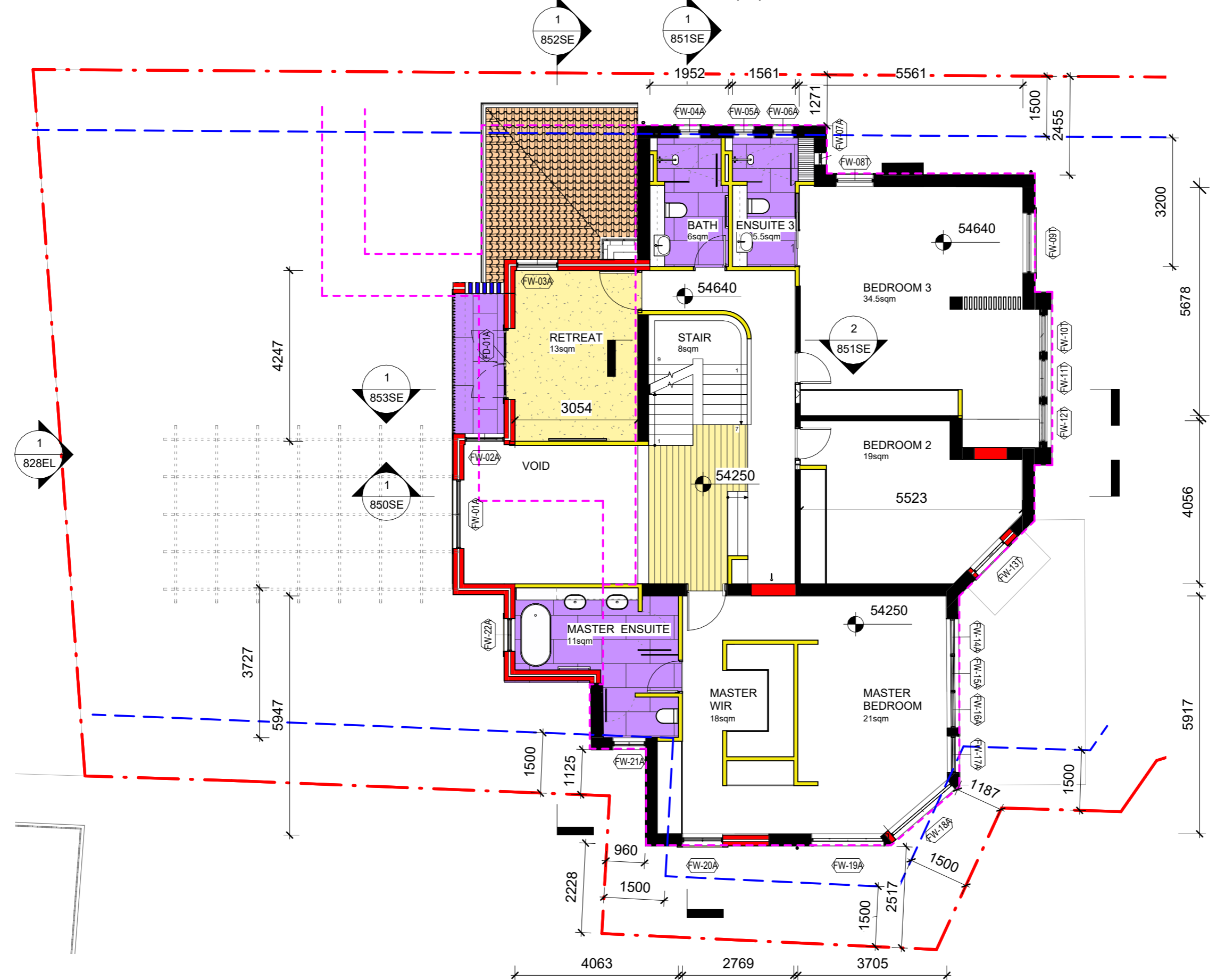
SITE AREA: 644.6 M2	DCP REQUIRED	EXISTING	PROPOSED	COMPLIES
SITE COVERAGE 	40% (257.8 M2)	46% (296.3 M2)	42% (273.2 M2) REDUCED BY 23.1 M2	NO
MAXIMUM HEIGHT OF BUILDING	8.5 M	9.9 M	EXTENSION COMPLIES (DORMER OVER BY 0.9M)	NO
LANDSCAPING 	40% (257.8 M2)	30% (191.2 M2)	40.5% (261.4 M2)	YES
PRIVATE OPEN SPACE	50 M2		50 M2	YES
SIDE SETBACK	GF: 0.9 M / FF:1.5 M			YES
FRONT SETBACK	MATCH THOSE ON ADJOINING PROPERTIES			YES
REAR SETBACK	MATCH THOSE ON ADJOINING PROPERTIES			YES



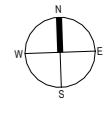


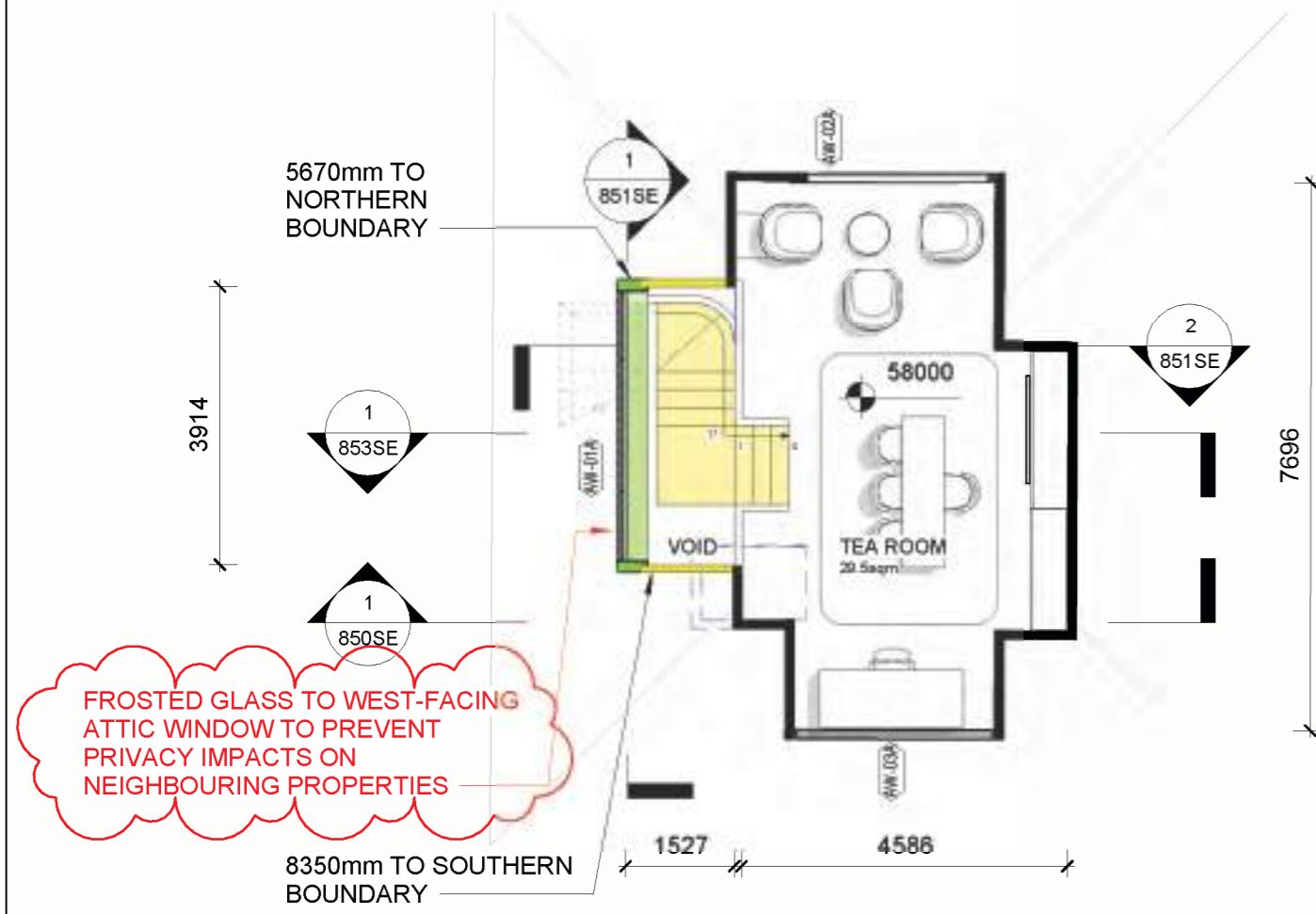
1 GROUND FLOOR GENERAL ARRANGEMENT PLAN
1 : 100



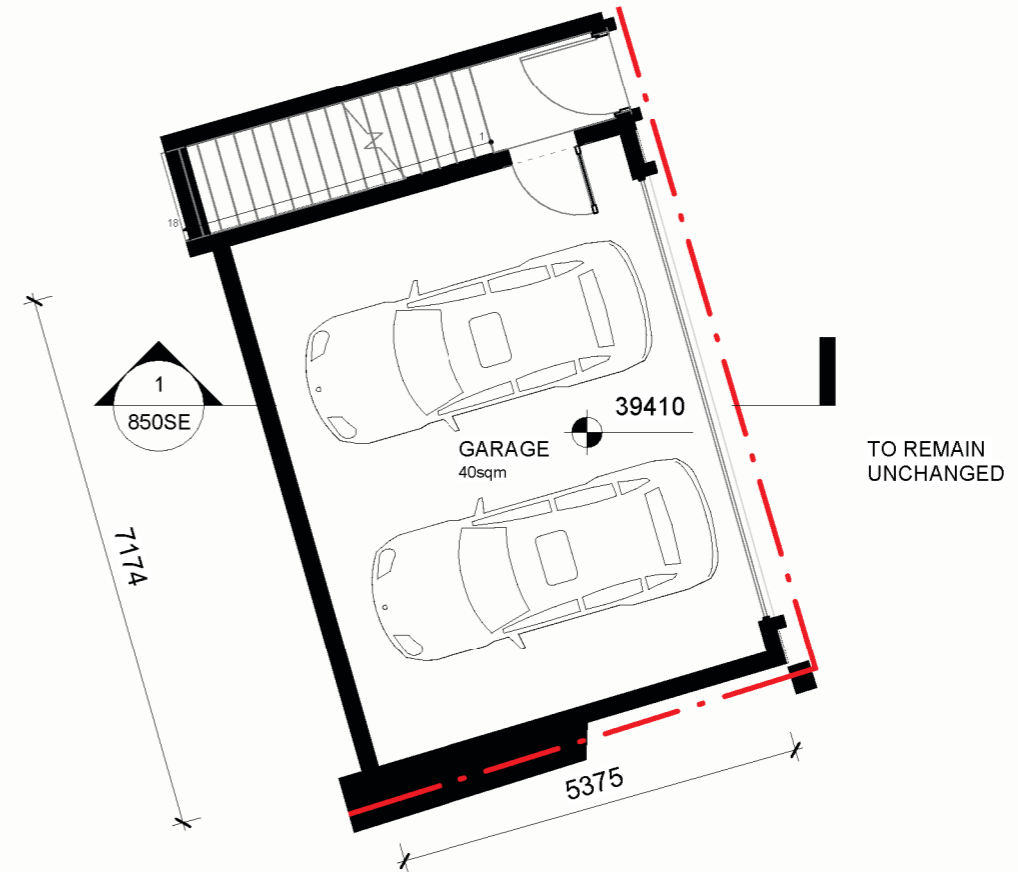


1 FIRST FLOOR GENERAL ARRANGEMENT PLAN
1 : 100





① ATTIC FLOOR GENERAL ARRANGEMENT PLAN
1 : 100



② GARAGE GENERAL ARRANGEMENT PLAN
1 : 100



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
30.05.24

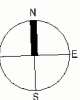
REVISION
C
D

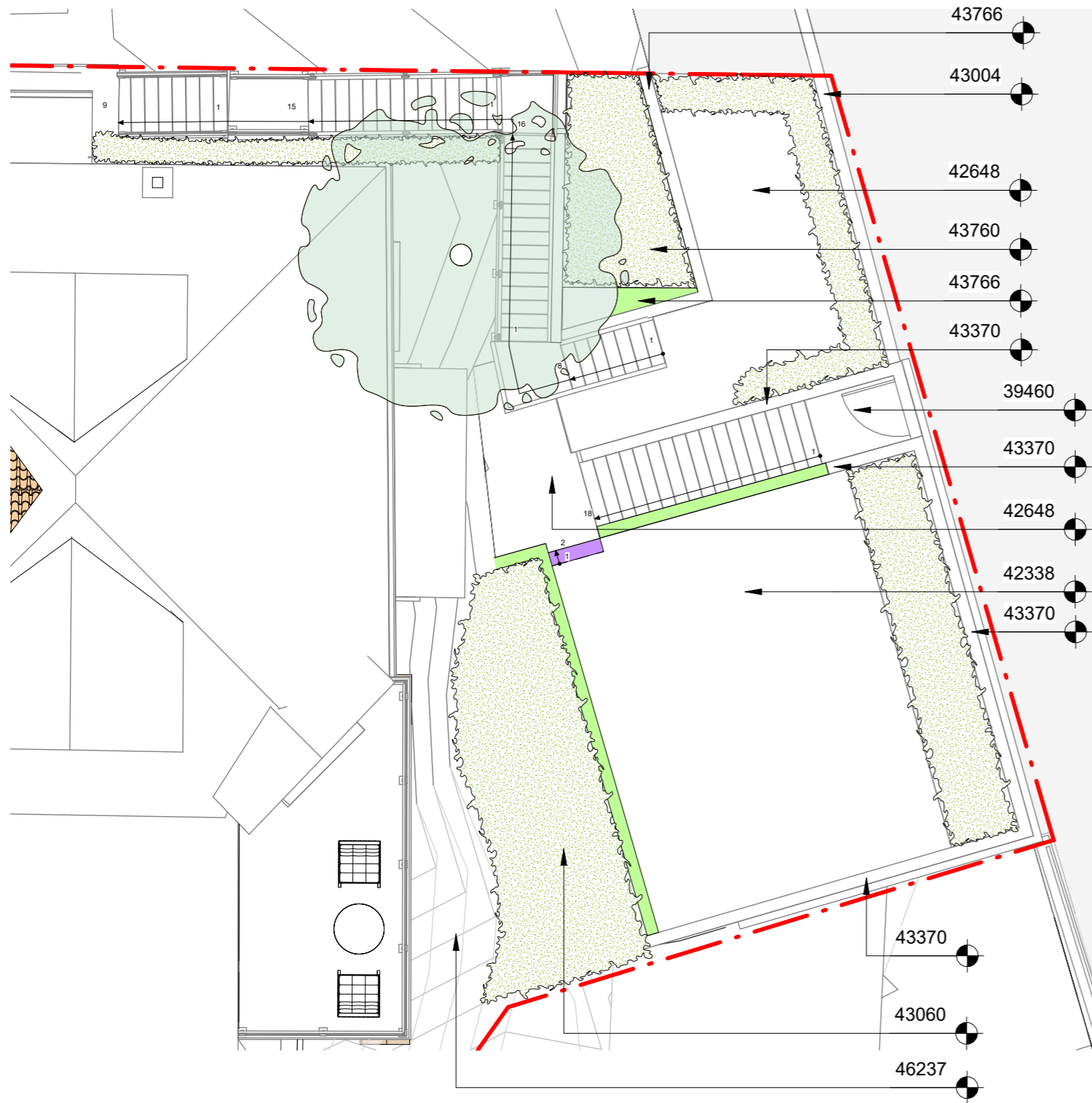
DRAWING
ATTIC & GARAGE GENERAL
ARRANGEMENT PLAN
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 100 @ A3

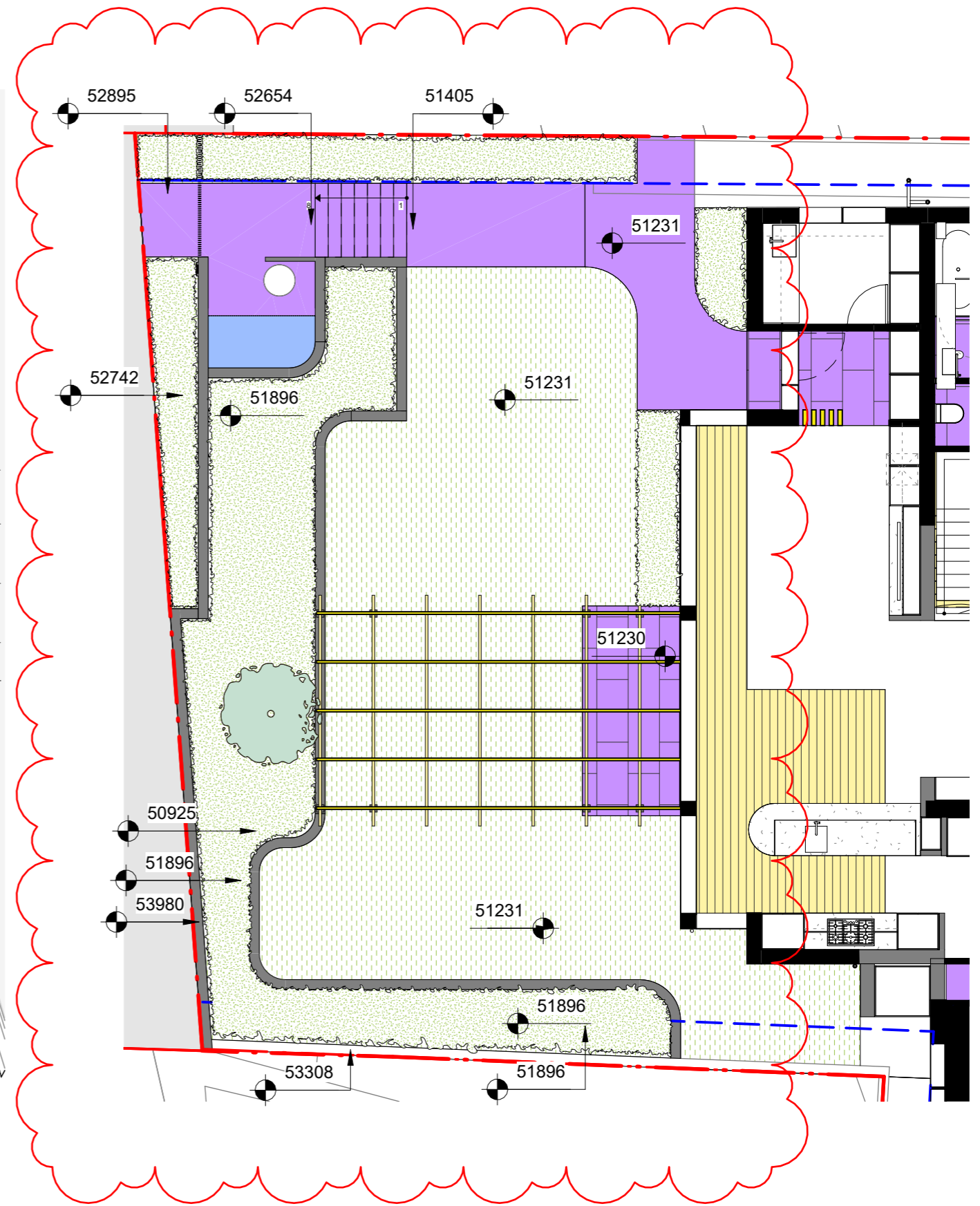
DRAWN DC
CHECKED RA
DRAWING NO.

112GA

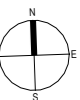


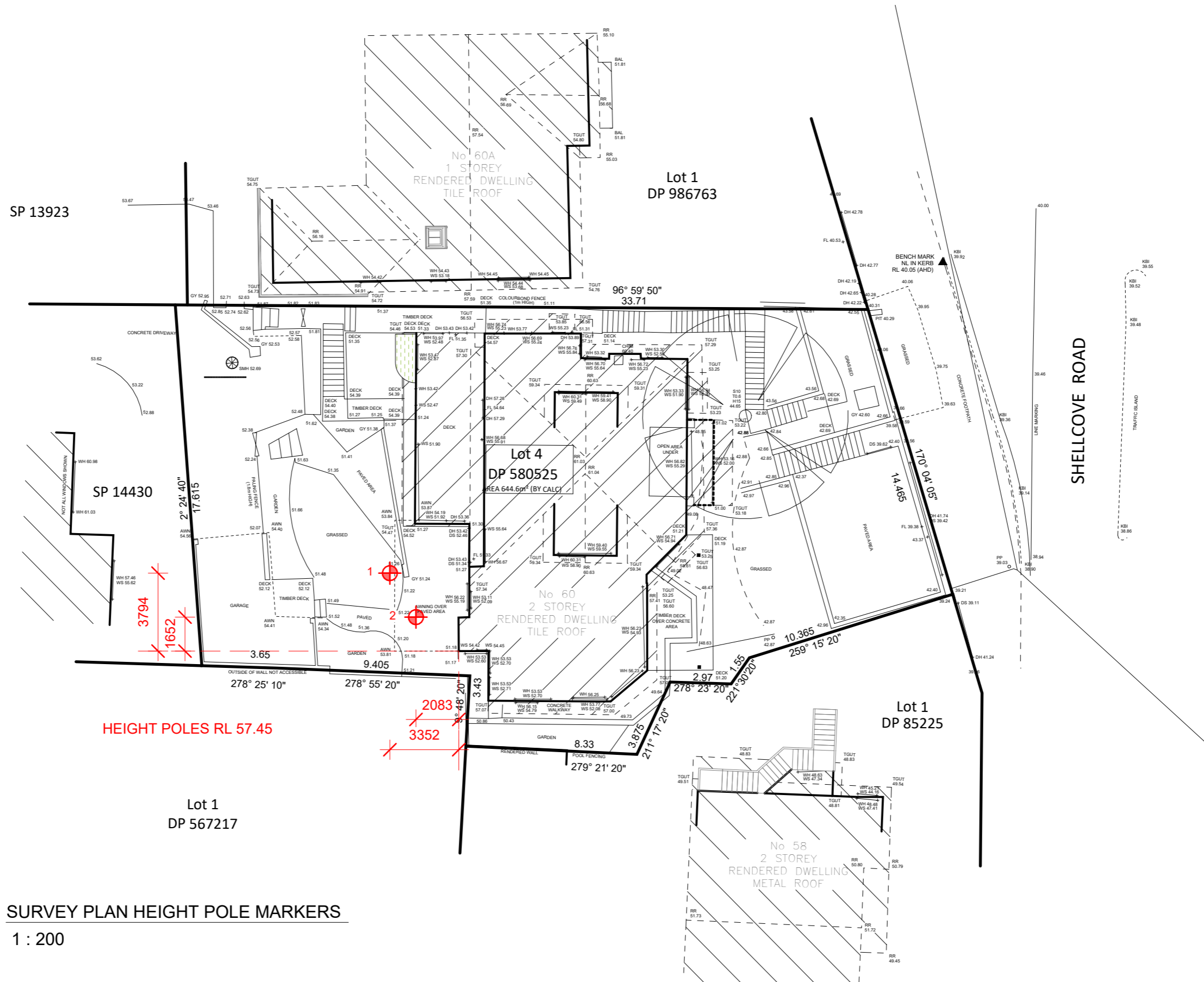


1 FRONT YARD GENERAL ARRANGEMENT PLAN
1 : 100

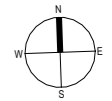


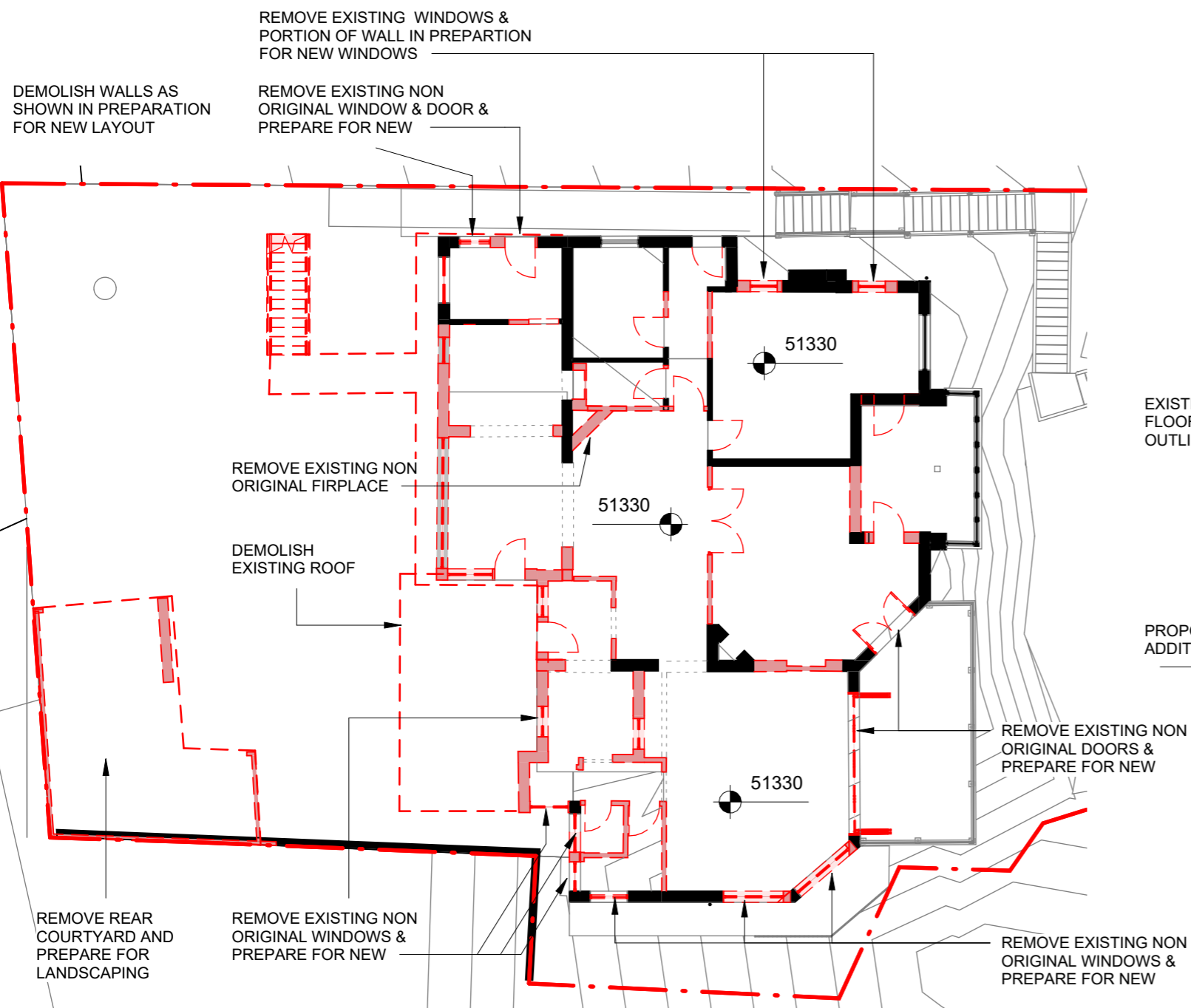
2 REAR YARD GENERAL ARRANGEMENT PLAN
1 : 100



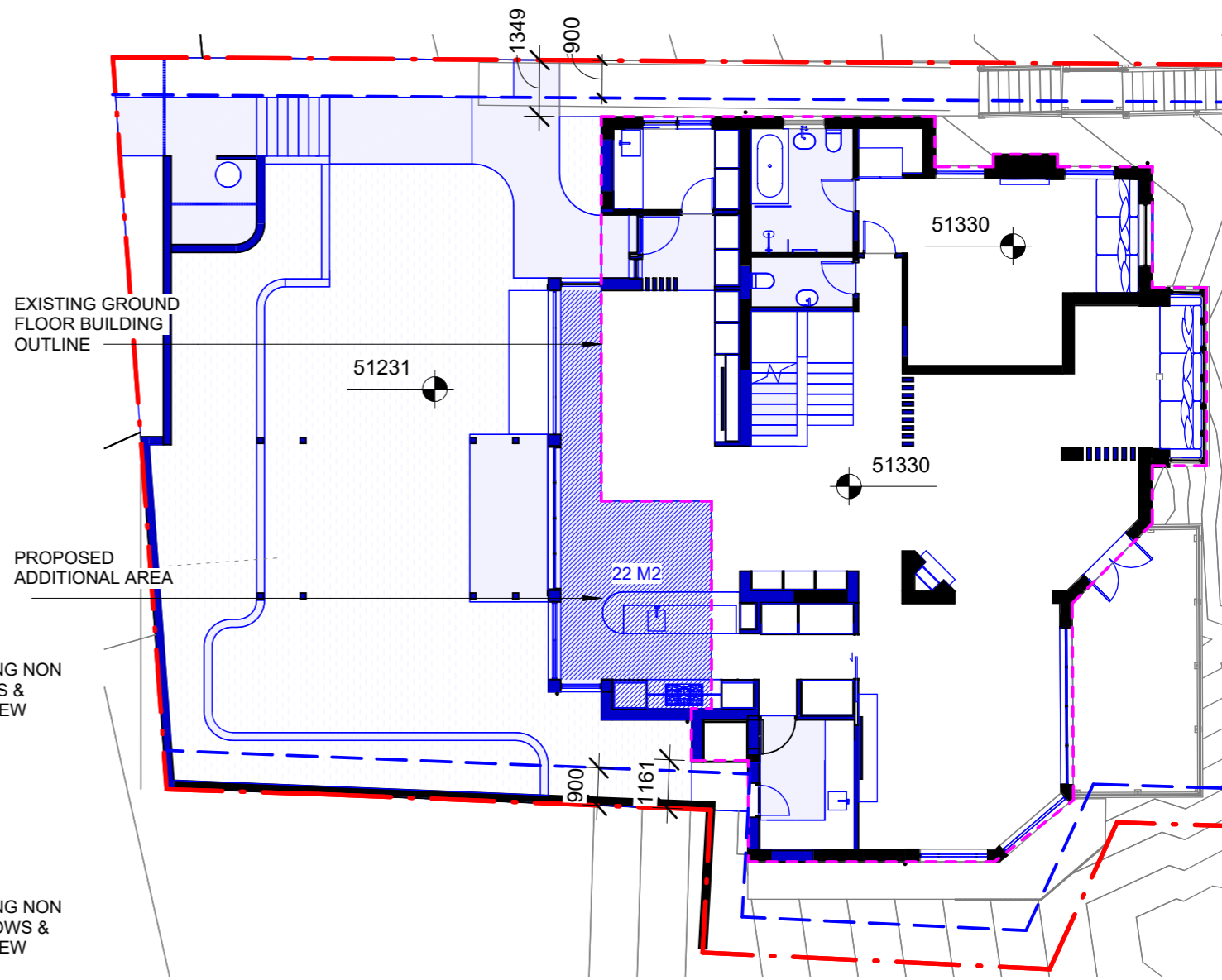


① SURVEY PLAN HEIGHT POLE MARKERS
1 : 200



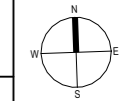


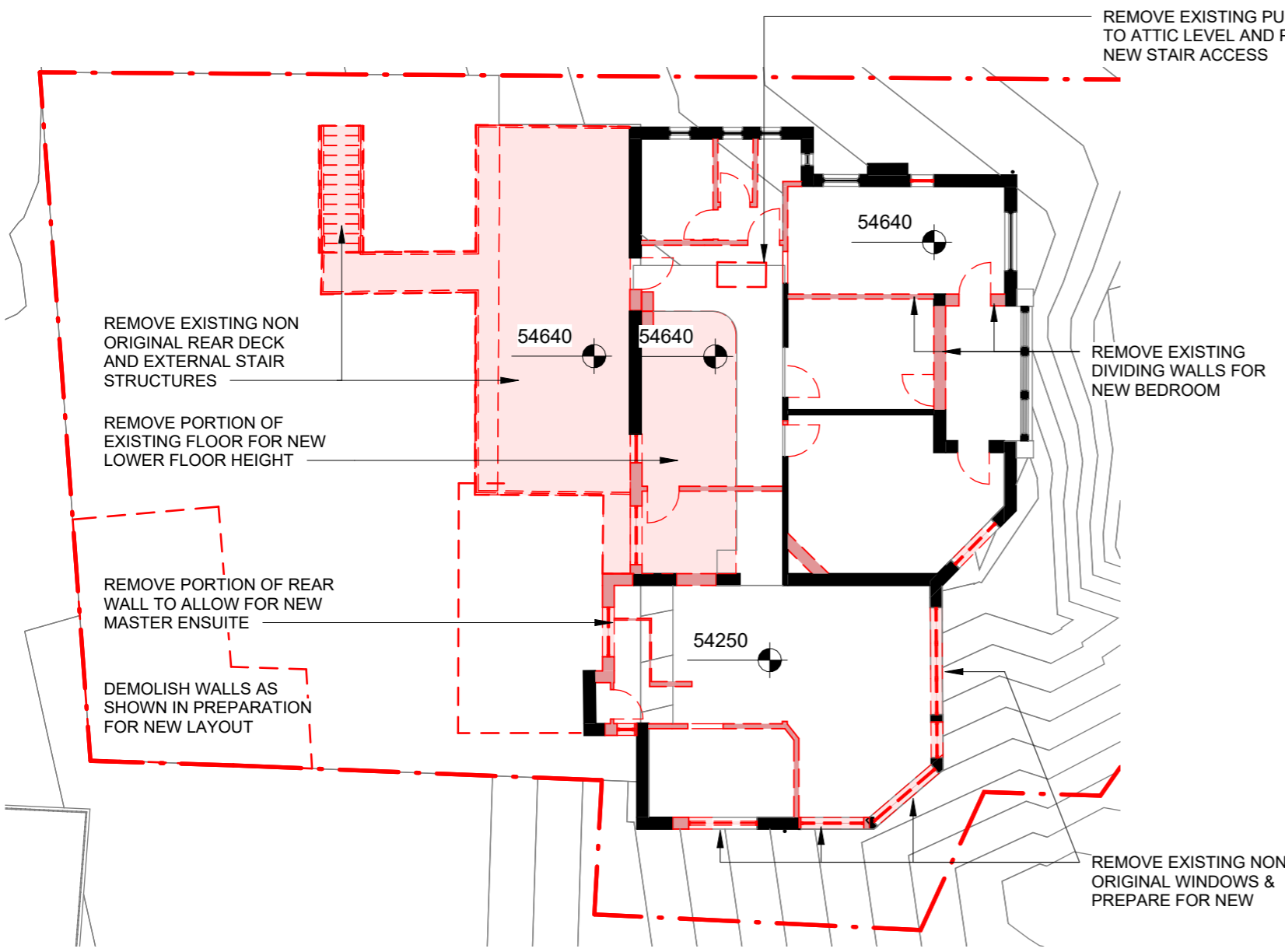
① GROUND FLOOR DEMOLITION
1 : 150



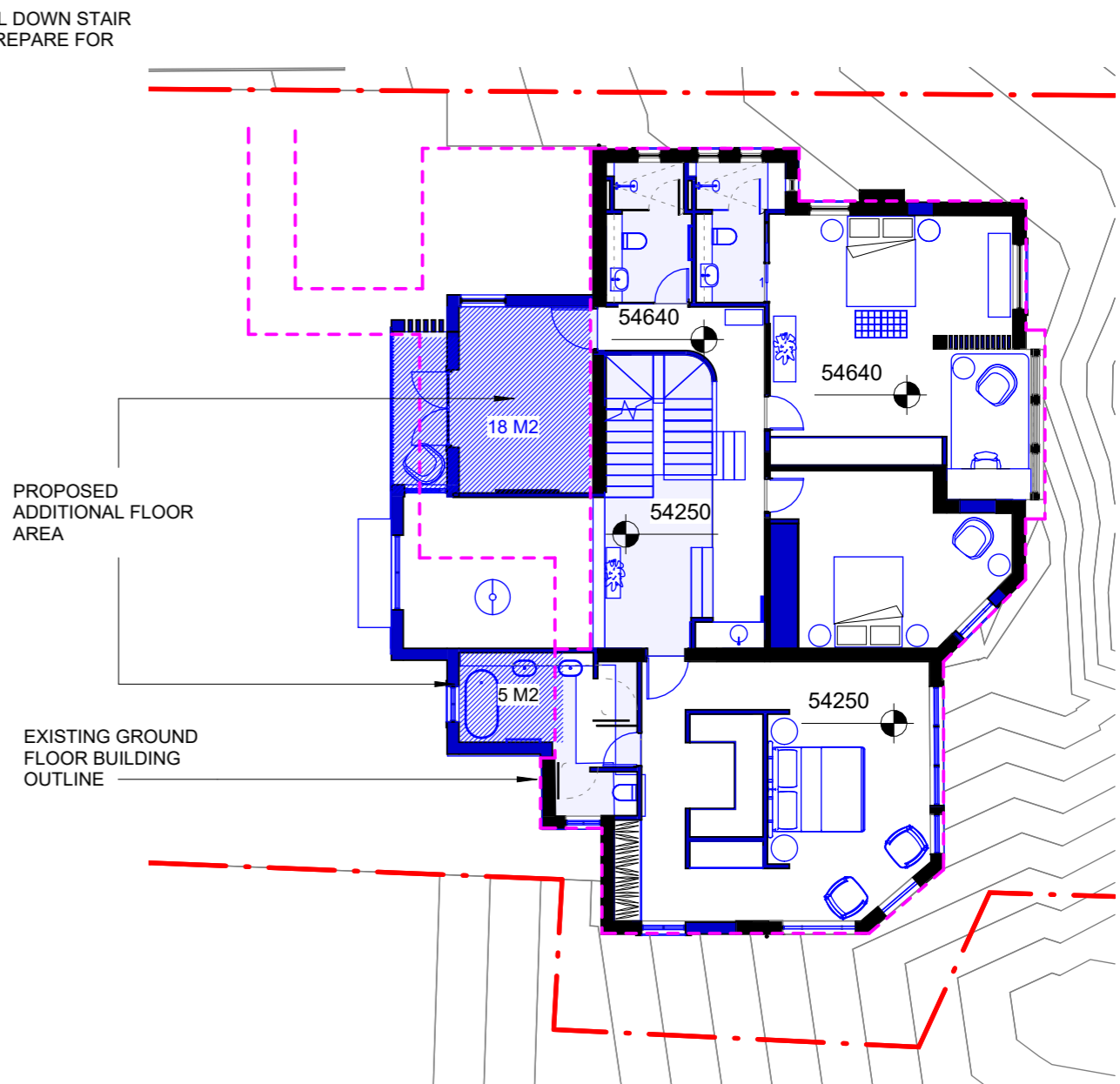
② GROUND FLOOR LEVEL
1 : 150

- EXISTING STRUCTURE TO BE DEMOLISHED
- PROPOSED STRUCTURE
- EXISTING STRUCTURE TO BE RETAINED
- OUTLINE OF EXISTING DWELLING



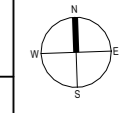


① FIRST FLOOR DEMOLITION
1 : 150

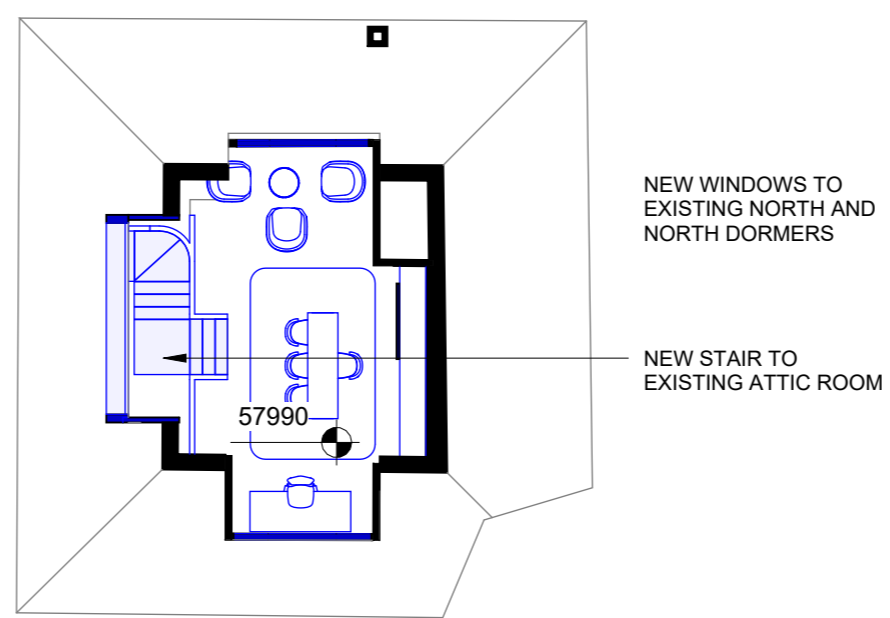
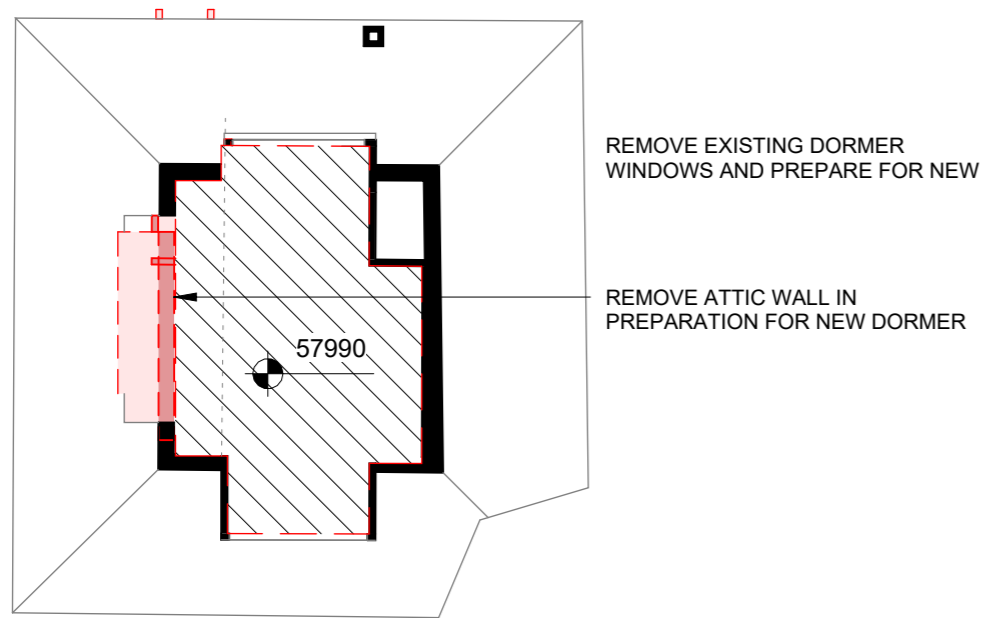


② FIRST FLOOR LEVEL
1 : 150

- EXISTING STRUCTURE TO BE DEMOLISHED
- PROPOSED STRUCTURE
- EXISTING STRUCTURE TO BE RETAINED
- OUTLINE OF EXISTING DWELLING

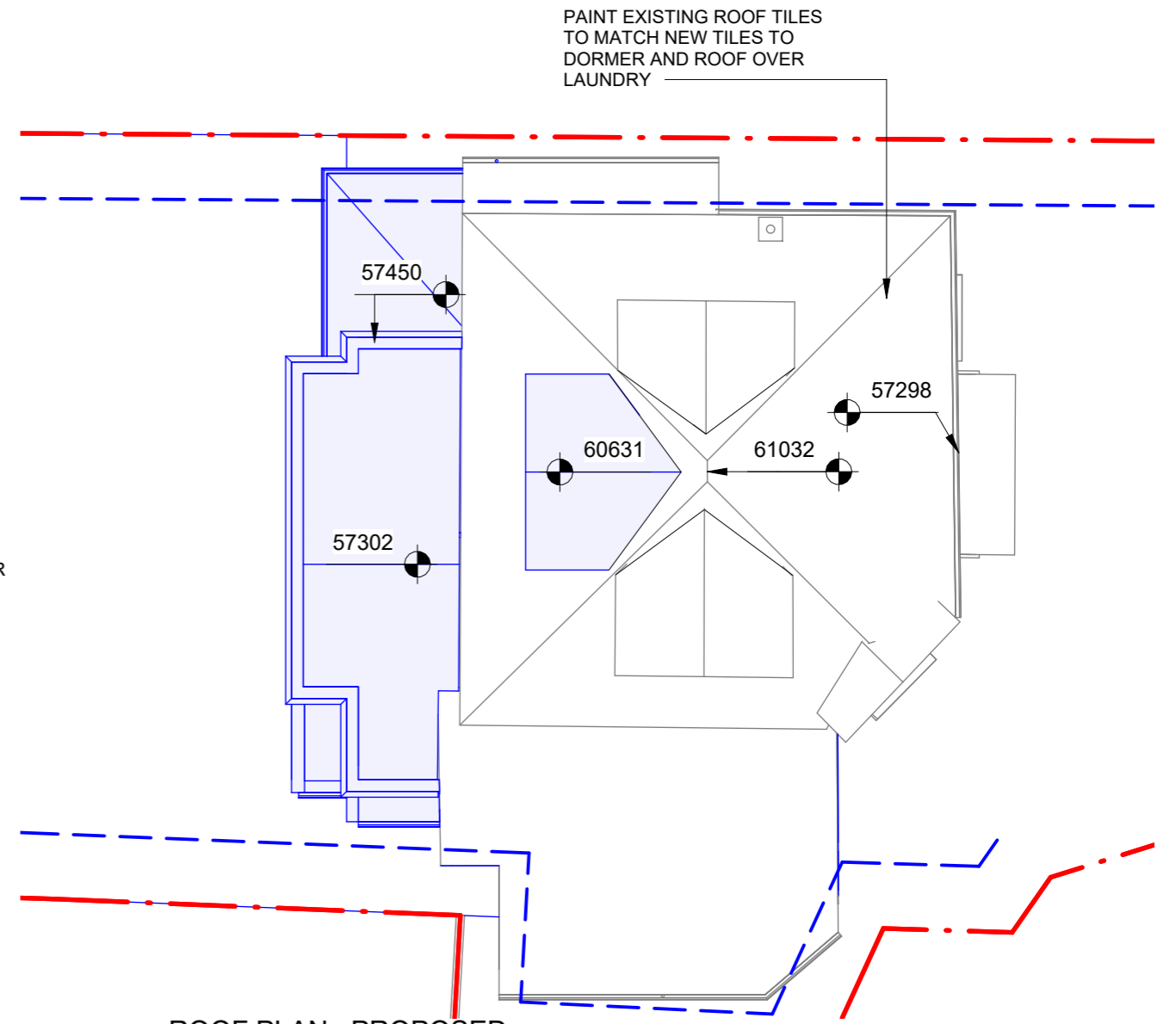
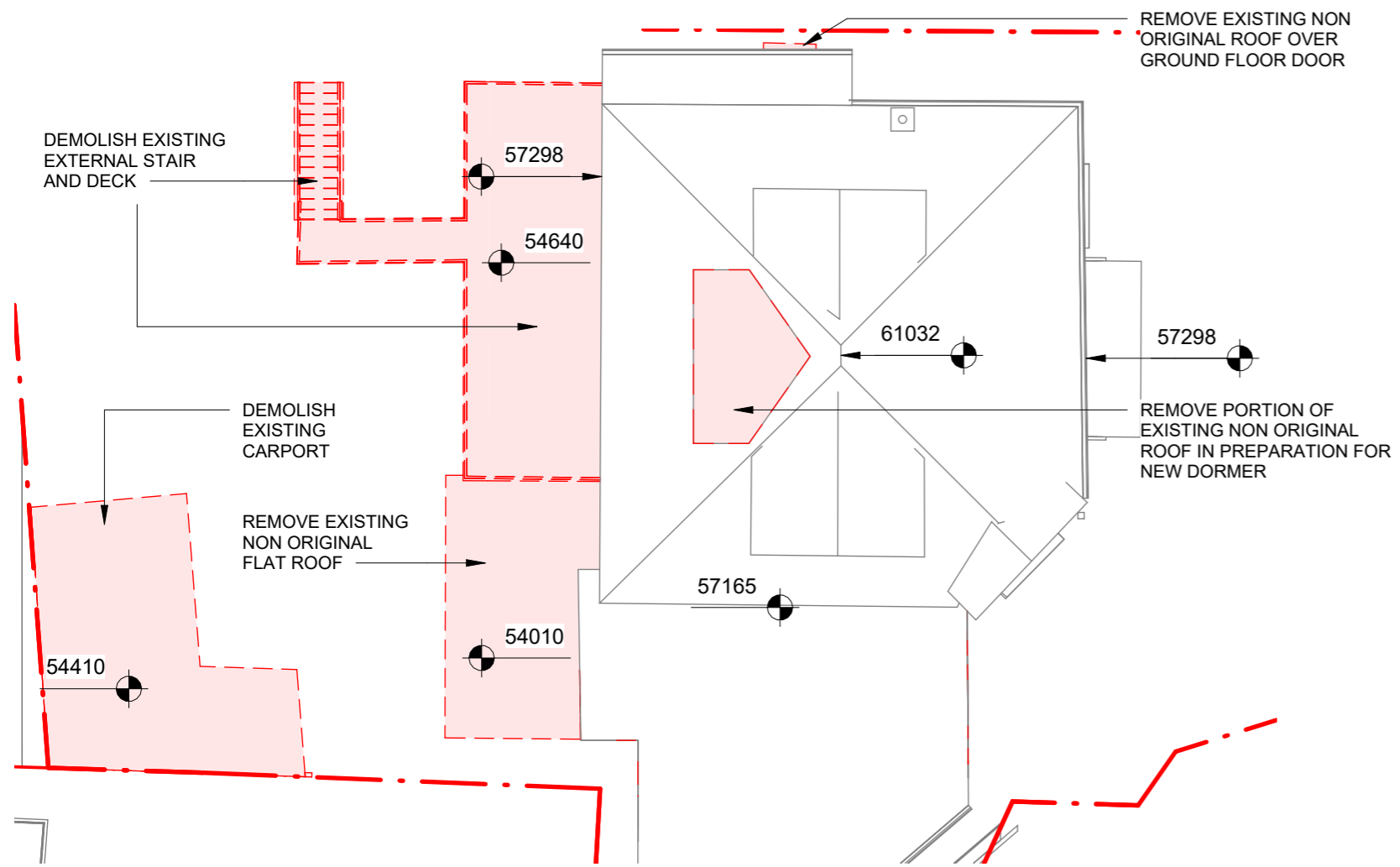


EXISTING STRUCTURE TO BE DEMOLISHED
 PROPOSED STRUCTURE
 EXISTING STRUCTURE TO BE RETAINED
 OUTLINE OF EXISTING DWELLING



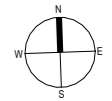
① ATTIC FLOOR DEMOLITION
1 : 150

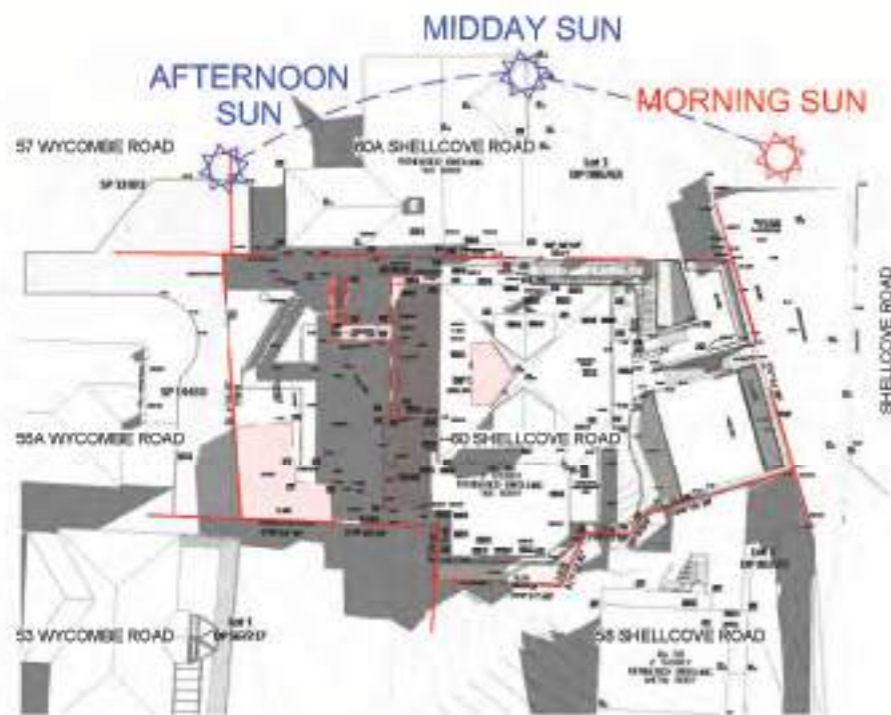
② ATTIC FLOOR LEVEL
1 : 150



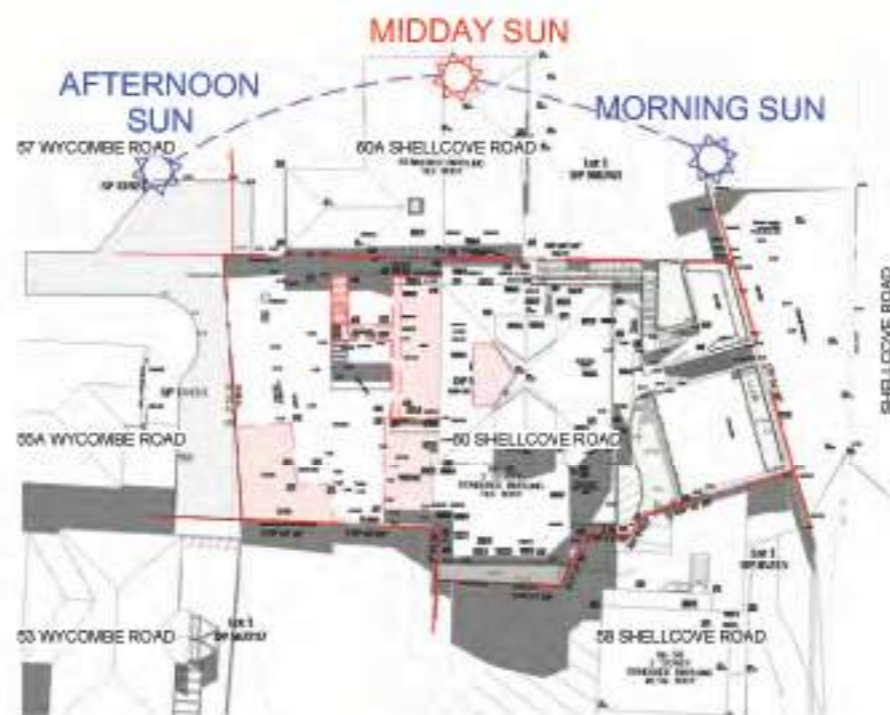
③ ROOF PLAN DEMOLITION
1 : 150

④ ROOF PLAN PROPOSED
1 : 150

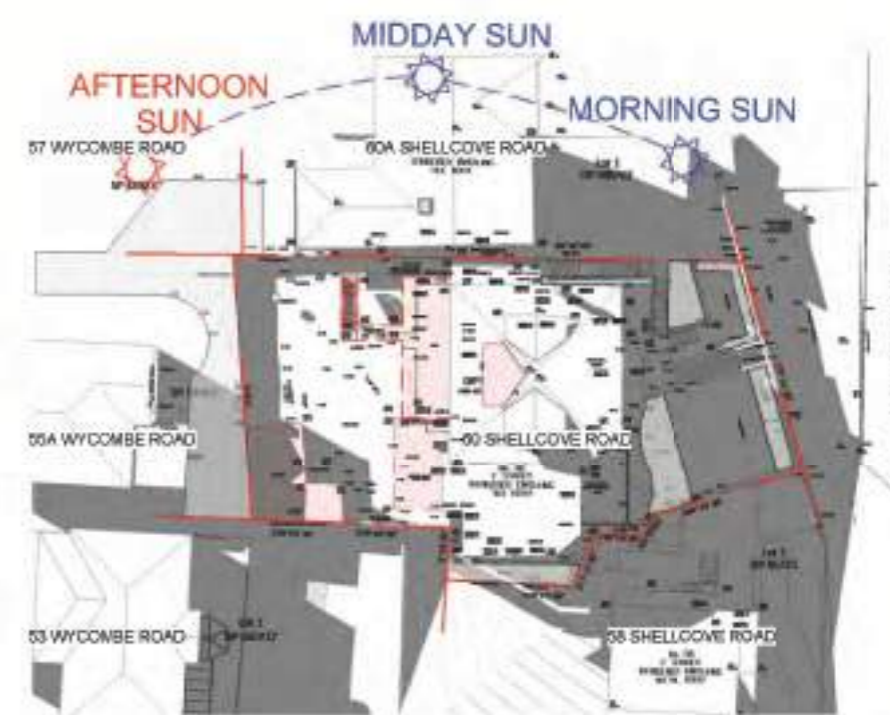




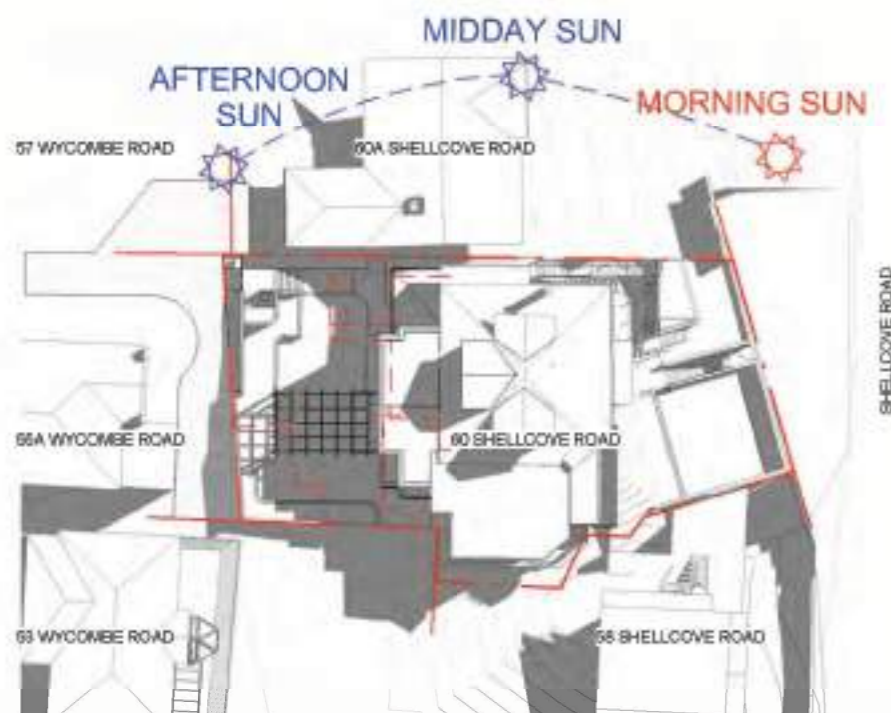
4 SHADOW EXISTING MAR 21@9AM
1 : 500



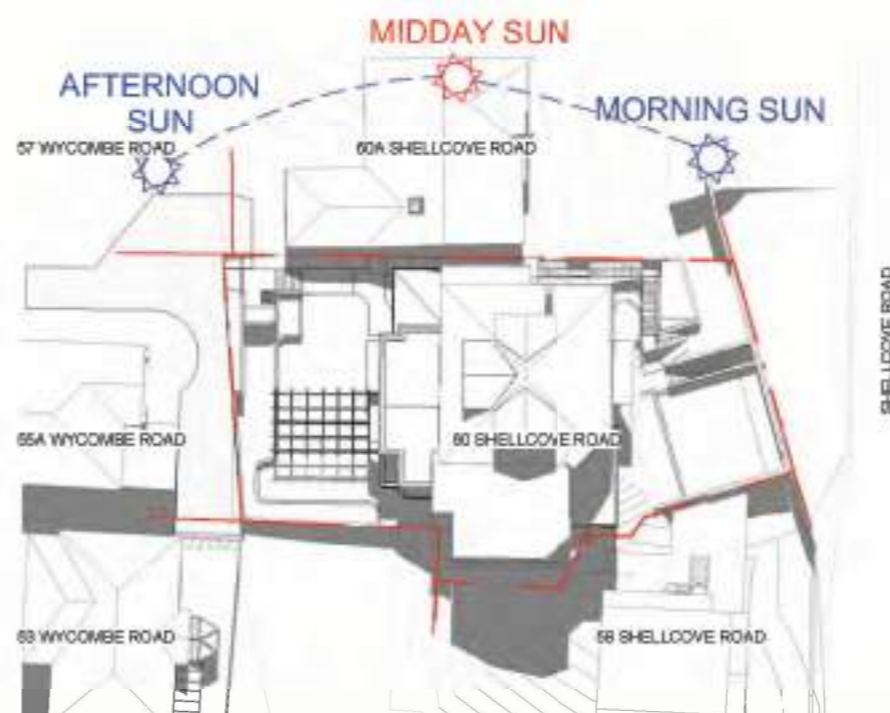
5 SHADOW EXISTING MAR 21@12PM
1 : 500



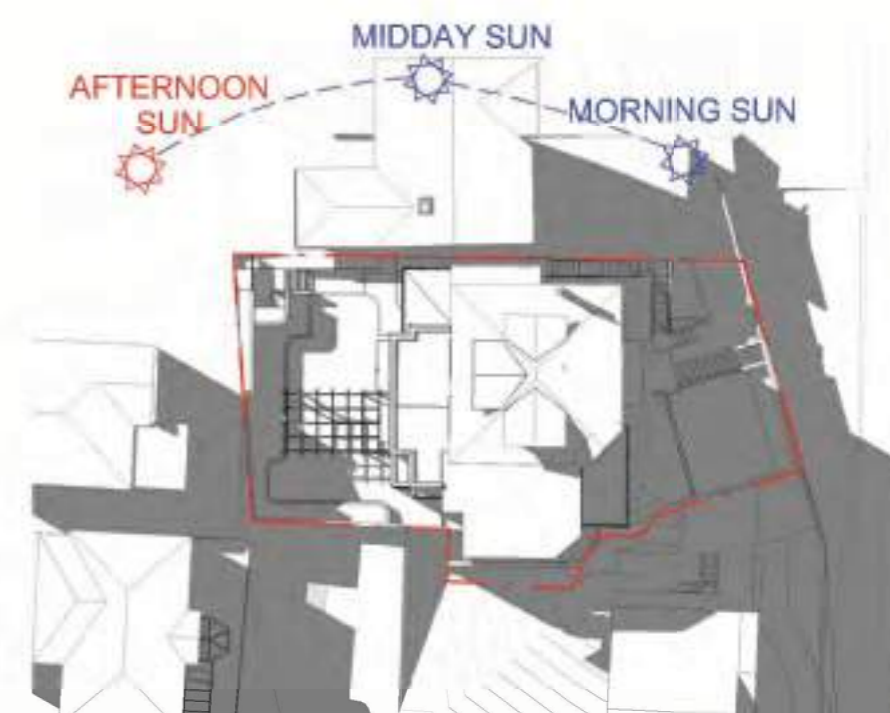
6 SHADOW EXISTING MAR 21@3PM
1 : 500



1 SHADOW PROPOSED MAR 21@9AM
1 : 500



2 SHADOW PROPOSED MAR 21@12PM
1 : 500



3 SHADOW PROPOSED MAR 21@3PM
1 : 500



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

REVISION
B
C

DRAWING
SHADOW DIAGRAMS_MAR 21

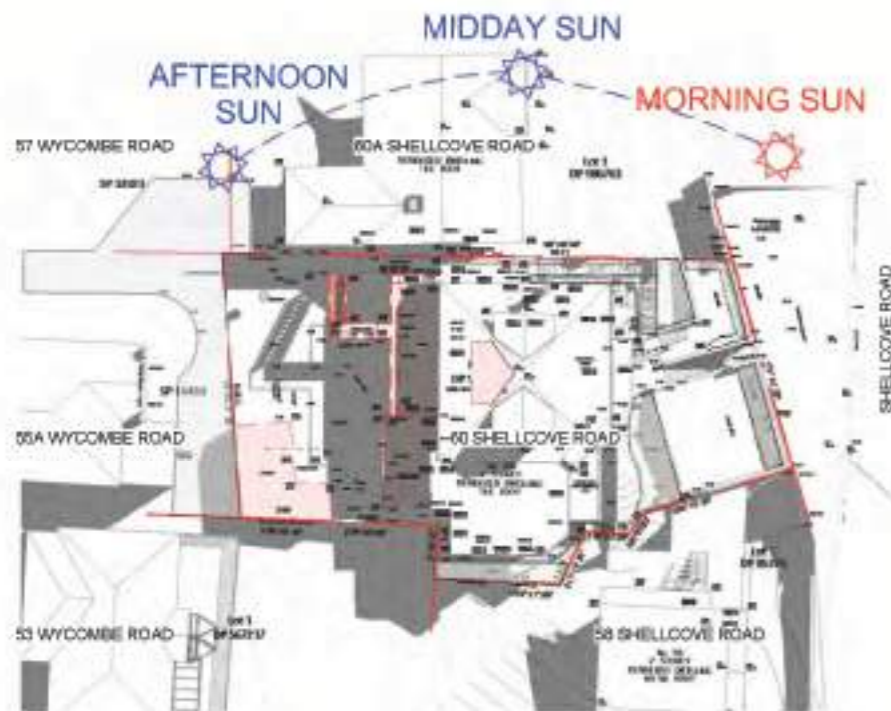
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19

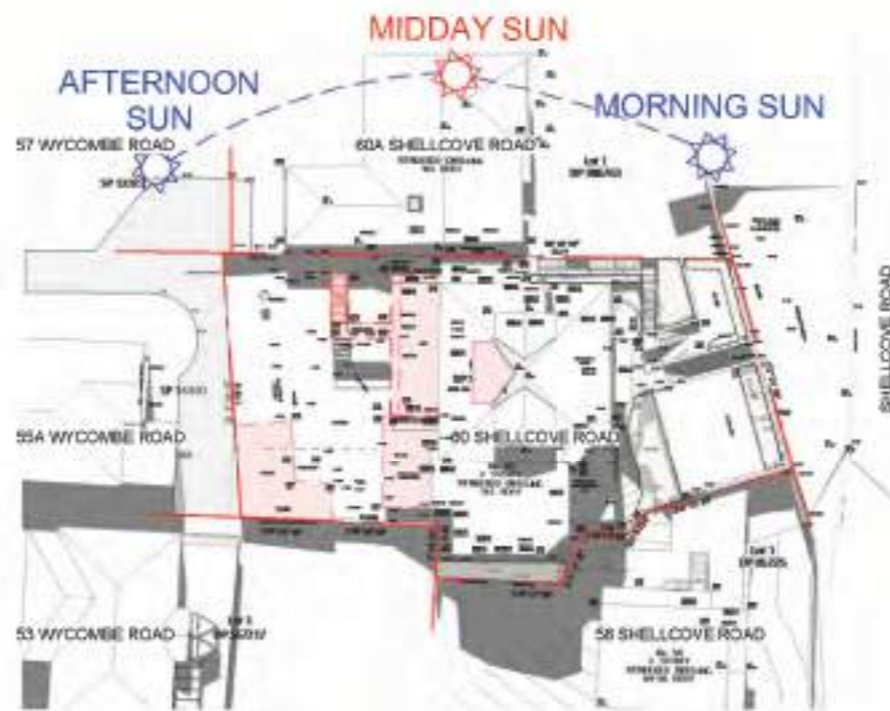
SCALE
1 : 500 @ A3

DRAWN DC
CHECKED RA
DRAWING NO. 130SD

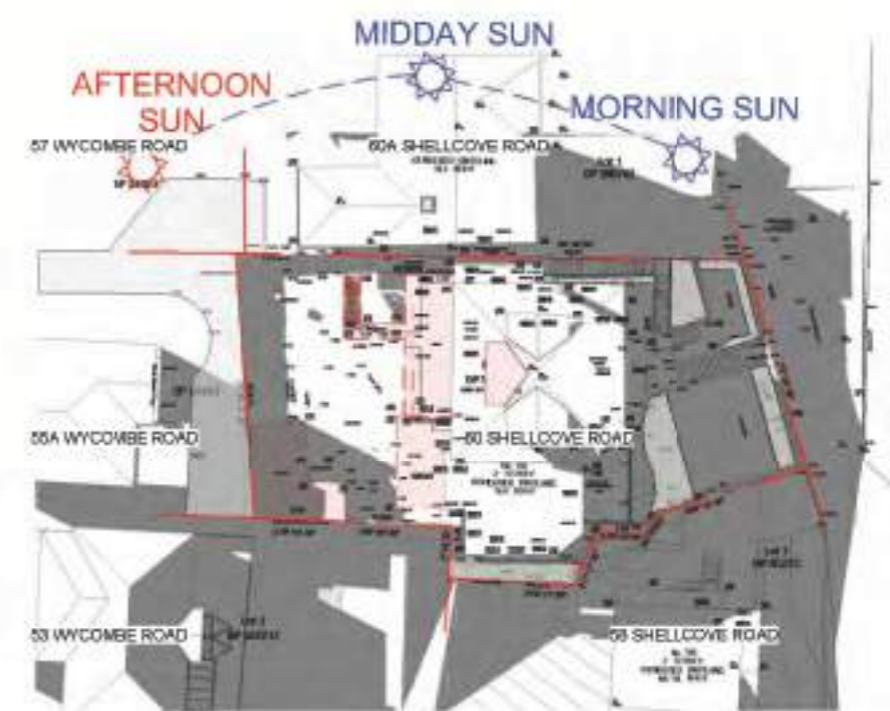




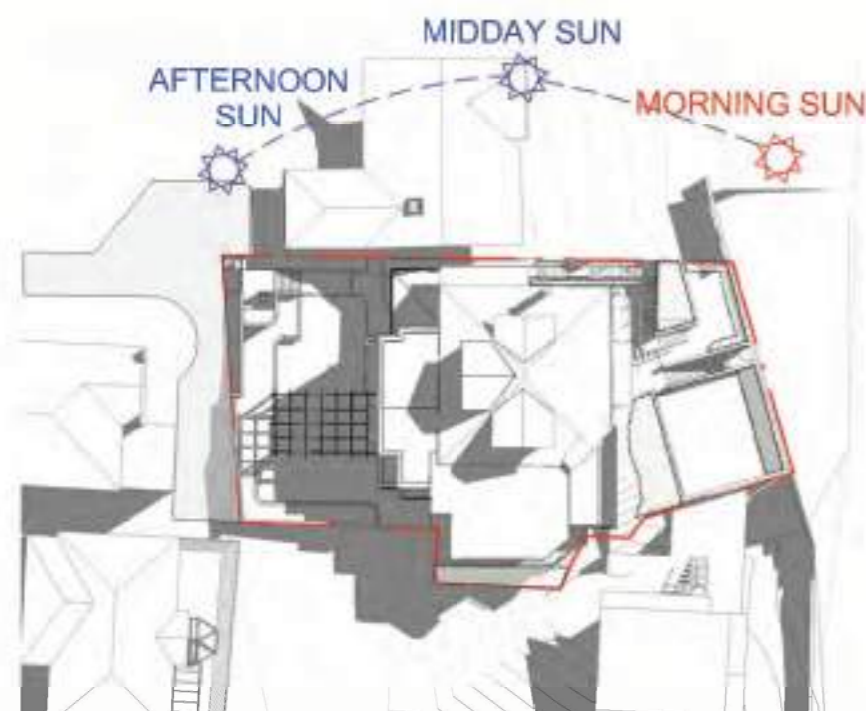
④ SHADOW EXISTING SEP 21@9AM
1 : 500



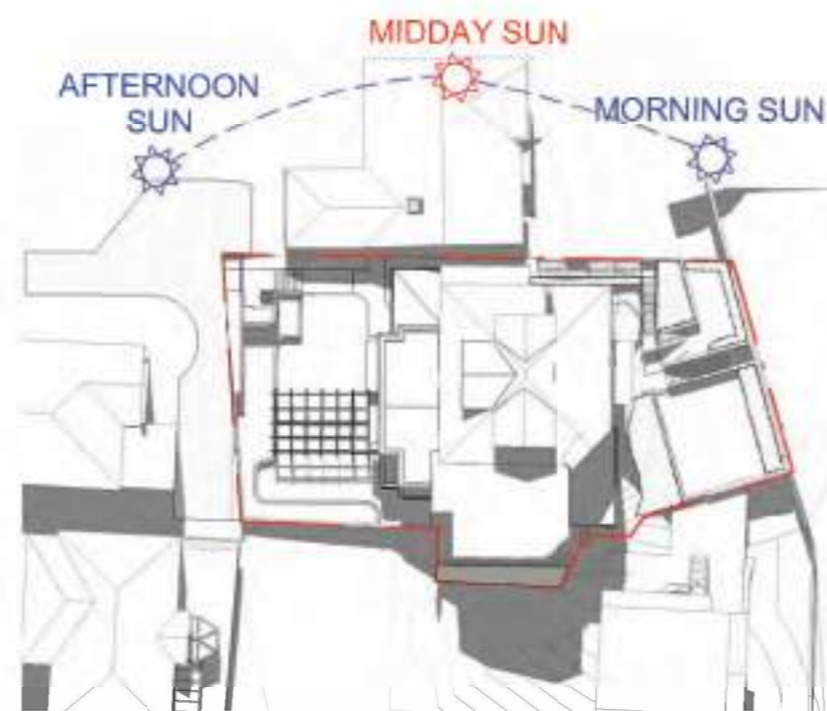
⑤ SHADOW EXISTING SEP 21@12PM
1 : 500



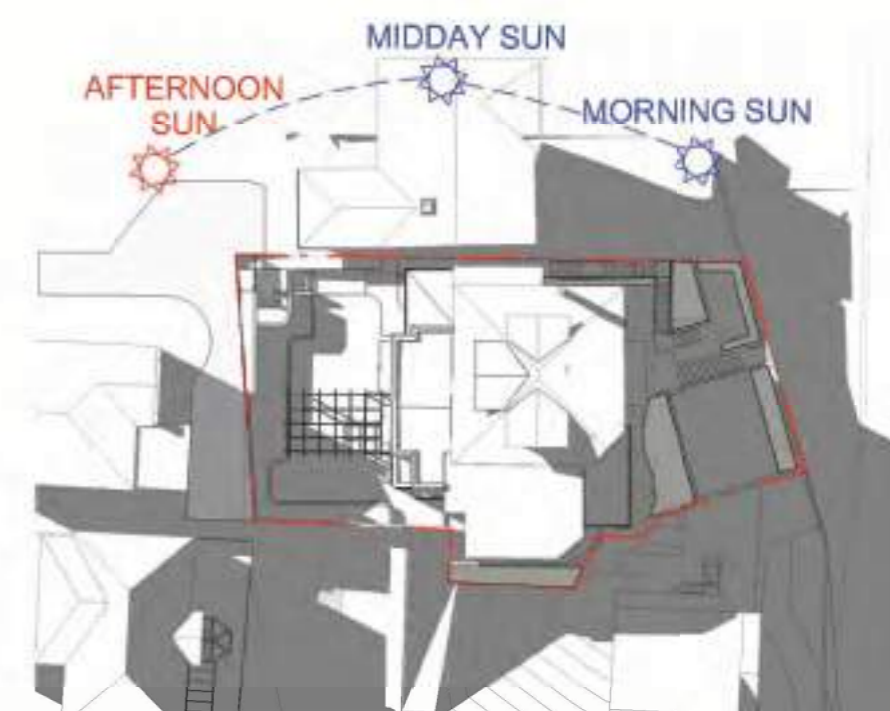
⑥ SHADOW EXISTING SEP 21@3PM
1 : 500



① SHADOW PROPOSED SEP 21@9AM
1 : 500



② SHADOW PROPOSED SEP 21@12PM
1 : 500



③ SHADOW PROPOSED SEP 21@3PM
1 : 500



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

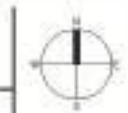
DATE
31.07.23
20.06.24

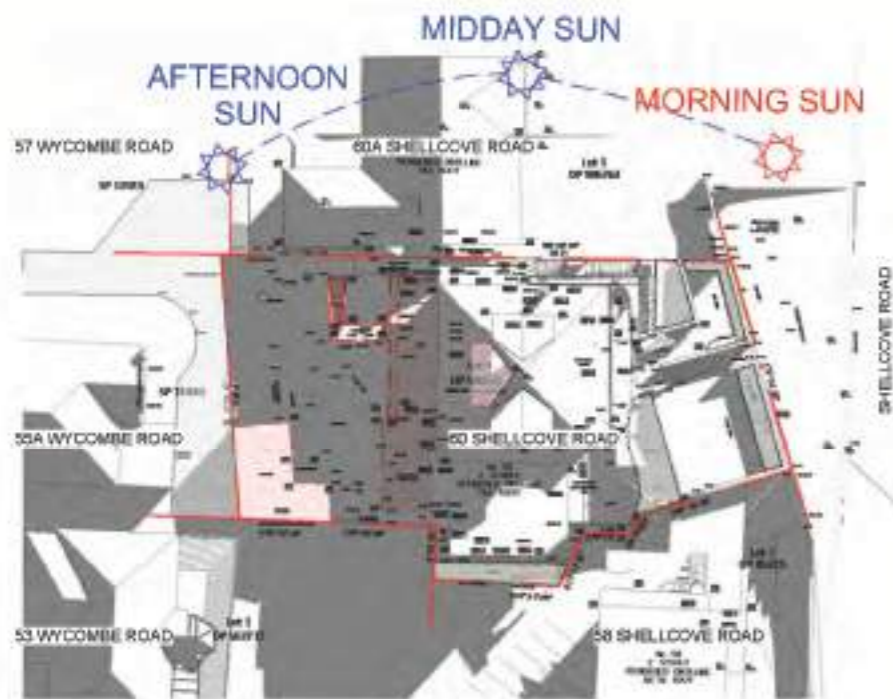
REVISION
B
C

DRAWING
SHADOW DIAGRAMS_SEP 21
STATUS
DEVELOPMENT APPLICATION

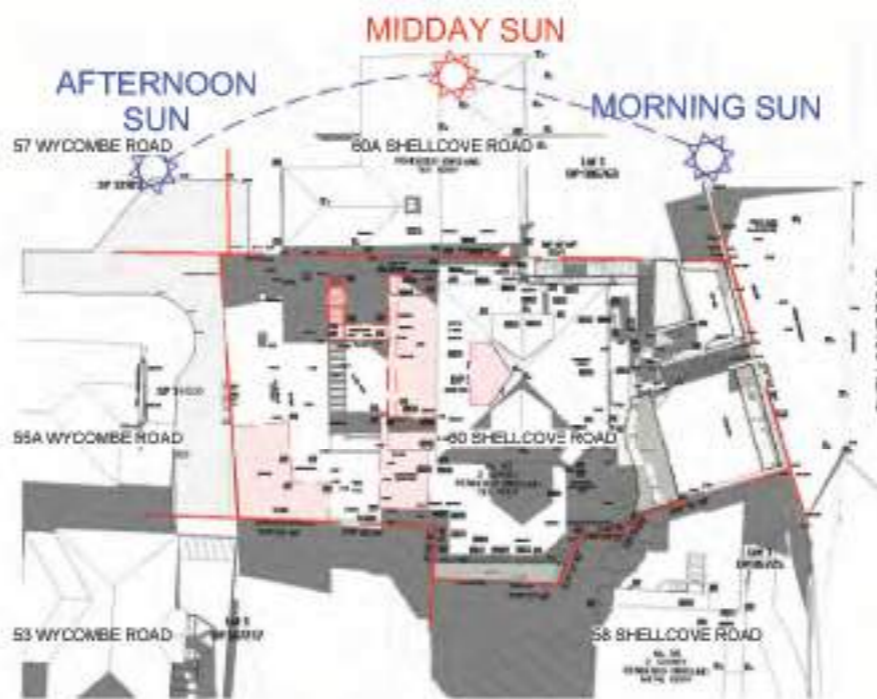
PROJECT NO.
AD-22-19
SCALE
1 : 500 @ A3

DRAWN DC
CHECKED LW
DRAWING NO.
131SD

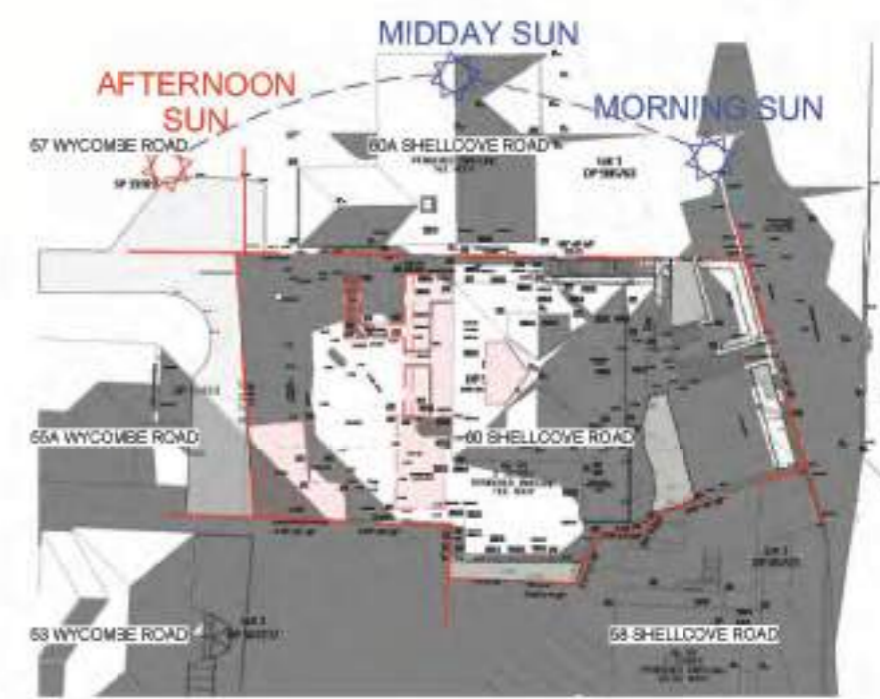




5 SHADOW EXISTING JUN 21 @ 9AM
1 : 500



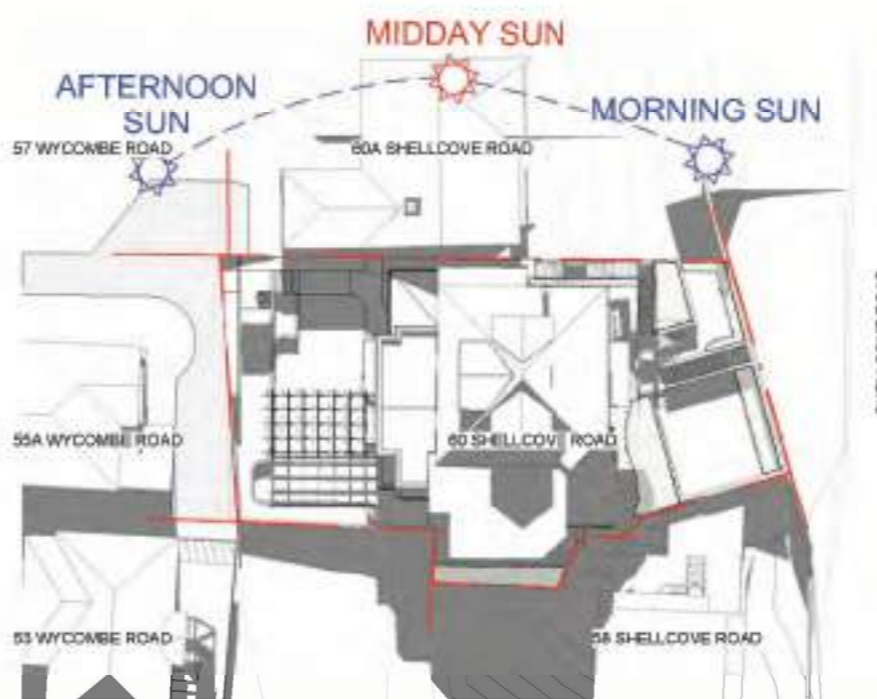
6 SHADOW EXISTING JUN 21 @ 12PM
1 : 500



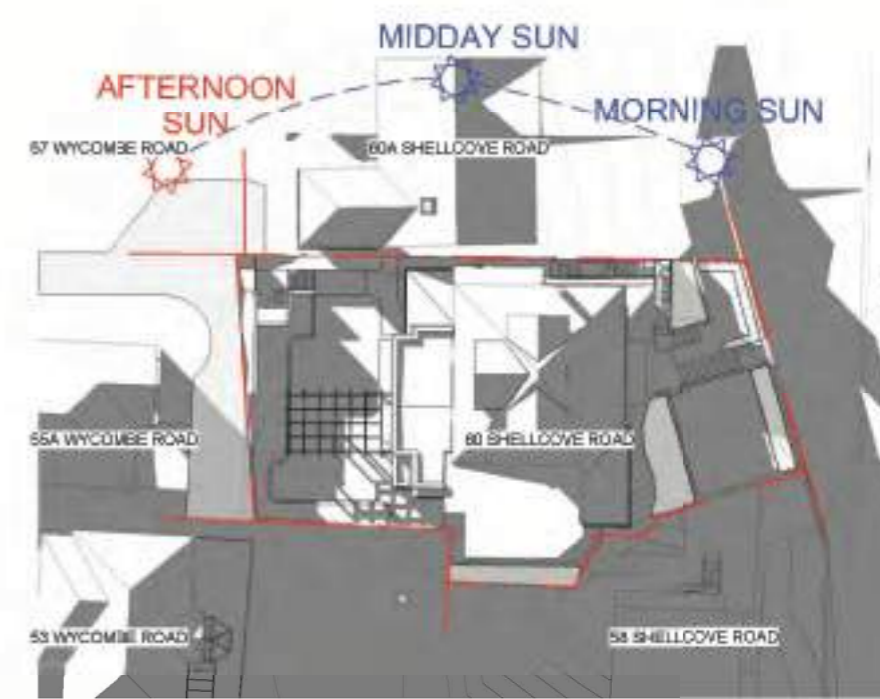
4 SHADOW EXISTING JUN 21 @ 3PM
1 : 500



1 SHADOW PROPOSED JUN 21 @ 9AM
1 : 500



2 SHADOW PROPOSED JUN 21 @ 12PM
1 : 500



3 SHADOW PROPOSED JUN 21 @ 3PM
1 : 500



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
01.03.23
31.07.23

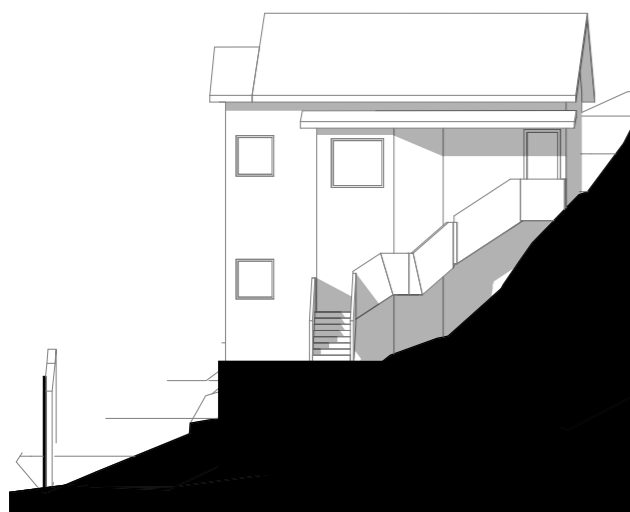
REVISION
A
B

DRAWING
SHADOW DIAGRAMS_JUN 21
STATUS
DEVELOPMENT APPLICATION

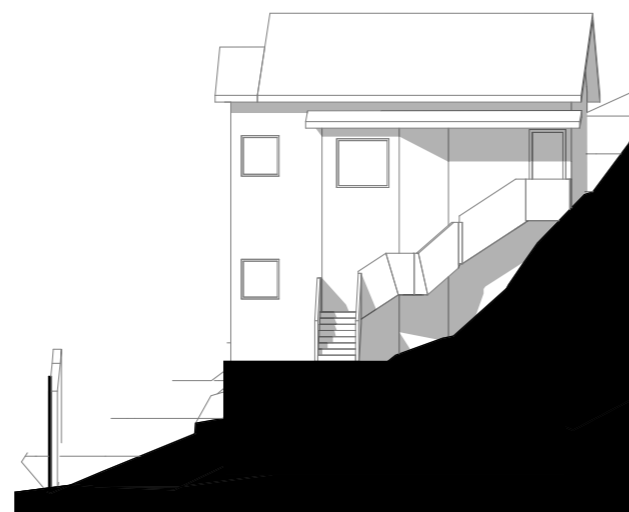
PROJECT NO.
AD-22-19
SCALE
1 : 500 @ A3

DRAWN DC
CHECKED RA
DRAWING NO
132SD

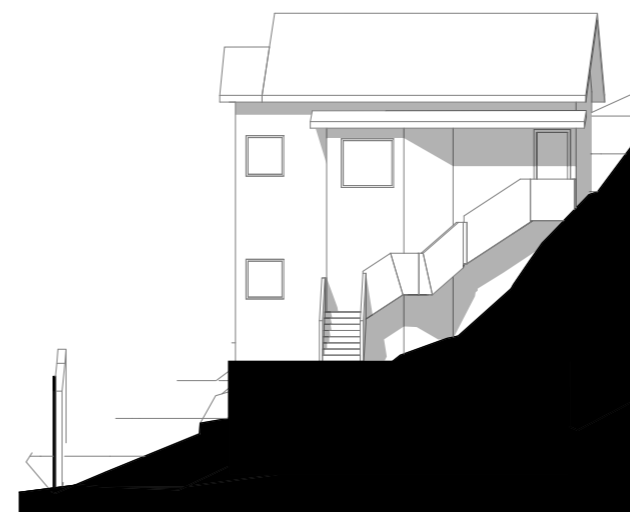




① 58 Shellcove ELEVATIONAL SHADOW@9AM
1 : 200

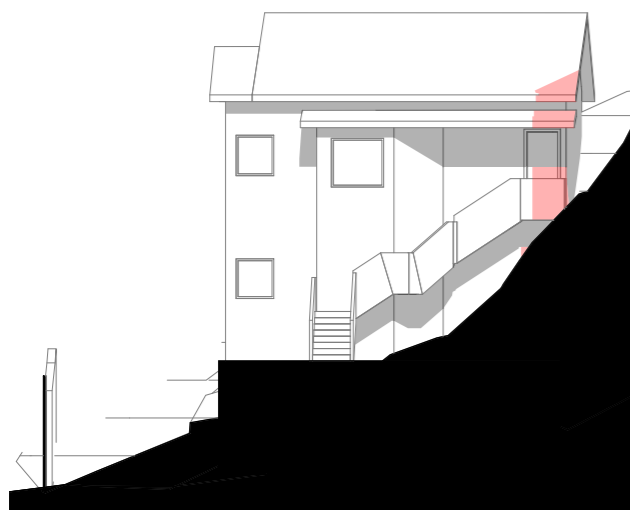


② 58 Shellcove ELEVATIONAL SHADOW@10AM
1 : 200

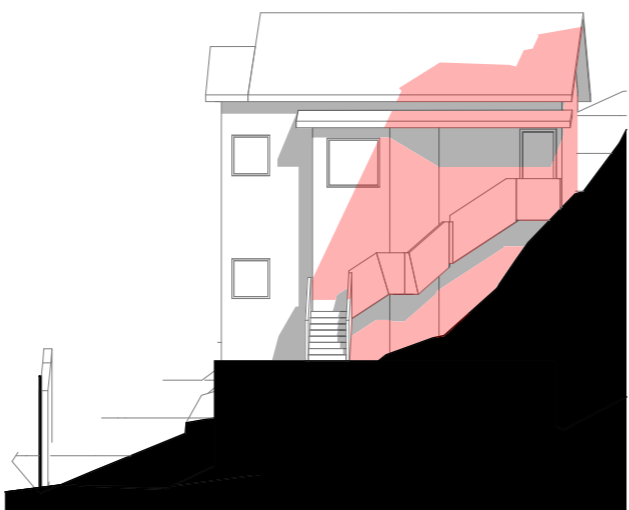


③ 58 Shellcove ELEVATIONAL SHADOW@11AM
1 : 200

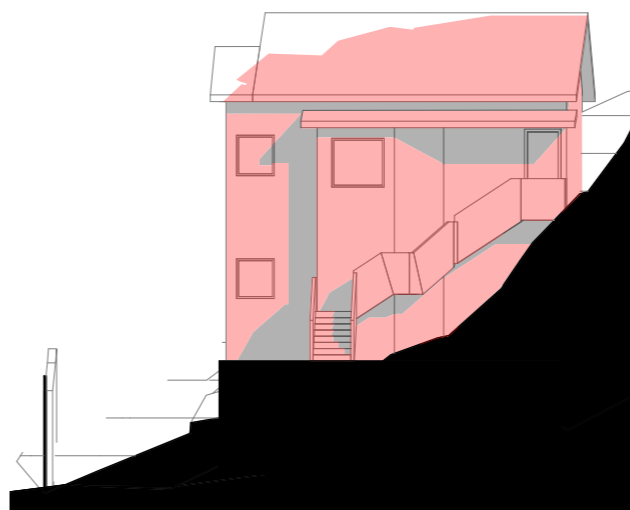
EXISTING SHADOWS CAST BY SUBJECT DWELLING
PROPOSED ADDITIONAL SHADOWS CAST BY SUBJECT DWELLING
SHADOWS CAST BY 58 SHELLCOVE ROAD



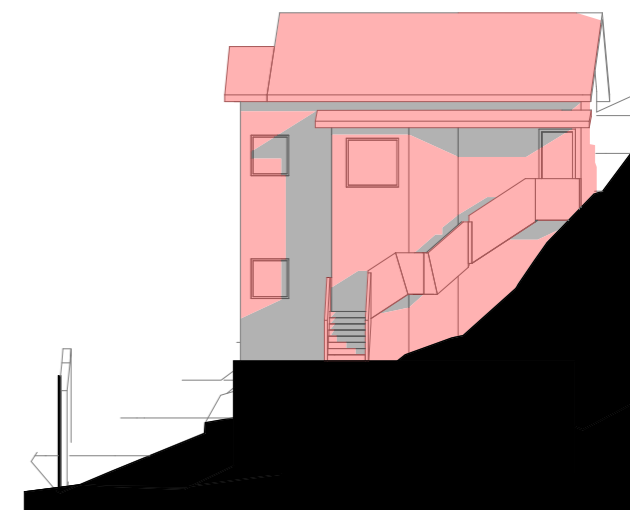
④ 58 Shellcove ELEVATIONAL SHADOW@12PM
1 : 200



⑤ 58 Shellcove ELEVATIONAL SHADOW@1PM
1 : 200



⑥ 58 Shellcove ELEVATIONAL SHADOW@2PM
1 : 200



⑦ 58 Shellcove ELEVATIONAL SHADOW@3PM
1 : 200



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

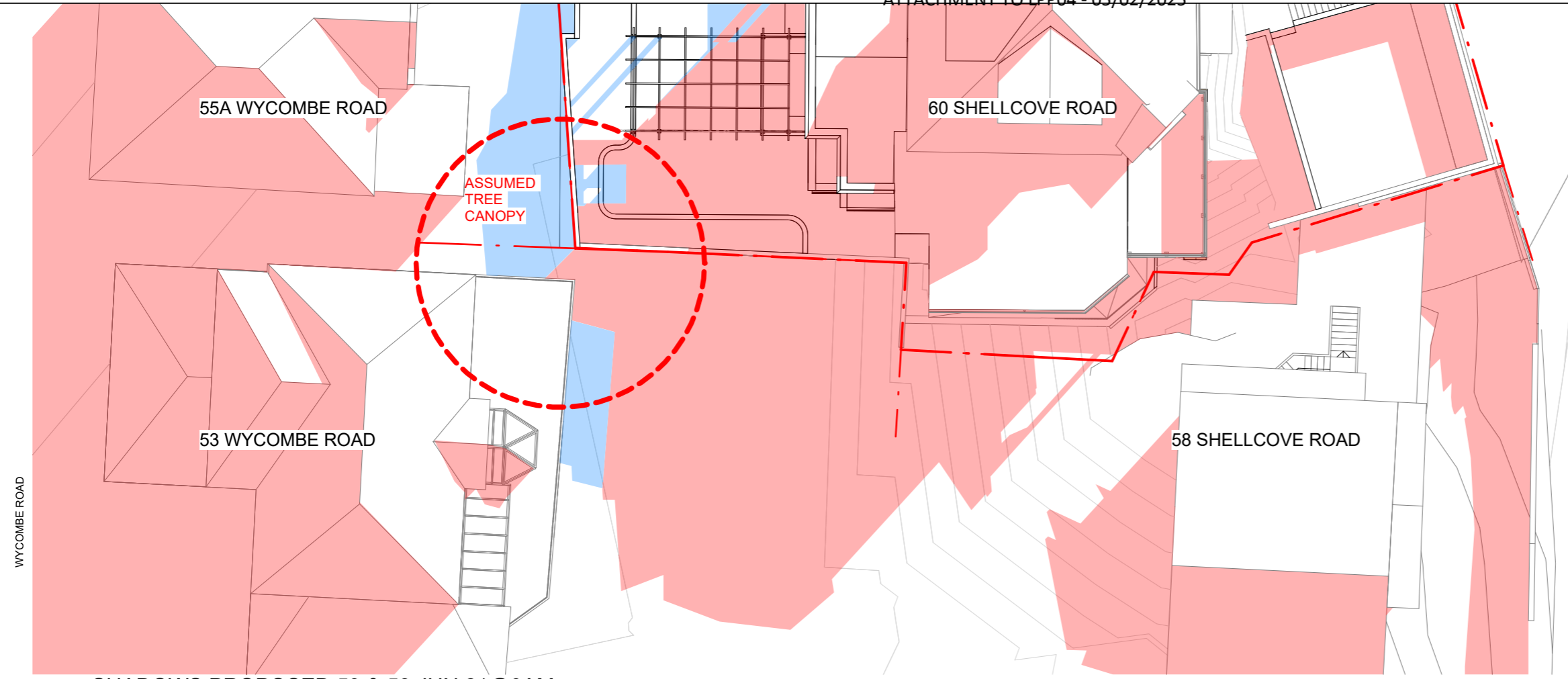
DATE
30.05.24

REVISION
A

DRAWING
SHADOW ELEVATIONS JUNE 21ST
58 SHELLCOVE ROAD
STATUS
DEVELOPMENT APPLICATION

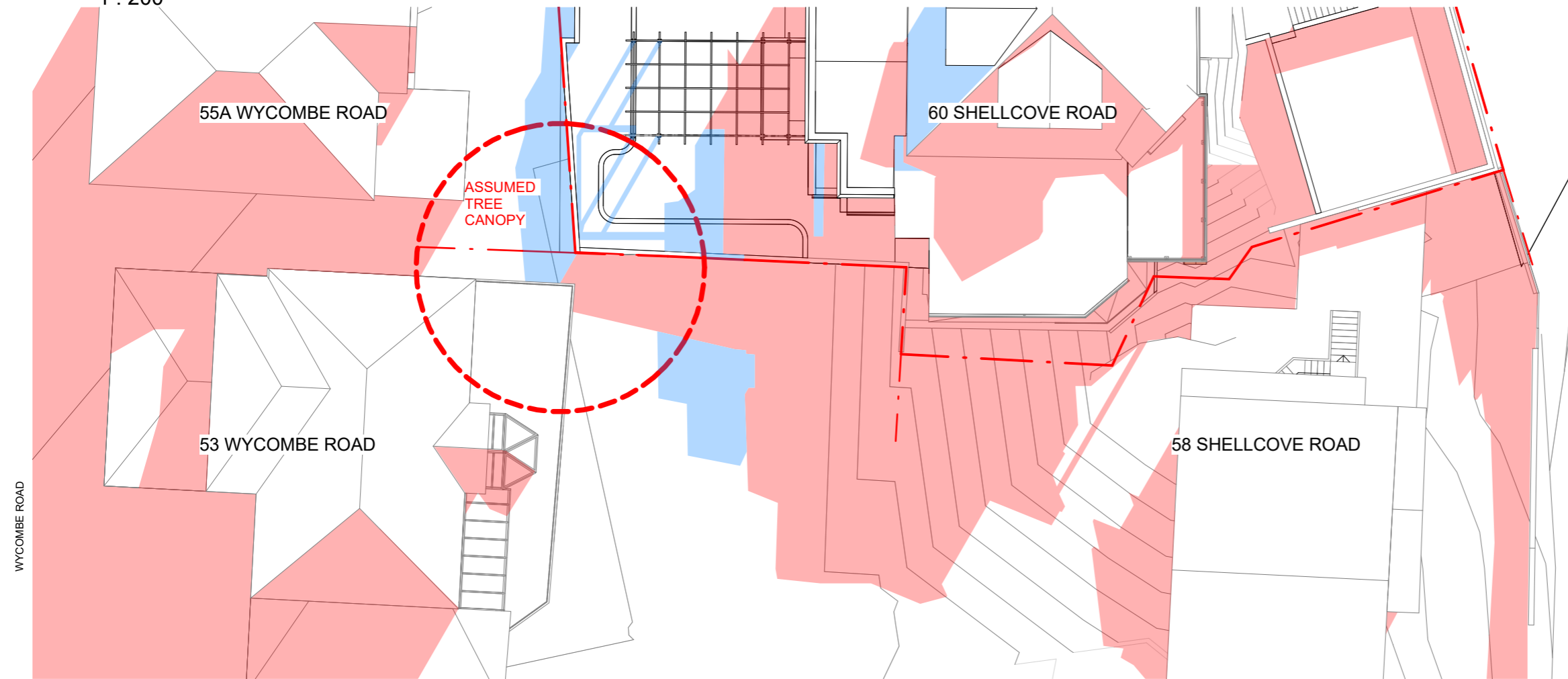
PROJECT NO.
AD-22-19
SCALE
1 : 200 @ A3

DRAWN AC
CHECKED DC
DRAWING NO.
133SD



EXISTING SHADOWS
 PROPOSED ADDITIONAL SHADOWS CAST BY SUBJECT DWELLING

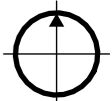
1 SHADOWS PROPOSED 53 & 58 JUN 21@9AM
 1 : 200



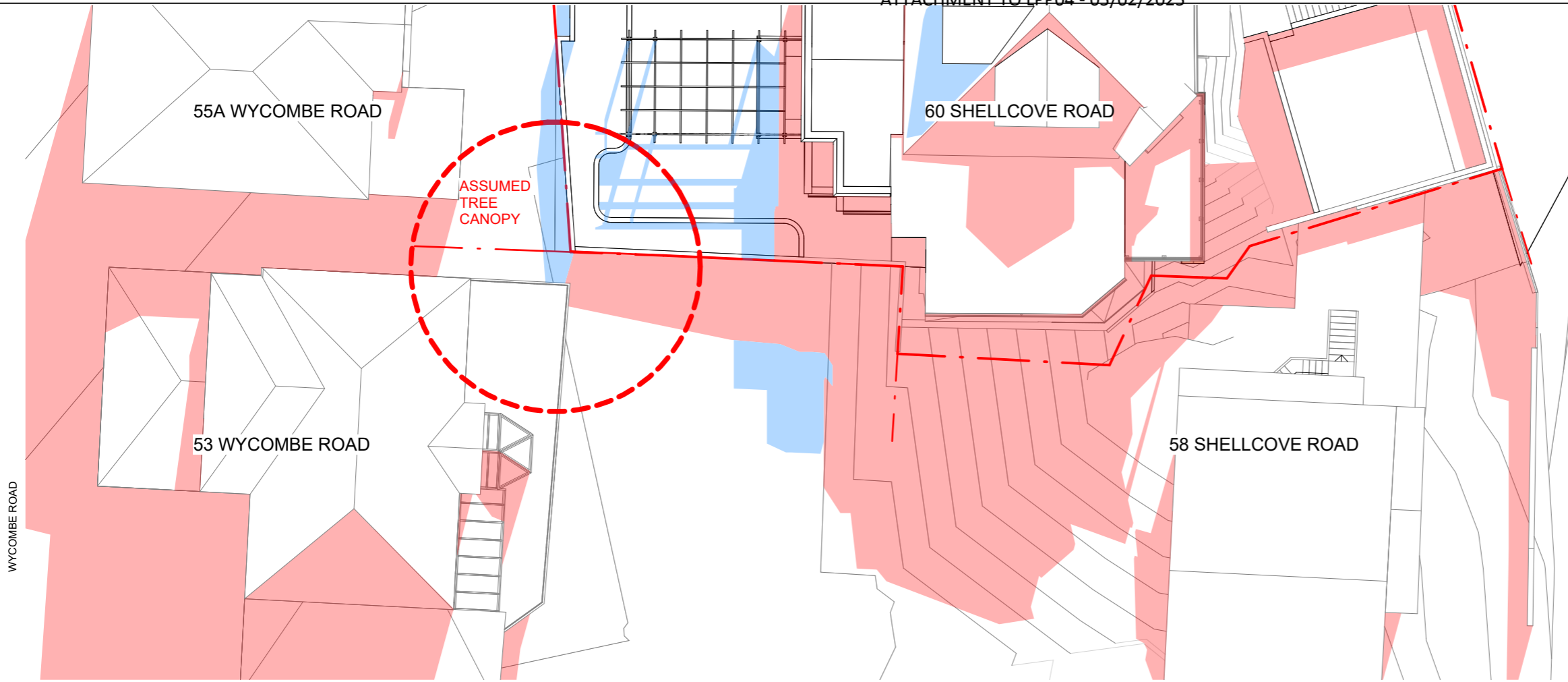
2 SHADOWS PROPOSED 53 & 58 JUN 21@10AM
 1 : 200



suite 35, level 3
 61 marlborough street
 surry hills nsw 2010
 tel: (02) 9698 9754

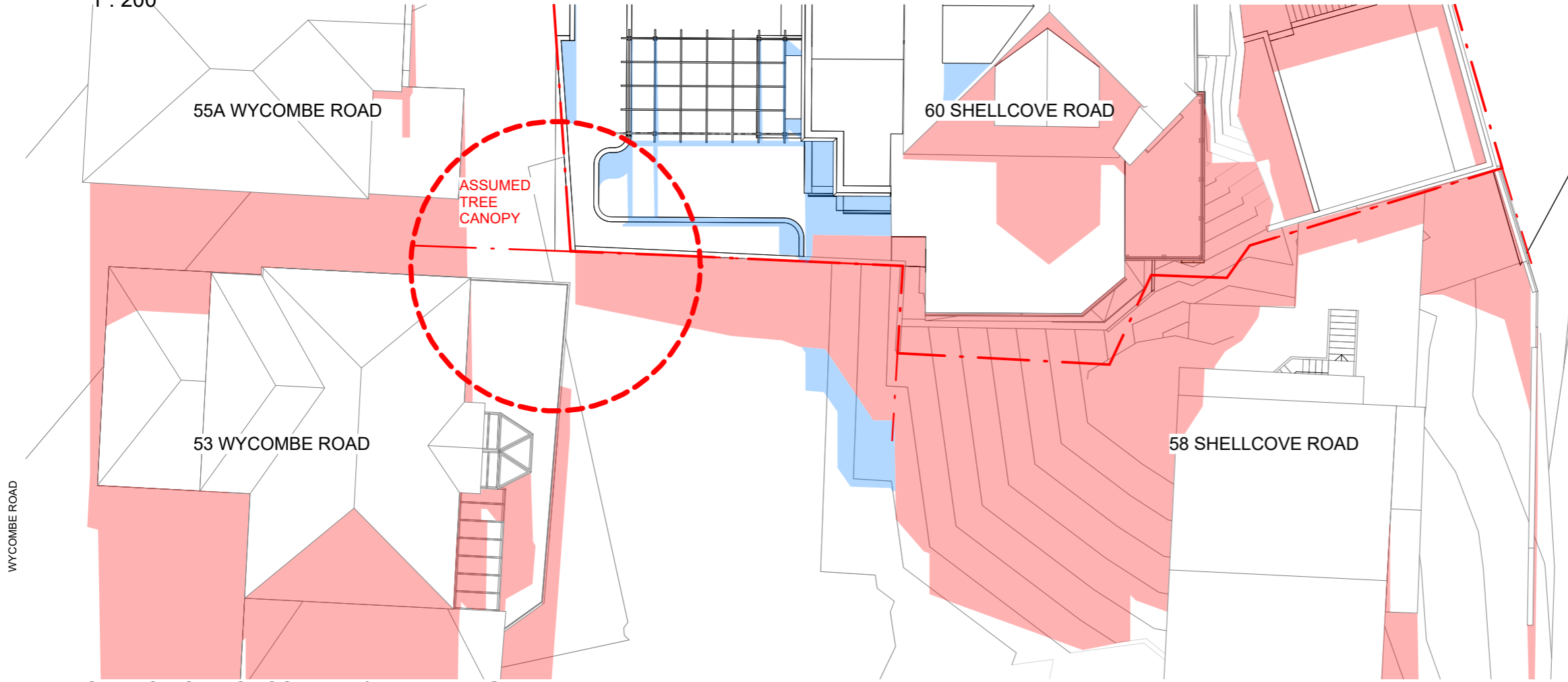
PROJECT		
LIAO RESIDENCE 60 SHELLCOVE ROAD NEUTRAL BAY		
DRAWING		SCALE
SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE		1 : 200
STATUS		DATE 30.05.24
DEVLOPMENT APPLICATION		DRAWN AC
DRAWING NO.		CHECKED DC
134SD		PROJECT NO.
		AD-22-19
		REVISION
		B

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction. Richard Archer NSW Architects Registration Number: 7856



EXISTING SHADOWS
 PROPOSED ADDITIONAL SHADOWS CAST BY SUBJECT DWELLING

1 SHADOWS PROPOSED 53 & 58 JUN 21@11AM
 1 : 200



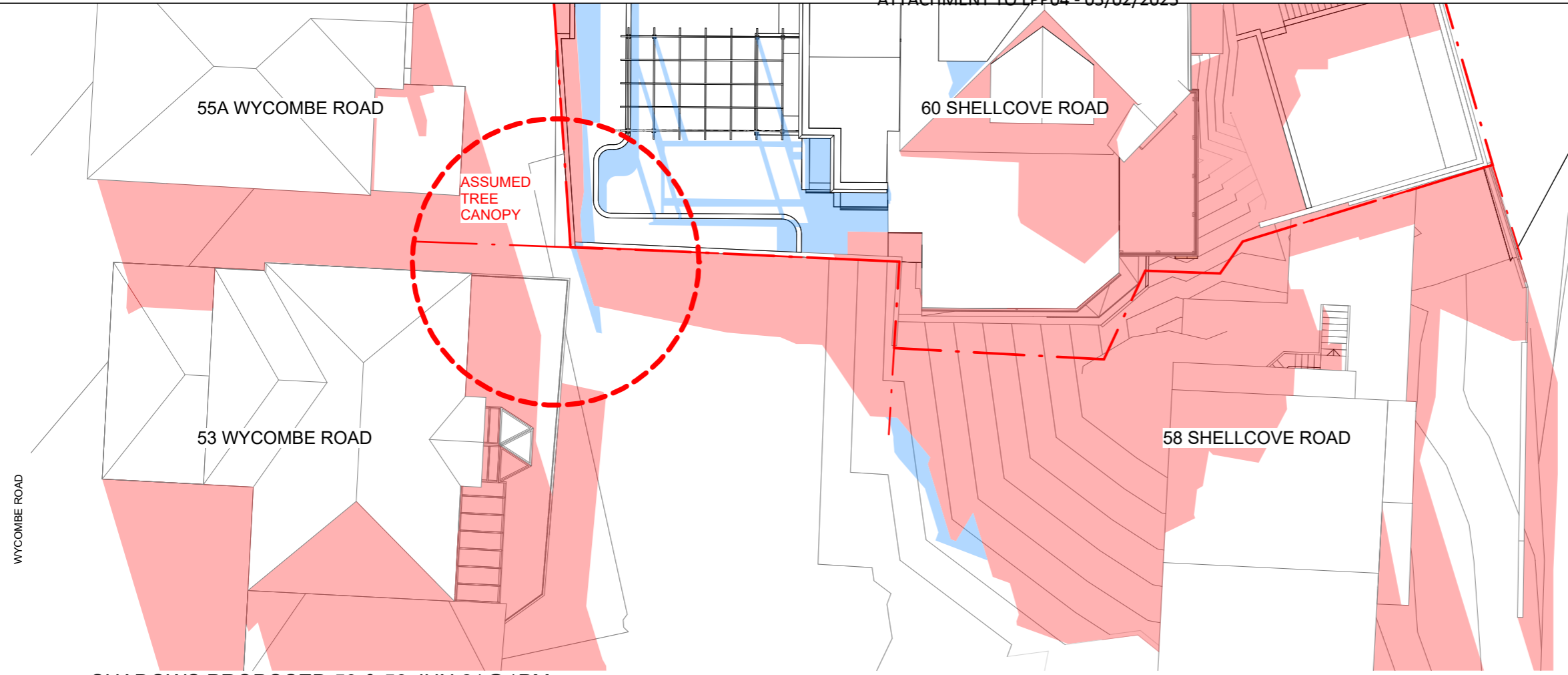
2 SHADOWS PROPOSED 53 & 58 JUN 21@12PM
 1 : 200



suite 35, level 3
 61 marlborough street
 surry hills nsw 2010
 tel: (02) 9698 9754

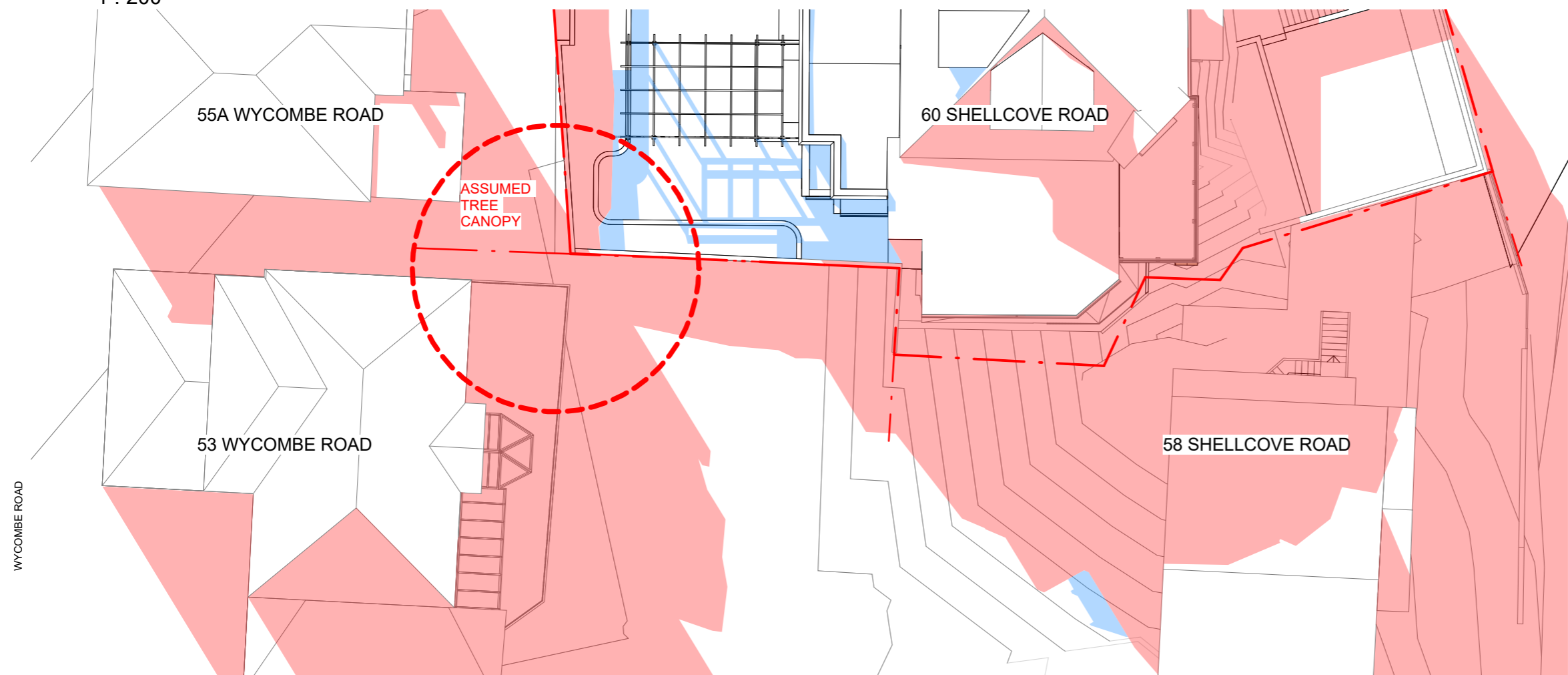
PROJECT		
LIAO RESIDENCE 60 SHELLCOVE ROAD NEUTRAL BAY		
DRAWING		SCALE
SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE		1 : 200
STATUS		DATE 30.05.24
DEVLOPMENT APPLICATION		DRAWN AC
DRAWING NO.		CHECKED DC
135SD		PROJECT NO.
		AD-22-19
		REVISION
		B

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction. Richard Archer NSW Architects Registration Number: 7856



EXISTING SHADOWS
 PROPOSED ADDITIONAL SHADOWS
 CAST BY SUBJECT DWELLING

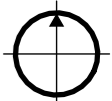
1 SHADOWS PROPOSED 53 & 58 JUN 21@1PM
 1 : 200



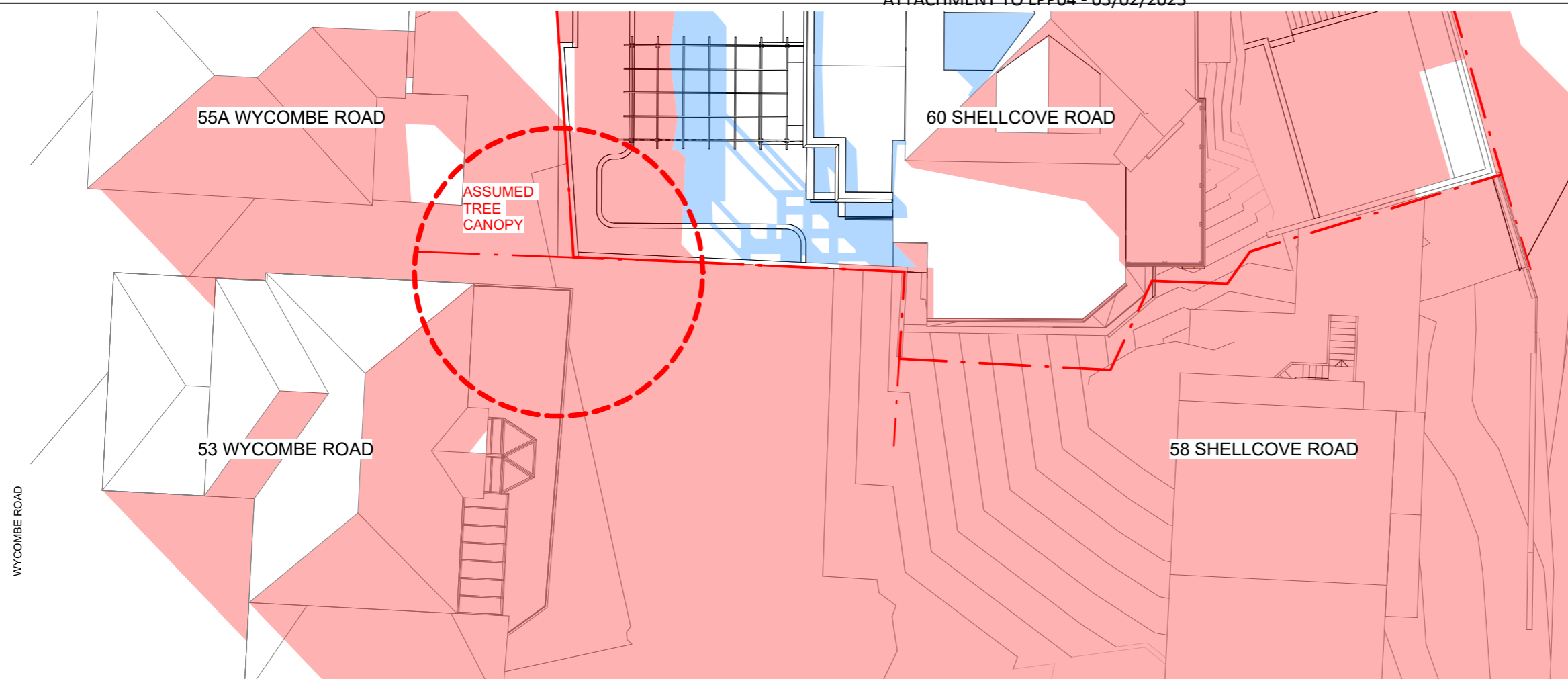
2 SHADOWS PROPOSED 53 & 58 JUN 21@2PM
 1 : 200



suite 35, level 3
 61 marlborough street
 surry hills nsw 2010
 tel: (02) 9698 9754

PROJECT		
LIAO RESIDENCE 60 SHELLCOVE ROAD NEUTRAL BAY		
DRAWING		SCALE
SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE		1 : 200
STATUS		DATE 30.05.24
DEVLOPMENT APPLICATION		DRAWN AC
DRAWING NO.		CHECKED DC
136SD		PROJECT NO.
		AD-22-19
		REVISION
		B

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction. Richard Archer NSW Architects Registration Number: 7856

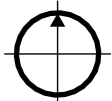


EXISTING SHADOWS
 PROPOSED ADDITIONAL SHADOWS CAST BY SUBJECT DWELLING

1 SHADOWS PROPOSED 53 & 58 JUN 21@3PM
 1 : 200



suite 35, level 3
 61 marlborough street
 surry hills nsw 2010
 tel: (02) 9698 9754

PROJECT		
LIAO RESIDENCE 60 SHELLCOVE ROAD NEUTRAL BAY		
DRAWING		SCALE
SHADOW DIAGRAMS JUNE 21ST 53 WYCOMBE & 58 SHELLCOVE		1 : 200
STATUS		DATE 20.06.24
DEVLOPMENT APPLICATION		DRAWN AC
DRAWING NO.		CHECKED DC
137SD		PROJECT NO.
		AD-22-19
		REVISION
		B

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction. Richard Archer NSW Architects Registration Number: 7856



P03 - DULUX CALF SKIN S1483 TO REAR SHADE STRUCTURE, WESTERN DOOR/WINDOW SURROUNDS AND BLADE WALL



P02 - DULUX LUCK SG8B9 TO DOOR FRAMES, WINDOW FRAMES AND FENCING



ST02 - EARP BROS, ECOLOGY COASTAL REAR TERRACE AND STAIR TILES



RT01 - COLOUR BOND SHALE GREY ROOF SHEETING OVER NEW EXTENSION



P01 - DULUX MOUNT BULLER SN3H3 TO REAR EXISTING WALLS AND NEW EXTENSION LIGHTWEIGHT WALLS



ST01 - ECO OUTDOOR, WYNDATI COBBLE STONE FINISH TO REAR CAR PARK AREA



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

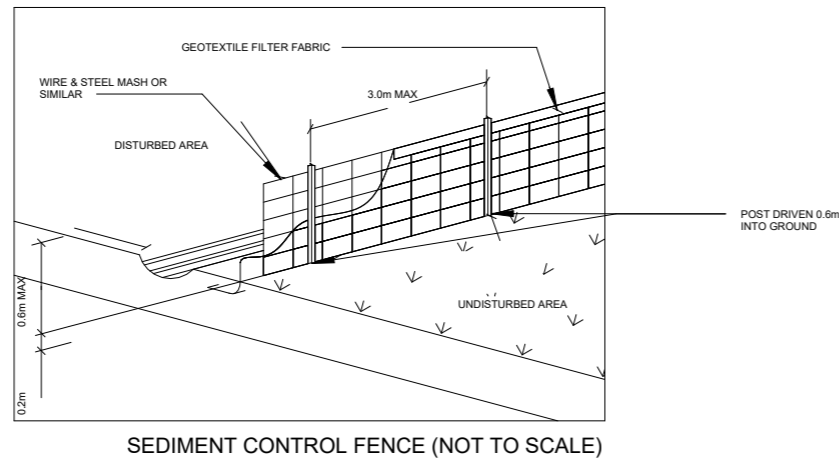
REVISION
A
B

DRAWING
COLOUR AND MATERIALS
SCHEDULE
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE @ A3

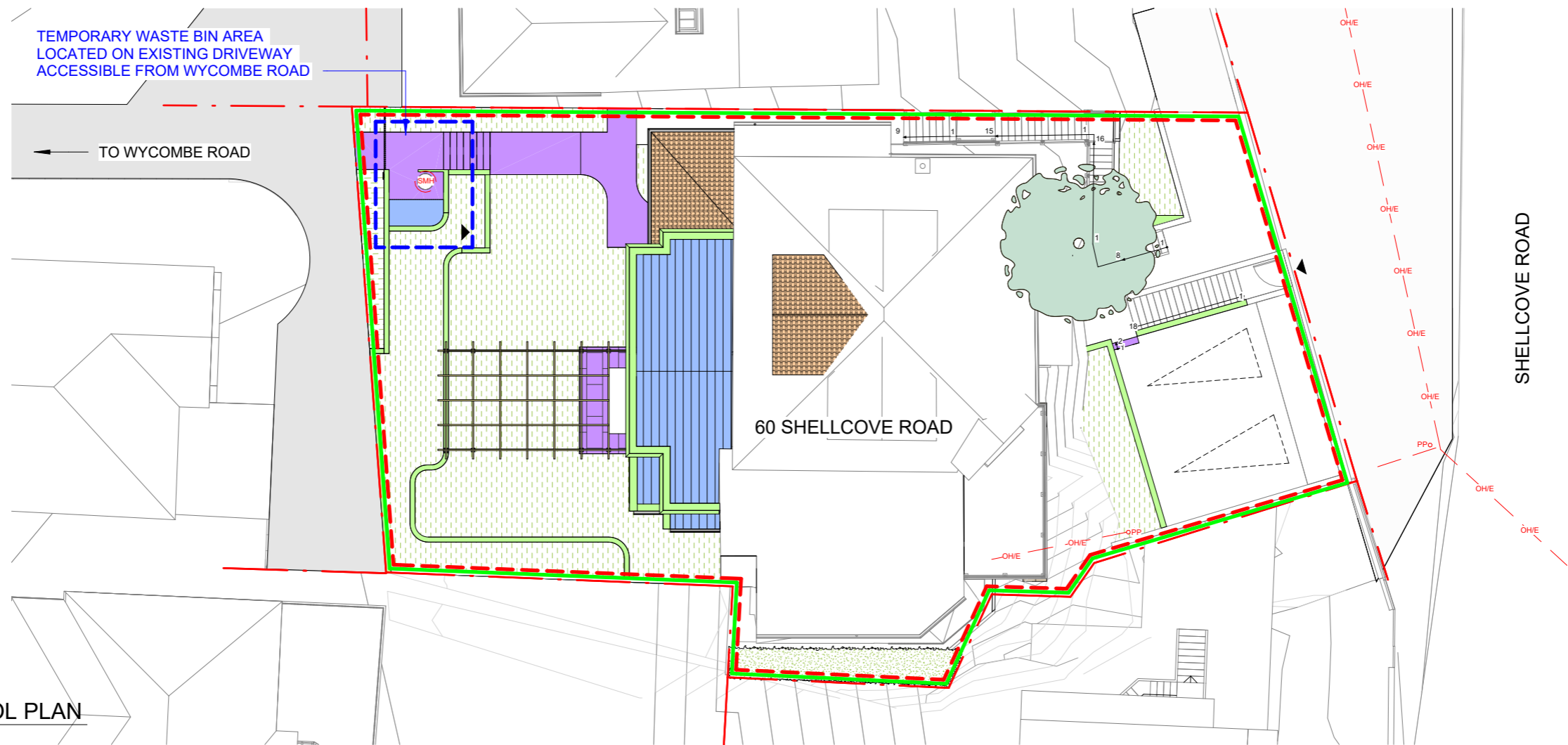
DRAWN DC
CHECKED RA

DRAWING NO. 140SD

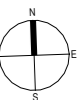


SEDIMENT CONTROL LEGEND:

- PROPOSED OUTLINE OF PROPOSED WASTE BIN DURING CONSTRUCTION
- TEMPORARY FENCING WITH PRIVACY SCREEN
- SEDIMENT CONTROL FENCING FOR SEDIMENT CAPTURE (REFER TO DETAIL)
- BOUNDARY



1 SEDIMENT CONTROL PLAN
1 : 200



BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A401653

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Friday, 28 July 2023
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	60 Shellcove Road, Neutral Bay
Street address	60 Shellcove Road Neutral Bay 2059
Local Government Area	North Sydney Council
Plan type and number	Deposited Plan 580525
Lot number	4
Section number	N/A
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Certified Energy
ABN (if applicable):	95104504210

Fixtures and systems	Show on DA Plans	Show on CO/ODC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Construction	Show on DA Plans	Show on CO/ODC Plans & specs	Certifier Check																								
Insulation requirements																											
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓																								
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>concrete slab on ground floor</td> <td>nil</td> <td></td> </tr> <tr> <td>suspended floor with open subfloor: framed (R2.7)</td> <td>R0.6 (down) (or R1.50 including construction)</td> <td></td> </tr> <tr> <td>suspended floor with enclosed subfloor: framed (R0.7)</td> <td>R0.60 (down) (or R1.30 including construction)</td> <td></td> </tr> <tr> <td>external wall: cavity brick</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: concrete block/plasterboard</td> <td>R1.18 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>flat ceiling, pitched roof</td> <td>ceiling: R3.00 (up) roof: foil/sarking</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> <tr> <td>raked ceiling, pitched/tiltion roof: framed</td> <td>ceiling: R3.00 (up) roof: foil/sarking</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	concrete slab on ground floor	nil		suspended floor with open subfloor: framed (R2.7)	R0.6 (down) (or R1.50 including construction)		suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)		external wall: cavity brick	nil		external wall: concrete block/plasterboard	R1.18 (or R1.70 including construction)		flat ceiling, pitched roof	ceiling: R3.00 (up) roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)	raked ceiling, pitched/tiltion roof: framed	ceiling: R3.00 (up) roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			
Construction	Additional insulation required (R-value)	Other specifications																									
concrete slab on ground floor	nil																										
suspended floor with open subfloor: framed (R2.7)	R0.6 (down) (or R1.50 including construction)																										
suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)																										
external wall: cavity brick	nil																										
external wall: concrete block/plasterboard	R1.18 (or R1.70 including construction)																										
flat ceiling, pitched roof	ceiling: R3.00 (up) roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)																									
raked ceiling, pitched/tiltion roof: framed	ceiling: R3.00 (up) roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)																									

Glazing requirements	Show on DA Plans	Show on CO/ODC Plans & specs	Certifier Check																					
Windows and glazed doors																								
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓																					
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓																					
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓																					
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/air gap/air gap glazing, or toned/air gap/air gap glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓																					
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓																					
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓																					
External louvers and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✓	✓																					
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓																					
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓																					
Windows and glazed doors glazing requirements																								
<table border="1"> <thead> <tr> <th>Window / door no.</th> <th>Orientation</th> <th>Area of glass etc. frame (m²)</th> <th>Overshadowing: Height (m)</th> <th>Distance (m)</th> <th>Shading device</th> <th>Frame and glass type</th> </tr> </thead> <tbody> <tr> <td>GW-14A</td> <td>SE</td> <td>4.281</td> <td>5.28</td> <td>4.025</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 1.63, SHGC: 0.75)</td> </tr> <tr> <td>GD-04A</td> <td>E</td> <td>10</td> <td>0</td> <td>0</td> <td>none</td> <td>timber or uPVC, double Lo-Tsolar</td> </tr> </tbody> </table>	Window / door no.	Orientation	Area of glass etc. frame (m ²)	Overshadowing: Height (m)	Distance (m)	Shading device	Frame and glass type	GW-14A	SE	4.281	5.28	4.025	none	standard aluminium, single clear, (or U-value: 1.63, SHGC: 0.75)	GD-04A	E	10	0	0	none	timber or uPVC, double Lo-Tsolar			
Window / door no.	Orientation	Area of glass etc. frame (m ²)	Overshadowing: Height (m)	Distance (m)	Shading device	Frame and glass type																		
GW-14A	SE	4.281	5.28	4.025	none	standard aluminium, single clear, (or U-value: 1.63, SHGC: 0.75)																		
GD-04A	E	10	0	0	none	timber or uPVC, double Lo-Tsolar																		



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. Figured dimensions shall be used in preference to calling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.25

REVISION
A

DRAWING
BASIX CERTIFICATE

STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-23-19

SCALE
@ A3

DRAWN BY
CHECKED BY
DRAWING NO.
142SD

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overhanging Height (m)	Distance (m)	Shading device	Frame and glass type		
						gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GD-03A	SE	3.93	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-18A	SE	3.284	2.018	4.095	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-14-17A	E	6.84	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
FW-13T	SE	2.163	0	0	eave/verandah/pergola/balcony >=750 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.69)		
GW-17A	S	2.522	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GW-15A	S	3.920	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-21A	S	1.369	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-20A	S	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-19A	S	3.042	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
AW-03A	S	4.384	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GW-19A	W	5.878	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GD-08A	W	8.993	0	0	external louvre/ blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GW-18A	W	5.03	0	0	eave/verandah/pergola/balcony	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overhanging Height (m)	Distance (m)	Shading device	Frame and glass type		
						gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GD-01A	W	2.565	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GW-21A	W	1.222	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overhanging Height (m)	Distance (m)	Shading device	Frame and glass type		
					>=900 mm	U-value: 7.63, SHGC: 0.75)		
GD-05A	W	1.868	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
FD-01A	W	4.591	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-01A	W	4.228	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-02A	W	1.369	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
AW-01A	W	8.08	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GW-04T	N	2.484	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GW-03T	N	2.484	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
GD-02A	N	2.214	3	2.899	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GW-01A	N	1.408	3	2.899	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
FW-03A	N	1.731	0	0	none	timber or uPVC, double Lo-Tisol/air gap/ clear, (U-value: 2.3, SHGC: 0.19)		
FW-02A	N	2.257	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
GW-20A	N	2.834	3	5.289	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
AW-02A	N	4.2	0	0	none	timber or uPVC, double Lo-Tisol/air		

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.25

REVISION
A

DRAWING
BASIX CERTIFICATE

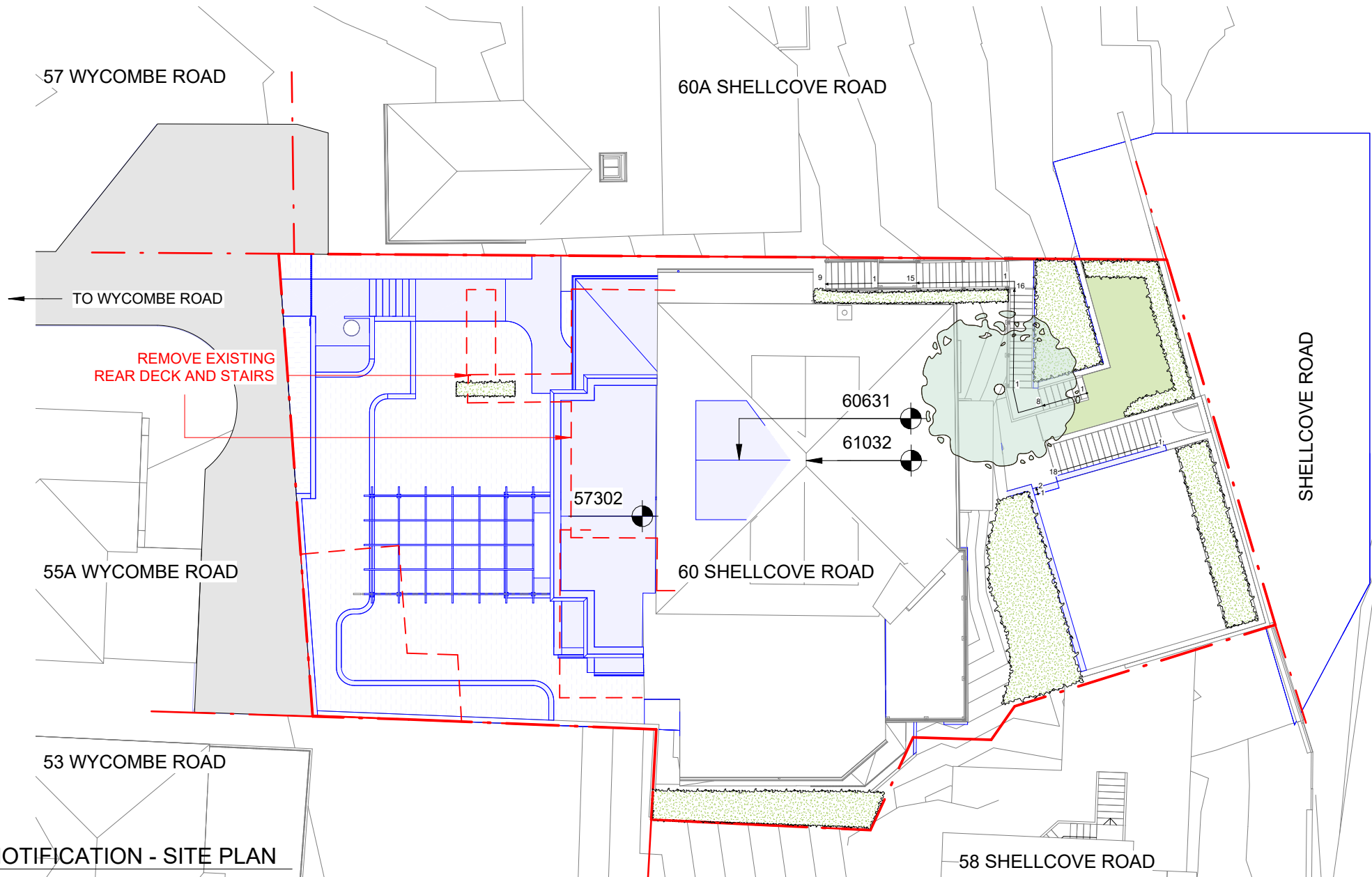
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19

SCALE
@ A3

DRAWN DC
CHECKED RA

DRAWING NO.
143SD



1 NOTIFICATION - SITE PLAN
1 : 200



PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

REVISION
A
B

DRAWING
NOTIFICATION SITE PLAN
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 200 @ A4

DRAWN DC
CHECKED RA
DRAWING NO.

150SD



58 SHELLCOVE ROAD

60 SHELLCOVE ROAD

60A SHELLCOVE ROAD

▼ ATTIC FLOOR LEVEL
57.990

▼ FIRST FLOOR LEVEL
54.640

▼ MASTER SUITE LEVEL
54.250

▼ GROUND FLOOR LEVEL
51.330

▼ GARAGE FLOOR LEVEL
39.410



1 NOTIFICATION EAST ELEVATION_EXISTING

1 : 100



suite 25, level 3
 61 warfborough street
 surry hills nsw 2010
 tel: (02) 9698 9756
 fax: (02) 9698 2973
 www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
 No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of Archer Design Pty Ltd.

PROJECT
LIAO RESIDENCE
 60 SHELLCOVE ROAD NEUTRAL BAY

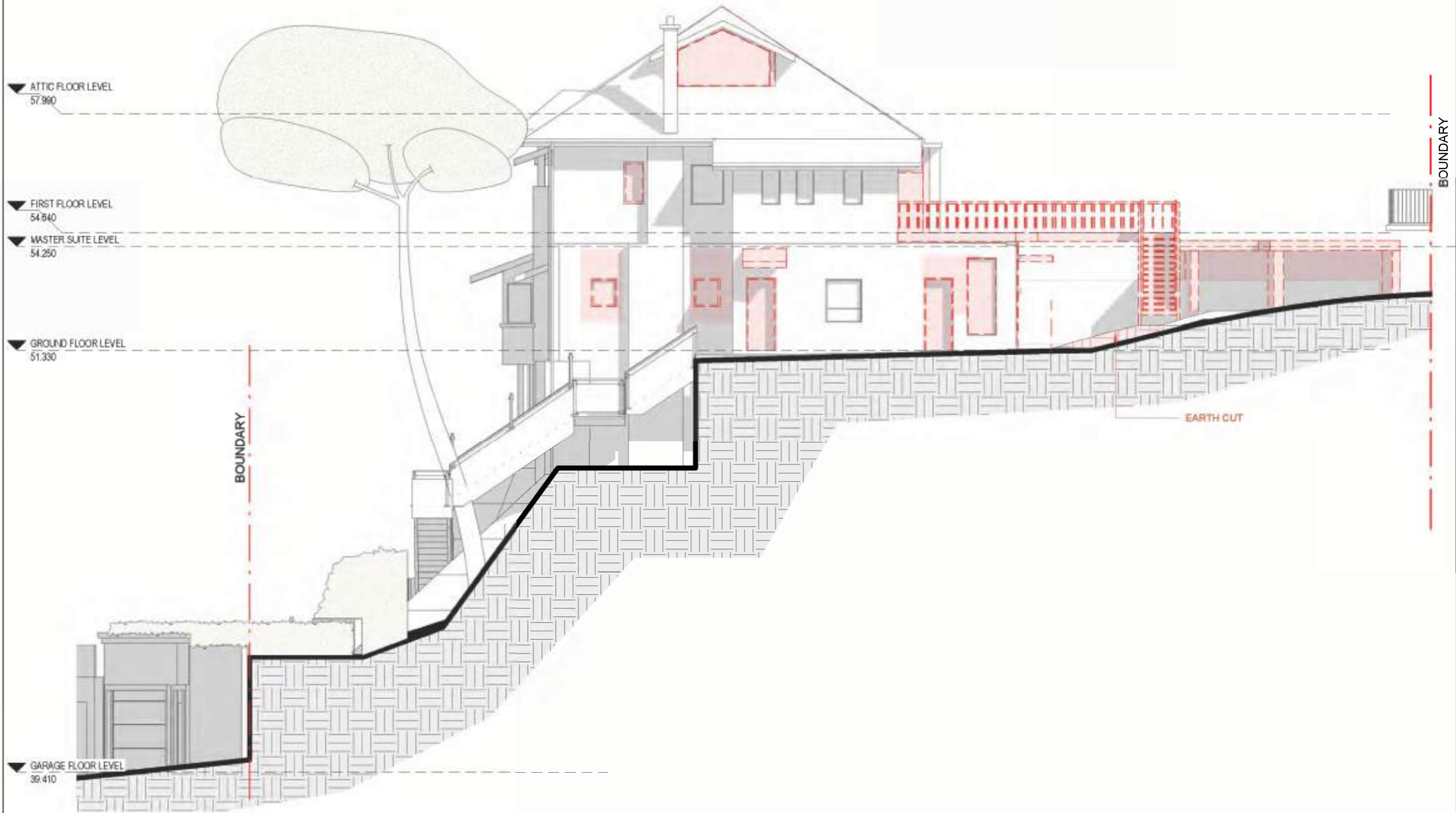
DATE
 31.07.23

REVISION
 A

DRAWING
**NOTIFICATION EAST ELEVATION
 EXISTING**
 STATUS
 DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
 SCALE
 1 : 100 @ A3

DRAWN: DC
 CHECKED: HA
 DRAWING NO.
151SD

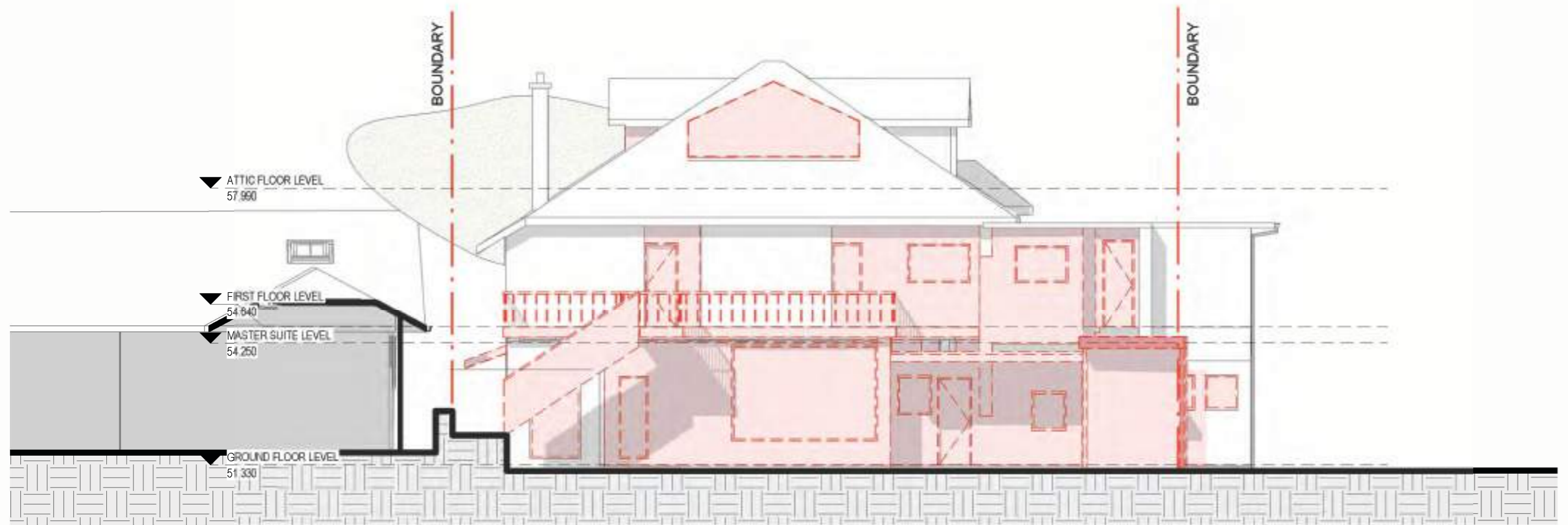


① **NOTIFICATION NORTH ELEVATION_ EXISTING**
 1 : 100

60A SHELLCOVE ROAD

60 SHELLCOVE ROAD

53 WYCOMBE ROAD



1 NOTIFICATION WEST ELEVATION_ EXISTING
1 : 100



① NOTIFICATION SOUTH ELEVATION EXISTING
1 : 100

58 SHELLCOVE ROAD

60 SHELLCOVE ROAD

60A SHELLCOVE ROAD

▼ ATTIC FLOOR LEVEL
57.990

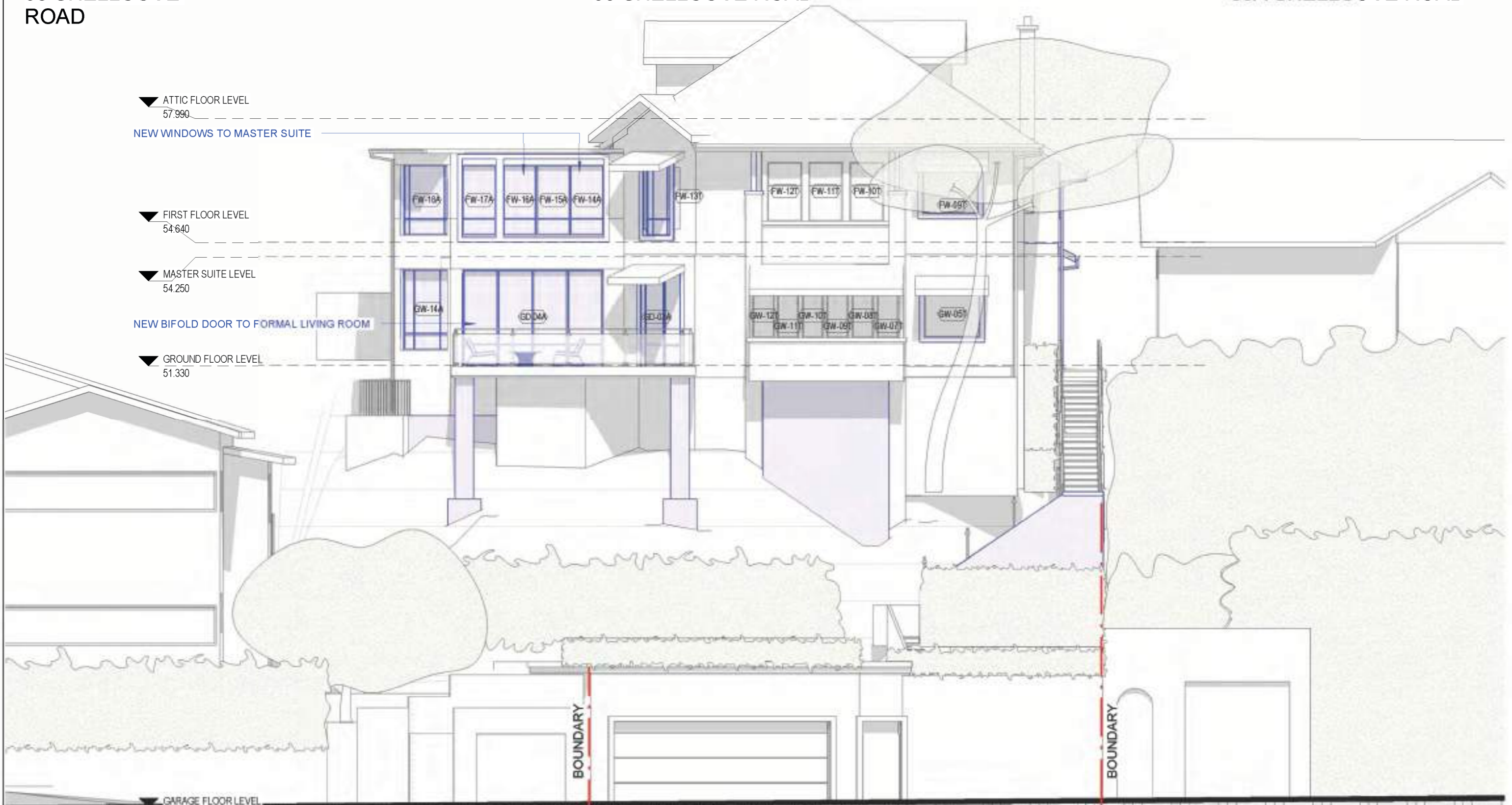
NEW WINDOWS TO MASTER SUITE

▼ FIRST FLOOR LEVEL
54.640

▼ MASTER SUITE LEVEL
54.250

NEW BIFOLD DOOR TO FORMAL LIVING ROOM

▼ GROUND FLOOR LEVEL
51.330



▼ GARAGE FLOOR LEVEL
30.410

1 NOTIFICATION EAST ELEVATION

1 : 100

archer design
 suite 25, level 3
 61 warburton street
 avery hills nsw 2010
 tel: (02) 9698 9756
 fax: (02) 9698 2973
 www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Archer Design Pty Ltd. Registered Architect No. 1024

PROJECT
LIAO RESIDENCE
 60 SHELLCOVE ROAD NEUTRAL BAY

DATE
 31.07.25

REVISION
 A

DRAWING
NOTIFICATION EAST ELEVATION
 PROPOSED

STATUS
 DEVELOPMENT APPLICATION

PROJECT NO. AD-22-19	DRAWN BY CC
SCALE 1 : 100 @ A3	CHECKED BY Clarke
155SD	

60 SHELLCOVE ROAD



1 NOTIFICATION NORTH ELEVATION
1 : 100

archer design
 suite 35, level 3
 61 meadows street
 nurey hills nsw 2110
 tel: (02) 9650 9754
 fax: (02) 9690 2975
 www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. No part of this drawing shall be used in preference to the original drawing. The contents of this drawing are for the design of the project only. All other drawings shall be prepared by the design of the project only. Registration Number: 9234

PROJECT
LIAO RESIDENCE
 60 SHELLCOVE ROAD NEUTRAL BAY

DATE	REVISION
31.07.23	A
20.06.24	B

DRAWING
**NOTIFICATION NORTH
 ELEVATION PROPOSED**
 STATUS
 DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
 SCALE
 1 : 100 @ A3

DRAWN DC
 CHECKED RA
 DRAWING NO.
156SD

60A SHELLCOVE ROAD

60 SHELLCOVE ROAD

53 WYCOMBE ROAD



1 NOTIFICATION WEST ELEVATION
1 : 100



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

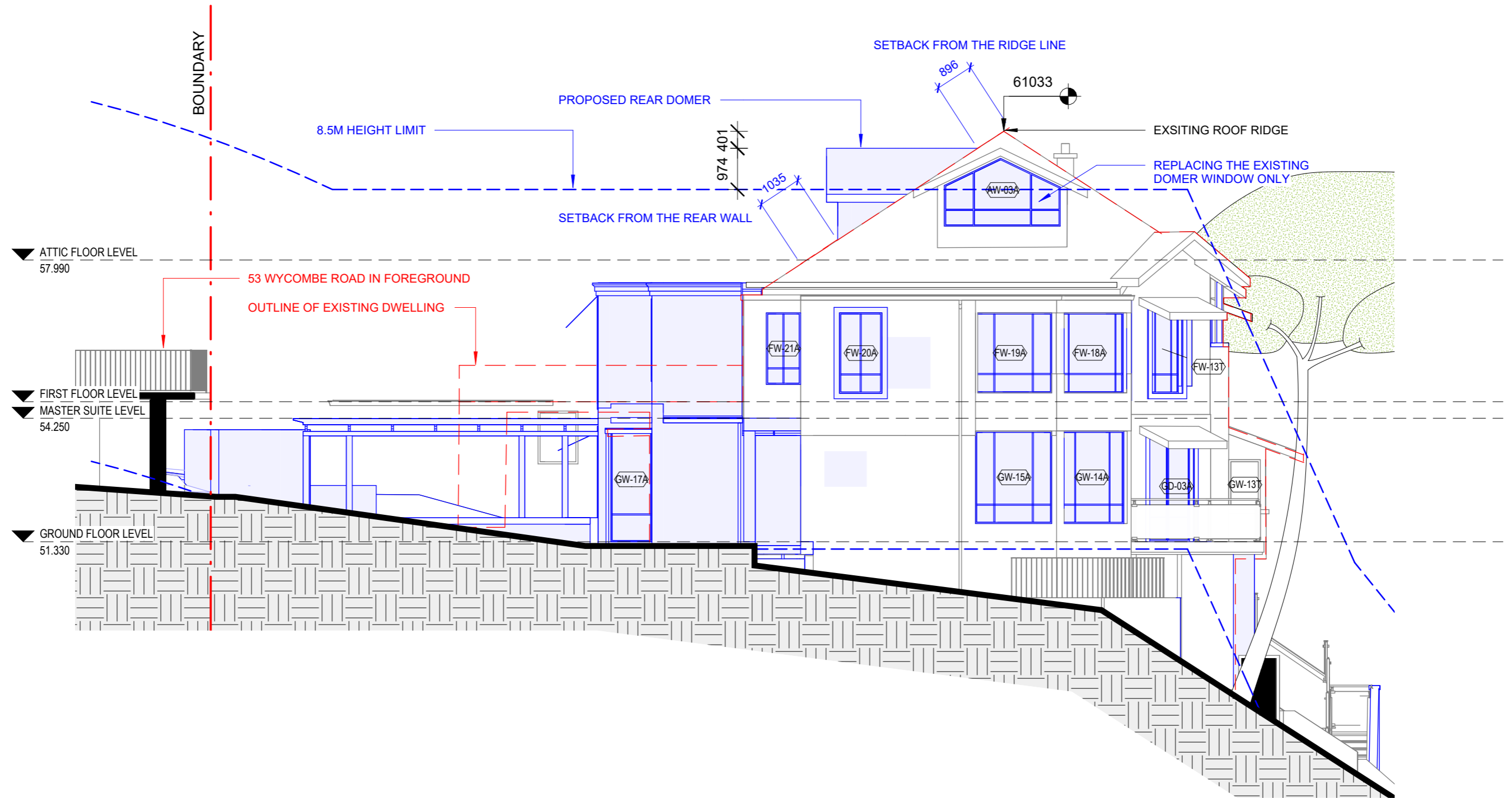
REVISION
A
B

DRAWING
NOTIFICATION WEST
ELEVATION PROPOSED
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 100 @ A3

DRAWN DC
CHECKED RA

DRAWING NO.
157SD



1 NOTIFICATION SOUTH ELEVATION
1 : 100

58 SHELLCOVE ROAD

60 SHELLCOVE ROAD

60A SHELLCOVE ROAD

REMOVAL OF EXISTING WINDOWS & DOORS AND PREPARE FOR REPLACEMENT/LAYOUT CHANGES

ATTIC FLOOR LEVEL
57.990

FIRST FLOOR LEVEL
54.640

MASTER SUITE LEVEL
54.250

GROUND FLOOR LEVEL
51.330

REMOVAL OF EXISTING WINDOWS & DOORS AND PREPARE FOR REPLACEMENT/LAYOUT CHANGES

REMOVE EXISTING AWNING ROOF

BOUNDARY

BOUNDARY

GARAGE FLOOR LEVEL
39.410

1 EAST ELEVATION_ EXISTING & DEMOLITION
1 : 100



suite 25, level 3
61 warfield street
surrey, bc v3v 2t1
tel: (604) 969-9756
fax: (604) 969-2973
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved. No part of this drawing may be used in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Archer Design Pty Ltd. Registered Architectural Practitioner No. 1024

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
16.03.23
28.04.23

REVISION
A
B

DRAWING
EAST ELEVATION_ EXISTING & DEMOLITION
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
1 : 100 @ A3

DRAWN BY
CHECKED
DRAWING NO.
820EL

58 SHELLCOVE ROAD

60 SHELLCOVE ROAD

60A SHELLCOVE ROAD

▼ ATTIC FLOOR LEVEL
57.990

NEW WINDOWS TO MASTER SUITE

▼ FIRST FLOOR LEVEL
54.640

▼ MASTER SUITE LEVEL
54.250

NEW BIFOLD DOOR TO FORMAL LIVING ROOM

▼ GROUND FLOOR LEVEL
51.330

NEW SANDSTONE CLADDING TO MATCH EXISTING

NEW SANDSTONE WALL TO CONCEAL EXISTING STAIR

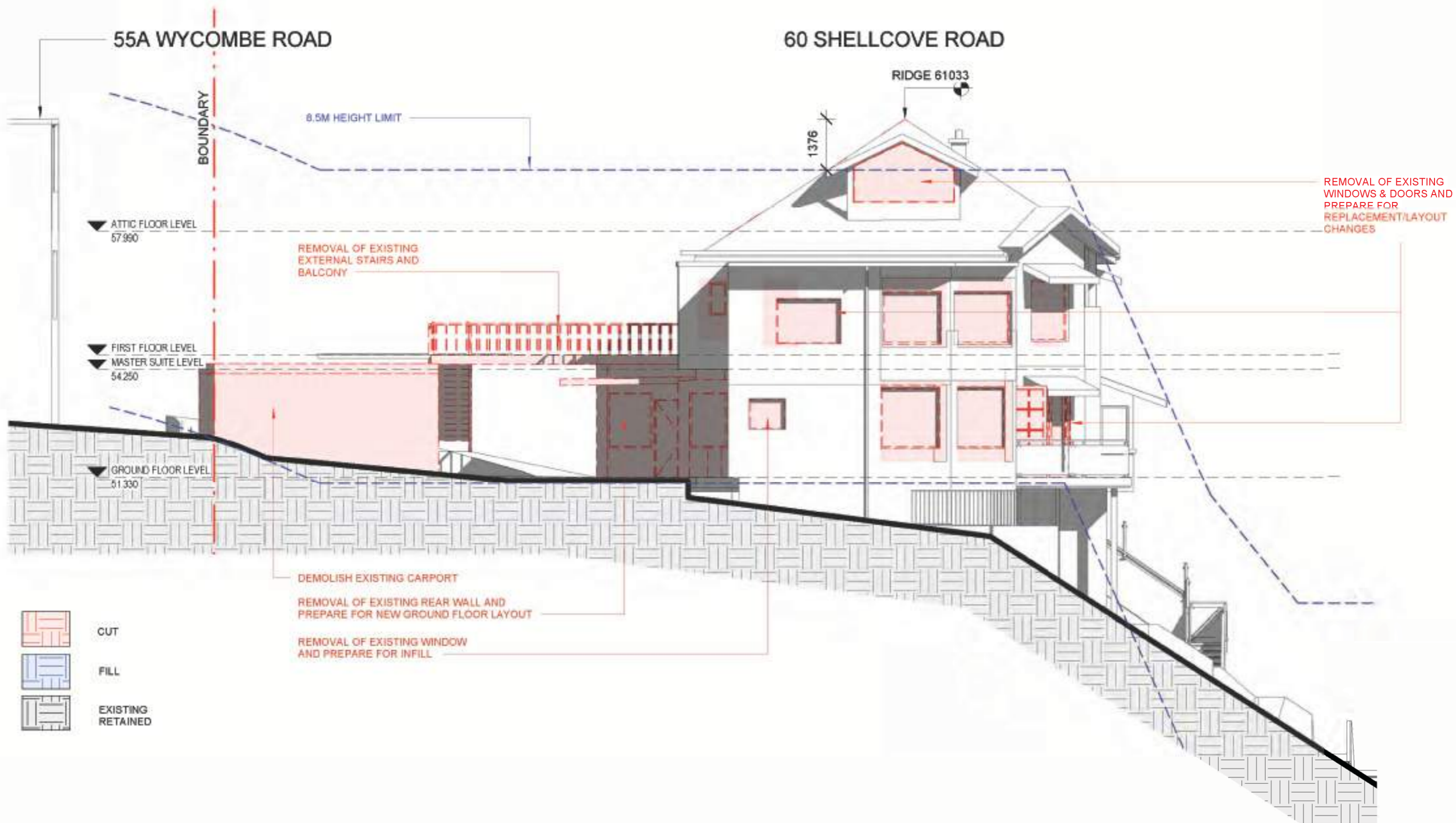
▼ GARAGE FLOOR LEVEL
39.410

BOUNDARY

BOUNDARY

1 EAST ELEVATION
1 : 100

Window Schedule			Window Schedule		
Mark	Width	Height	Mark	Width	Height
GROUND LEVEL			FIRST LEVEL		
GD-01A	1900	2600	FD-01A	1770	2420
GD-02A	820	2700	FW-01A	1705	2480
GD-03A	1900	2620	FW-02A	970	2430
GD-04A	3020	2620	FW-03A	1024	1690
GD-05A	820	2300	FW-04A	626	1270
GD-06A	3459	2600	FW-13T	1030	2100
GW-01A	828	1700	FW-14A	905	1690
GW-02A	1008	1200	FW-15A	905	1690
GW-03T	1200	2070	FW-16A	905	1690
GW-04T	1200	2070	FW-17A	905	1690
GW-14A	1961	2183	FW-18A	1943	1690
GW-15A	1900	2183	FW-19A	1800	1690
GW-17A	970	2600	FW-20A	1000	1690
GW-19A	1993	2700	FW-21A	610	1690
GW-19A	3423	2600	FW-22A	610	1690
GW-23A	970	2600	ATTIC LEVEL		
GW-24A	470	2600	AW-01A	3600	1600
			AW-02A	2625	1600
			AW-03A	2740	1600



1 SOUTH ELEVATION _ EXISTING & DEMOLITION
1 : 100



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check all dimensions on site before commencing work. All shop drawings shall be reviewed by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

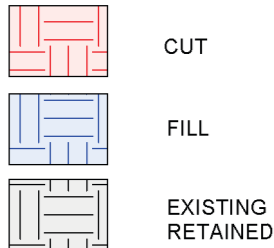
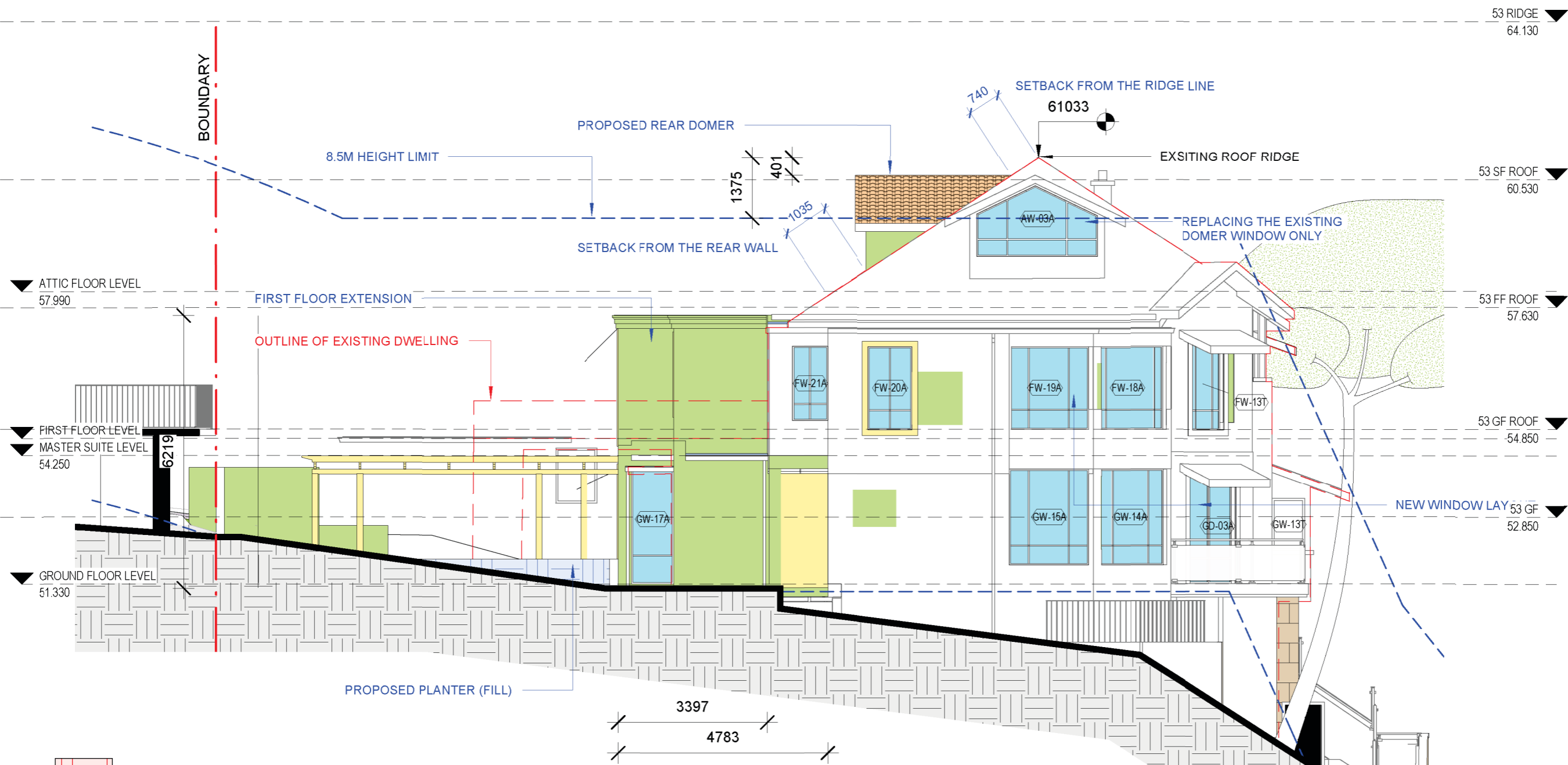
REVISION
C
D

DRAWING
SOUTH ELEVATION _ EXISTING & DEMOLITION
STATUS
DEVELOPMENT APPLICATION

PROJECT NO.
AD-22-19
SCALE
As indicated @ A3

DRAWN DC
CHECKED

DRAWING NO.
822EL



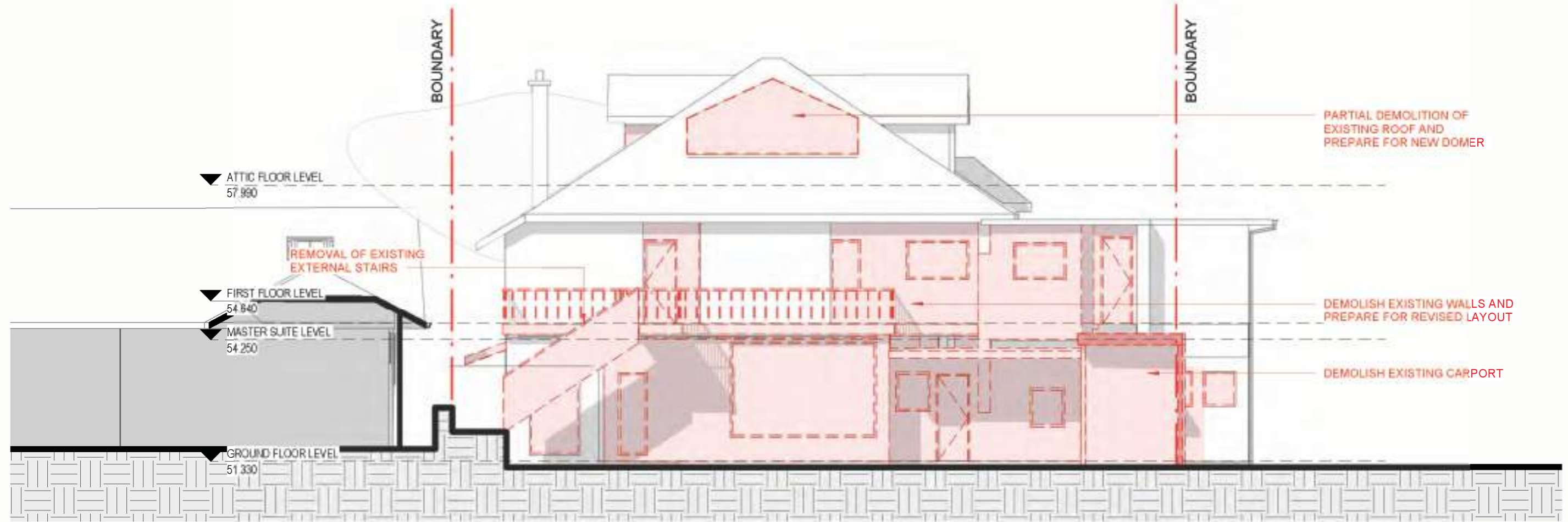
Window Schedule			Window Schedule		
Mark	Width	Height	Mark	Width	Height
GROUND LEVEL			FIRST LEVEL		
GD-01A	1000	2600	FD-01A	1770	2420
GD-02A	820	2700	FW-01A	1705	2480
GD-03A	1500	2620	FW-02A	970	2430
GD-04A	3820	2620	FW-03A	1024	1690
GD-05A	820	2300	FW-04A	526	1270
GD-06A	3459	2600	FW-13T	1030	2100
GW-01A	828	1700	FW-14A	905	1890
GW-02A	1008	1200	FW-15A	905	1890
GW-03T	1200	2070	FW-16A	905	1890
GW-04T	1200	2070	FW-17A	905	1890
GW-14A	1961	2183	FW-18A	1943	1890
GW-15A	1800	2183	FW-19A	1800	1890
GW-17A	970	2600	FW-20A	1000	1900
GW-18A	1863	2700	FW-21A	810	1690
GW-19A	3453	2600	FW-22A	810	1690
GW-20A	970	2600	ATTIC LEVEL		
GW-21A	470	2600	AW-01A	3800	1600
			AW-02A	2625	1600
			AW-03A	2740	1600

1 SOUTH ELEVATION
1 : 100

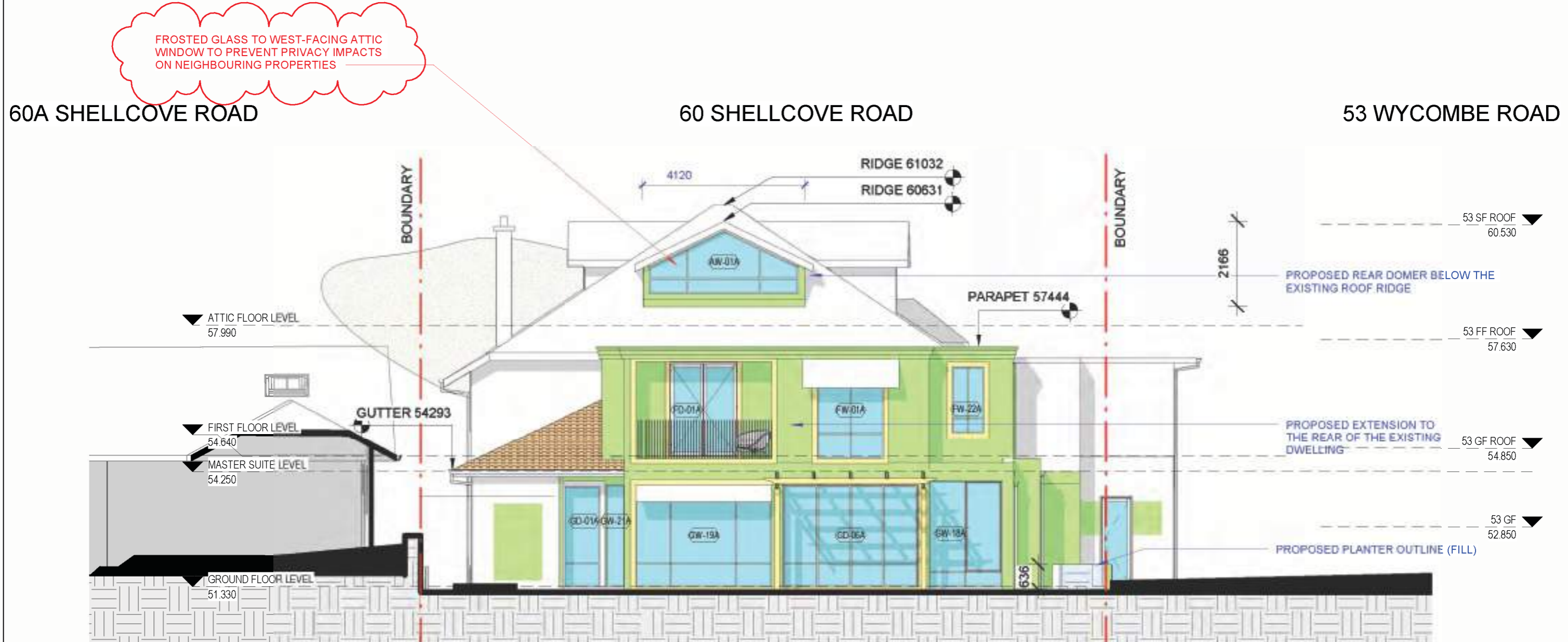
60A SHELLCOVE ROAD

60 SHELLCOVE ROAD

53 WYCOMBE ROAD



1 WEST ELEVATION_ EXISTING & DEMOLITION
1 : 100



1 WEST ELEVATION
1 : 100

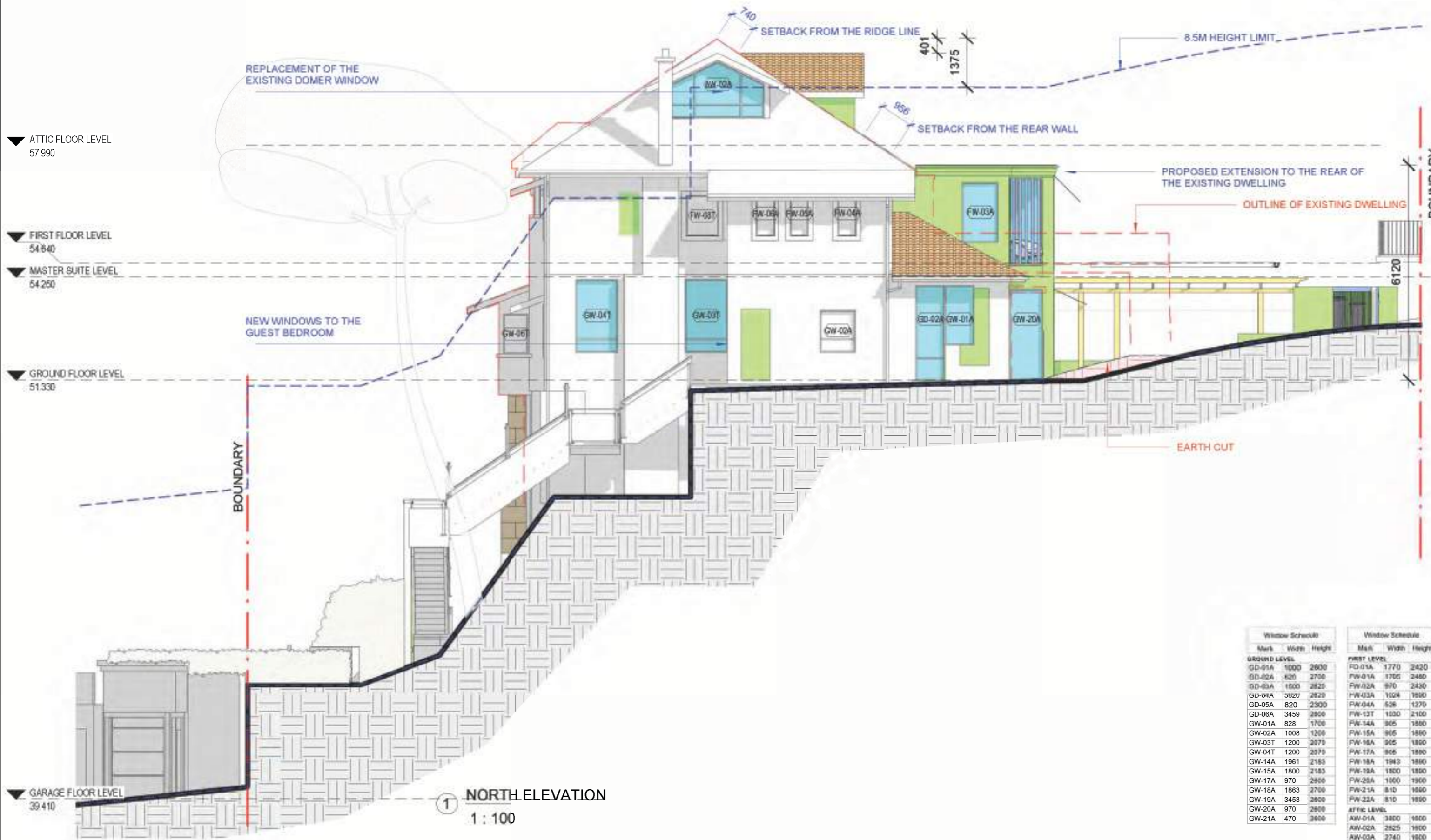
Window Schedule			Window Schedule		
Mark	Width	Height	Mark	Width	Height
GROUND LEVEL			FIRST LEVEL		
GD-01A	1000	2600	FD-01A	1770	2420
GD-02A	820	2700	FW-01A	1705	2480
GD-03A	1500	2620	FW-02A	970	2430
GD-04A	3820	2620	FW-03A	1024	1690
GD-05A	820	2300	FW-04A	526	1270
GD-06A	3459	2600	FW-13T	1030	2100
GW-01A	828	1700	FW-14A	905	1890
GW-02A	1008	1200	FW-15A	905	1890
GW-03T	1200	2070	FW-16A	905	1890
GW-04T	1200	2070	FW-17A	905	1890
GW-14A	1961	2183	FW-18A	1943	1890
GW-15A	1800	2183	FW-19A	1800	1890
GW-17A	970	2600	FW-20A	1000	1900
GW-18A	1863	2700	FW-21A	810	1690
GW-19A	3453	2600	FW-22A	810	1690
GW-20A	970	2600	ATTIC LEVEL		
GW-21A	470	2600	AW-01A	3800	1600
			AW-02A	2625	1600
			AW-03A	2740	1600

60 SHELLCOVE ROAD



① NORTH ELEVATION_ EXISTING & DEMOLITION
1 : 100

60 SHELLCOVE ROAD



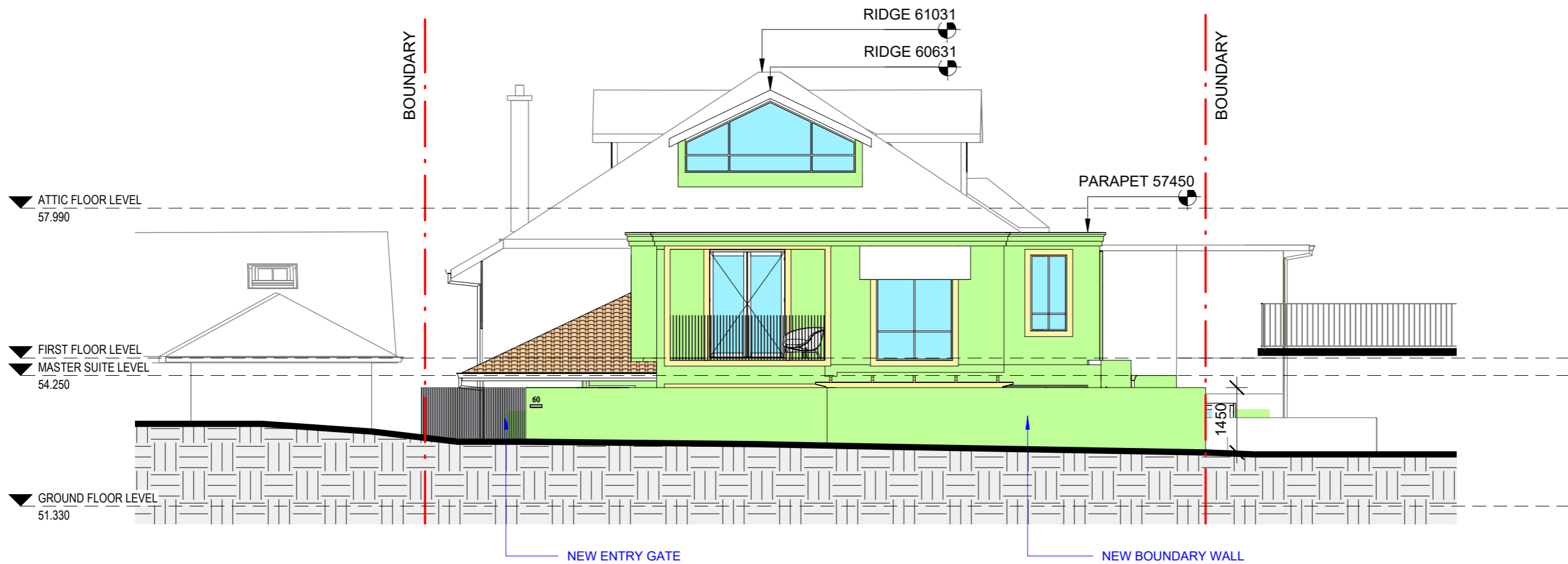
1 NORTH ELEVATION
1 : 100

Window Schedule			Window Schedule		
Mark	Width	Height	Mark	Width	Height
GROUND LEVEL			FIRST LEVEL		
GD-01A	1000	2600	FD-01A	1770	2420
GD-02A	620	2700	FD-01A	1705	2480
GD-03A	1600	2620	FD-02A	970	2430
GD-04A	3620	2620	FD-03A	1024	1950
GD-05A	820	2500	FD-04A	526	1270
GD-06A	3459	2600	FD-13T	1030	2100
GW-01A	828	1700	FD-14A	905	1850
GW-02A	1008	1200	FD-15A	905	1850
GW-03T	1200	2070	FD-16A	905	1850
GW-04T	1200	2070	FD-17A	905	1850
GW-14A	1961	2183	FD-18A	1943	1860
GW-15A	1800	2183	FD-19A	1800	1800
GW-17A	970	2900	FD-20A	1000	1900
GW-18A	1863	2700	FD-21A	810	1950
GW-19A	3453	2600	FD-22A	810	1950
GW-20A	970	2600	ATTIC LEVEL		
GW-21A	470	2600	AW-01A	3800	1800
			AW-02A	2625	1800
			AW-03A	2740	1800

60A SHELLCOVE ROAD

60 SHELLCOVE ROAD

53 WYCOMBE ROAD



① REAR DRIVEWAY ELEVATION
1 : 100



suite 35, level 3
61 marlborough street
surry hills nsw 2010
tel: (02) 9698 9754
fax: (02) 9690 2975
www.archerdesign.com.au

All contents of this drawing are copyright by Archer Design Pty Ltd. All reserved.
Figured dimensions shall be used in preference to scaling. The contractor shall check
all dimensions on site before commencing work. All shop drawings shall be reviewed
by the designer prior to construction.
Richard Archer NSW Architects Registration Number: 7856

PROJECT
LIAO RESIDENCE
60 SHELLCOVE ROAD NEUTRAL BAY

DATE
31.07.23
20.06.24

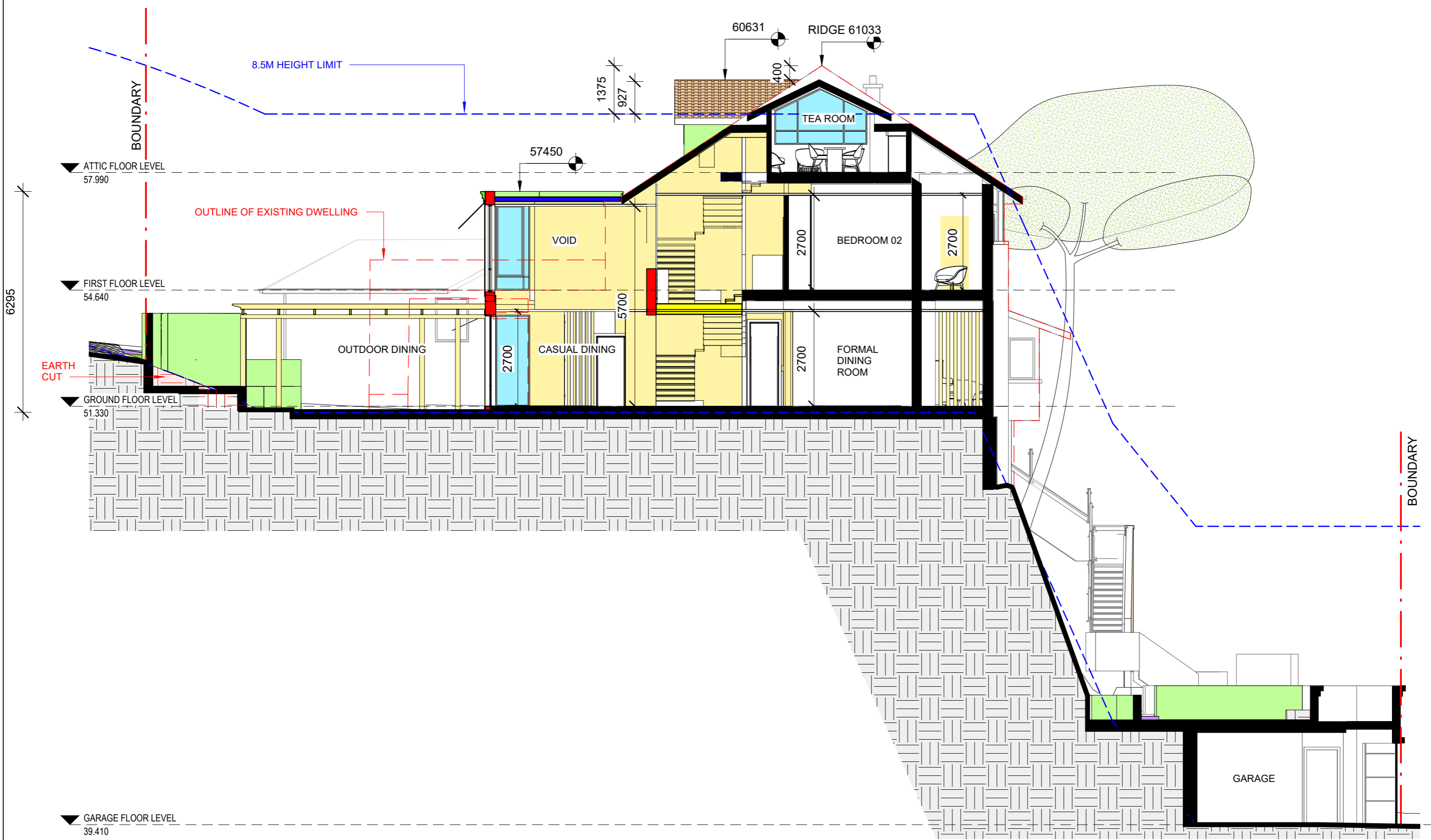
REVISION
A
B

DRAWING
REAR LANE ELEVATION
STATUS
DEVELOPMENT APPLICATION

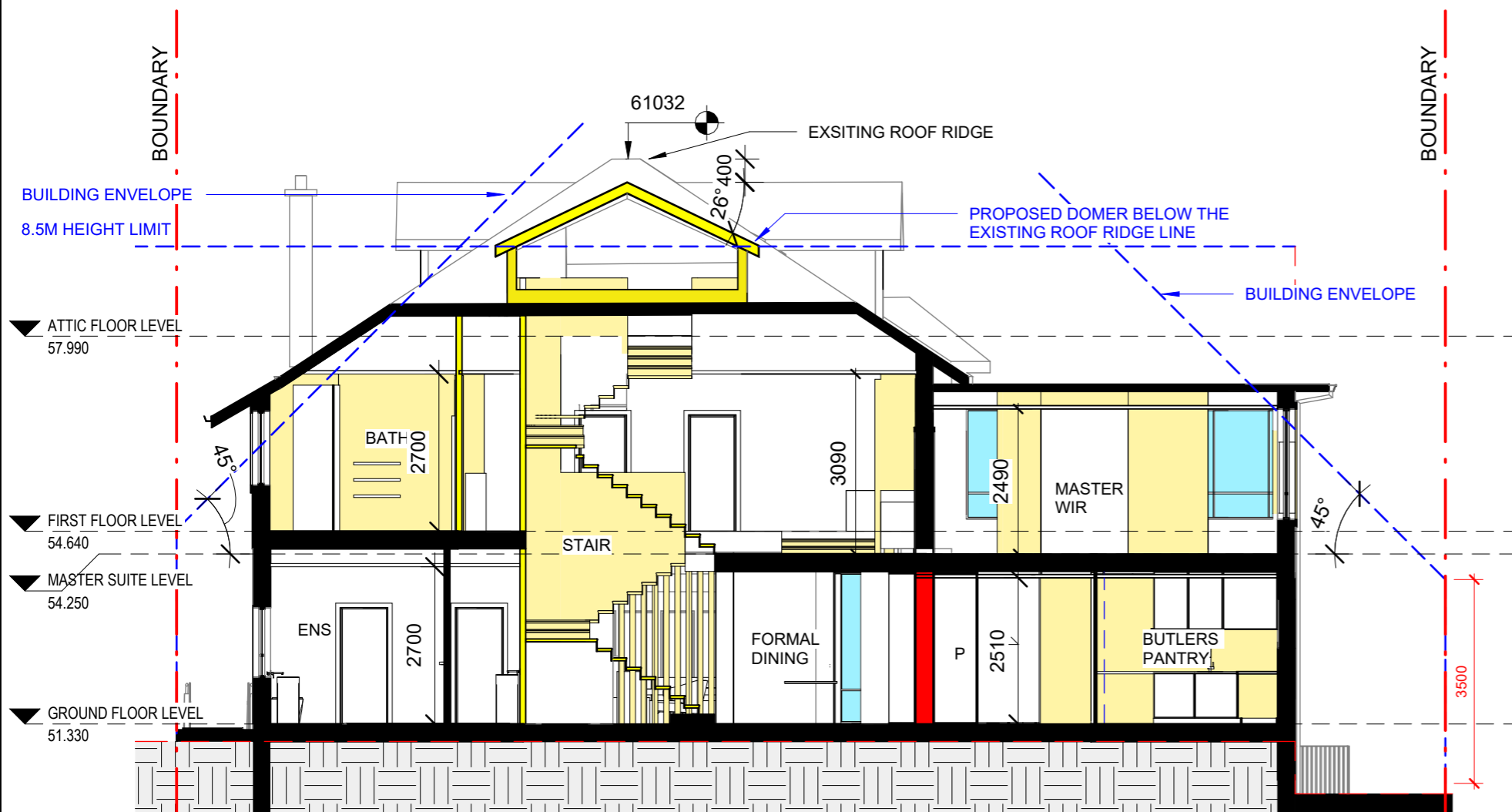
PROJECT NO.
AD-22-19
SCALE
1 : 100 @ A3

DRAWN DC
CHECKED RA

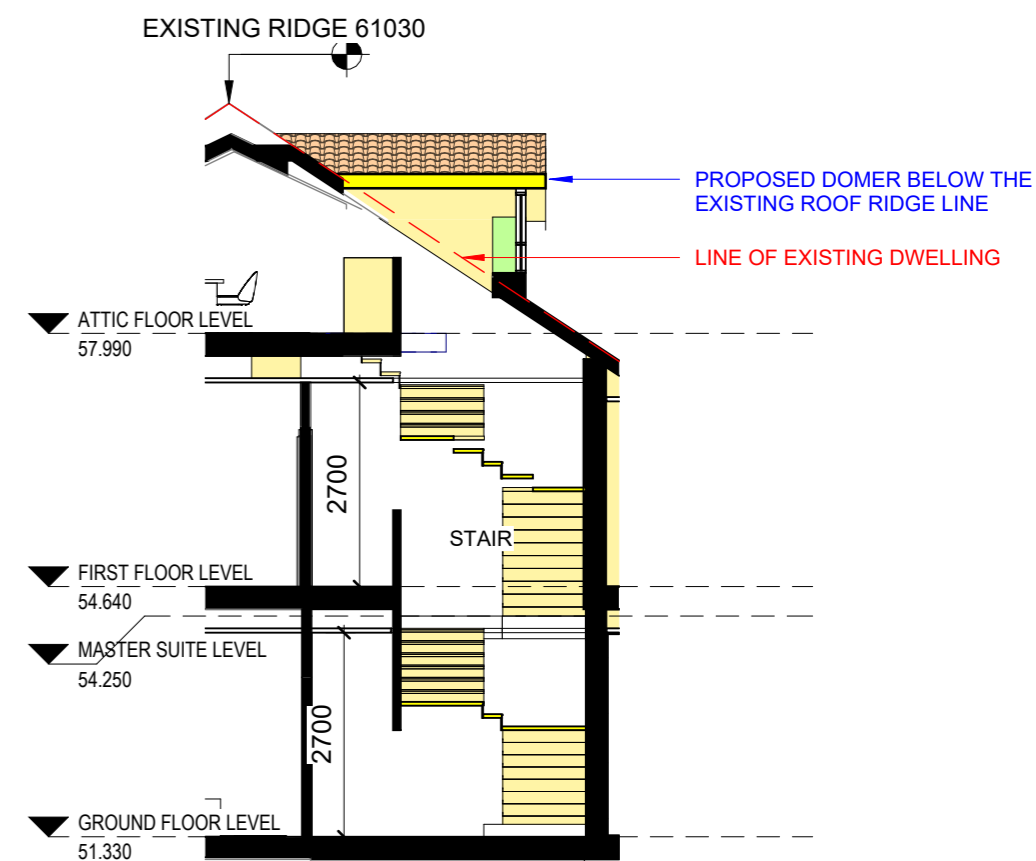
DRAWING NO.
828EL



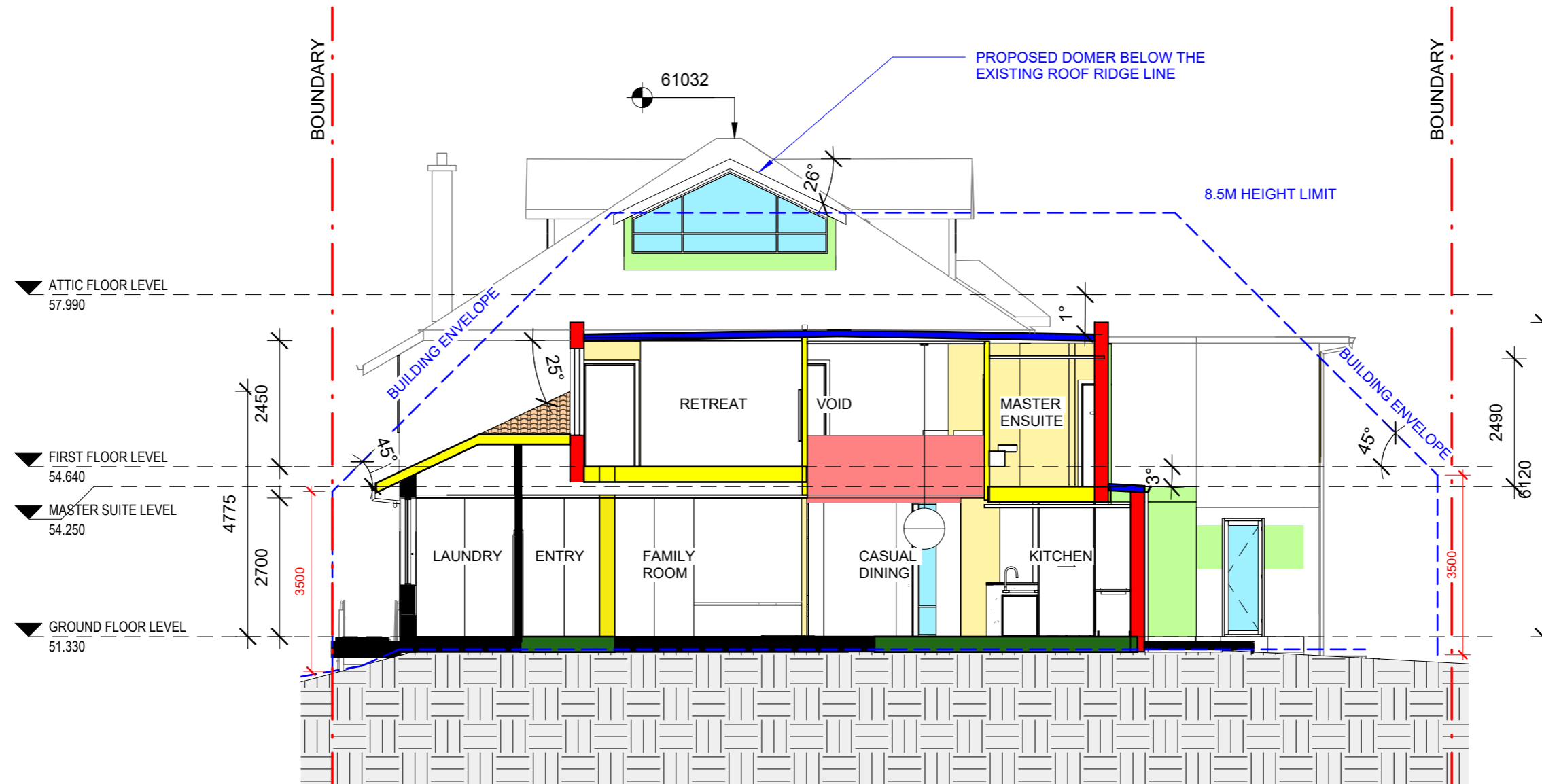
1 LONG SECTION 1
1 : 100



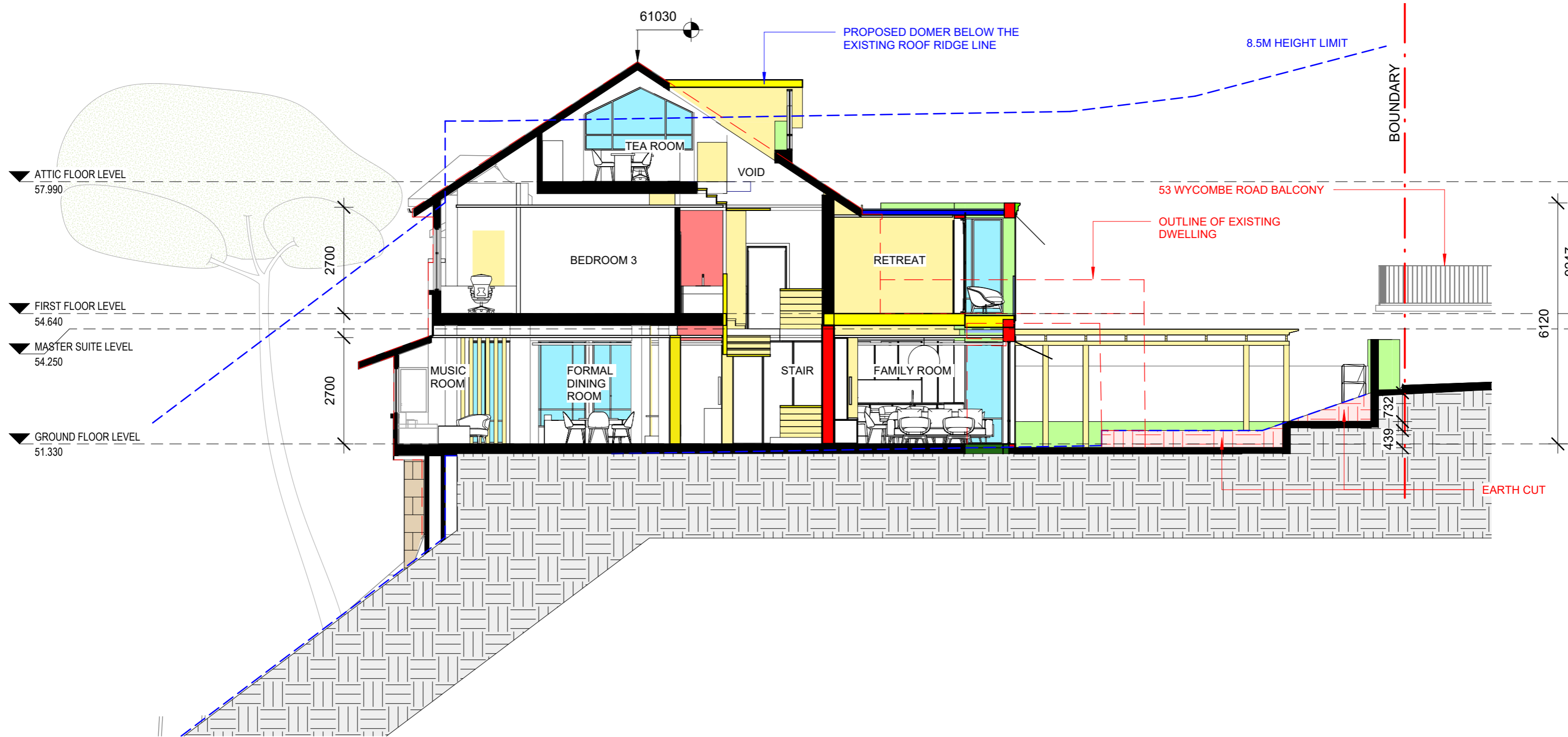
① CROSS SECTION 1
1 : 100



② STAIR SECTION 01
1 : 100



① CROSS SECTION 2
1 : 100



1 LONG SECTION 2
1 : 100

**REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 4.6 OF NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013**

**TO ACCOMPANY A DEVELOPMENT APPLICATION TO
NORTH SYDNEY COUNCIL FOR ALTERATIONS AND ADDITIONS TO A SINGLE DWELLING**

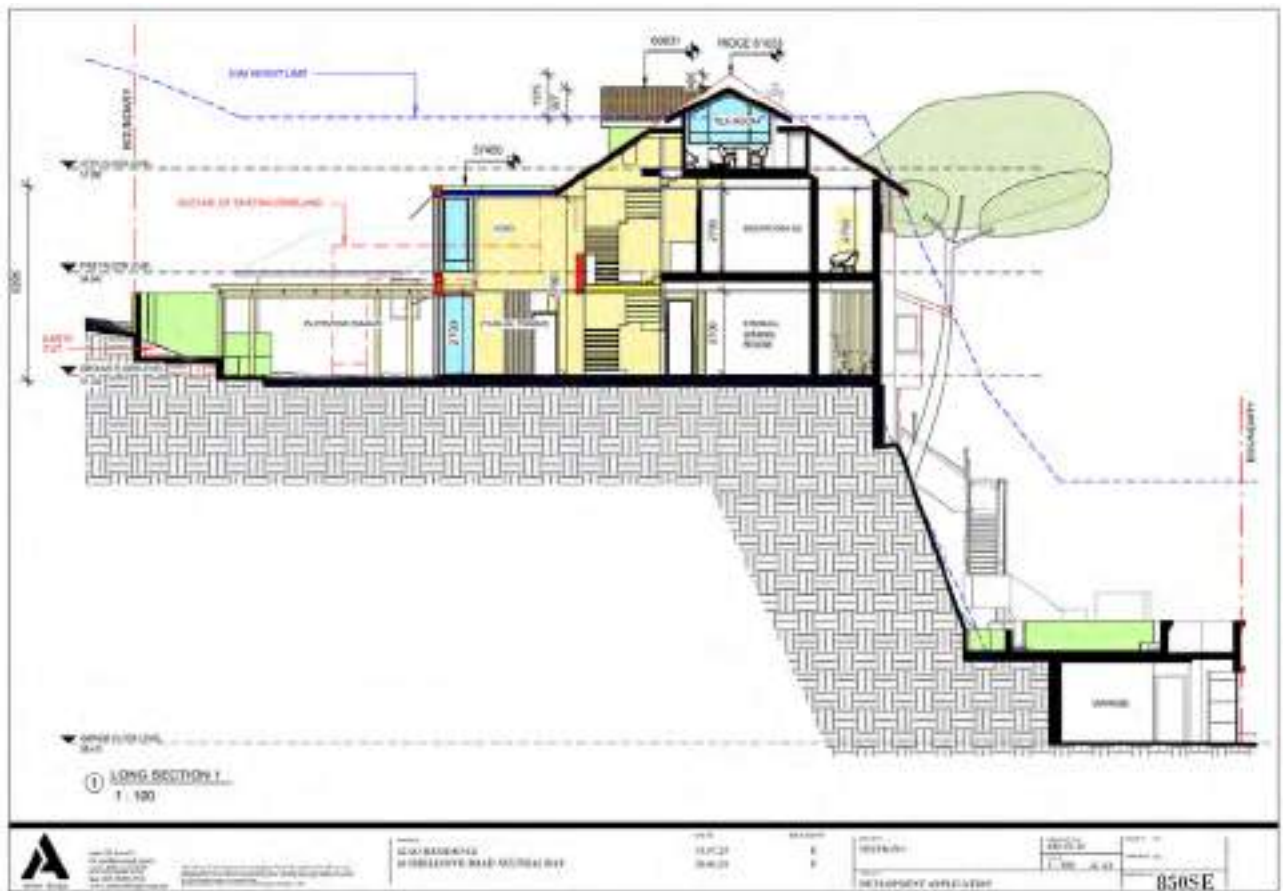
Property: 60 Shellcove Road, Neutral Bay.
Proposal: Alterations and additions to a single dwelling.
Zoning: R3 Medium Density Residential Zone.

Development standard to which the request to vary the standard is taken: Clause 4.3 of the North Sydney LEP 2013 (LEP 2013) prescribes a maximum building height of 8.5m applying to the site.

1. The Aim of the request

To allow works that are above the 8.5m height limit, being up to a height of 9.4m for works, being for works at the existing attic level, but which do not increase the existing building height of 9.7m.

Clause 4.6 of LEP 2013 allows the applicant to request a departure from compliance with a development standard.



Section showing the 8.5m building height limit, the existing building height of 9.7m and the proposed dormer that is to a height of 9.4m

2. Objectives of the Standard

The objectives in relation to Height of Buildings in LEP 2013 are given as,

Clause 4.3 Height of buildings

1) The objectives of this clause are as follows:

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

3. Application and Assessment of Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2013 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

- 1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
- 2. Wehbe v Pittwater Council [2007] NSWLEC 827
- 3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
- 4. Moskovich v Waverley Council [2016] NSWLEC 1015
- 5. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118
- 6. Hansimikali v Bayside Council [2019] NSWLEC 1353
- 7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

In the assessment of using Clause 4.6 it is particularly relevant to address parts (3) and (4) of the clause, being,

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

In assessment of the proposal against parts 3(a), 3(b) and 4(ii) the following is offered.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a). Furthermore in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the applicant must demonstrate that Clause 4.6(3) must be adequately justified. The standard method is in using the five part *Wehbe* test (as noted in the judgment) as an approach in justifying this requirement.

The five part test described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

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

The non-compliance relates to works to the existing attic level which marginally encroaches above the height limit. The overall height of the dwelling is not increased with the roof pitch rising to 9.7m. The new works will provide a new dormer window which will replicate the existing dormer window at the attic level. The new form will not appear out of place. The landform is not affected, given that the dwelling including building envelope will be retained. The proposal will not alter the landform or overall bulk or height of the dwelling.

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

No view will be affected. The additional dormer is small in size and will not materially add to building bulk. No noted public or private view is affected.

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

The bulk of the dormer is small and it is close to the centre of the site and below the roof pitch. Additional overshadowing will be negligible and will not harm amenity in any material way.

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

The dormer will not allow overlooking any sensitive area. The dormer will be fitted with obscured glazing following a request by Council to provide that window with privacy treatment. The privacy of the western neighbour is not unreasonably impacted. No other neighbour will be affected by the subject works.

(e) To ensure compatibility between development, particularly at zone boundaries,

The height non-compliance has no bearing in this regard.

(f) To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of an area.

The works will retain the character of the building and the site in general. The subject works are too minor to have any bearing on the scale of development on the site.

In light of the above, this request provides that the non-compliant height satisfies the objective in question.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to vary the height standard, achieves a better response to the objectives of the subject R3 Medium Density Residential Zone in that it provides a high level of internal amenity for occupants and safeguards the street appearance of the site which is consistent with various LEP and DCP heritage requirements.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient environmental planning grounds to justify the contravention

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

It has been demonstrated that the proposal and its height breach remains consistent with the objectives of the subject zone as well as Clause 4.3 and 4.6 of the North Sydney LEP 2013, despite the numerical non-compliance.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The non-compliant height does not result in any unreasonable visual impacts. The resultant form will not appear out of place.

Privacy is maintained by providing the dormer window with obscured glazing.

No material additional overshadowing is created given the very minor addition in the form of the dormer. The non-compliant height does not result in any unreasonable overshadowing impacts as demonstrated in the shadow diagrams.

No public or private view is affected.

The works will appear as more of the same and will not introduce any significant change in built form.

The height non-compliance assists with providing improved internal amenity for residents, and for streetscape amenity given that the roof area to which the proposal relates is an important design feature which enhances the amenity of the site.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the R3 Medium Density Residential Zone because of significant improvements to the amenity of the housing stock on the site.

Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the North Sydney LEP 2013, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

The development achieves and is consistent with the objectives of the development standard and the objectives of the R3 Medium Density Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Prepared by Damian O'Toole Town Planning Pty Ltd

A handwritten signature in black ink, appearing to read "D O'Toole".

Damian O'Toole
Director
MA Town Planning
Grad Dip Heritage Conservation

July 2023

Our Ref: DK:JM:000039

27 May 2024

Attn: The Proper Officer
North Sydney Council (the Council)
200 Miller Street
North Sydney, NSW 2060

By Submission

Dear Sir/Madam,

Property: Units 1&2/60 Shellcove Road, Neutral Bay NSW 2089

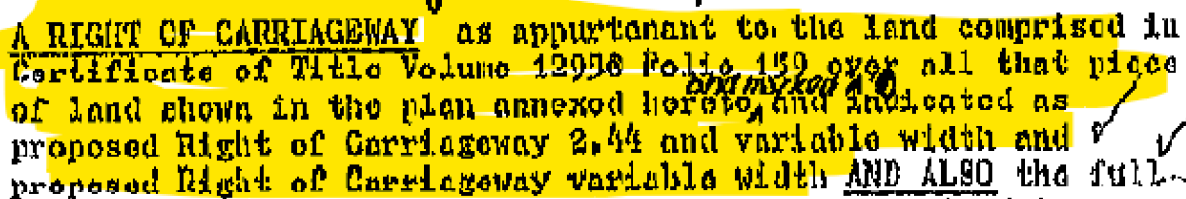
- 1 We confirm that we act for the registered proprietors of Units 1 & 2, 60 Shellcove Road Neutral Bay NSW 2089, title reference being Lot 4 in Deposited Plan 580525 (the **Subject Property**).
- 2 We understand the Council has some enquiries regarding the right of way which we are instructed to explain in this letter. By way of the reasoning below, we confirm the existence of a right of carriageway appurtenant to the Subject Property (which is for the benefit of the Subject Property) and provide the required explanation for the lack of notation of the right of way on the current deposited plan related to the Subject Property.
- 3 Please note that extracts referred to below are reproduced in full at Annexure A.

Existence of right of carriageway for the benefit of the Subject Property

- 4 On the title search of the Subject Property, dealing Q620725 is noted as items 2 and 3 in the Second Schedule. The description of the dealing on the title search is (relevantly) "*right of carriageway appurtenant to the land above described affecting the parts of lots 1 and 2 in DP594317*".
- 5 As shown highlighted **yellow** in **Image 1** below, dealing Q620725 provides that there is:

"[a] right of carriageway as appurtenant to the land comprised in Certificate of Title Volume 12950 Folio 159 over all that piece of land... for every person who is at any time entitled to an estate or interest in possession in the whole of the land contained in Certificate of Title Volume 12950 Folio 159 (hereinafter referred to as the dominant tenement) or any part thereof....."

Image 1



A RIGHT OF CARRIAGEWAY as appurtenant to the land comprised in Certificate of Title Volume 12950 Folio 159 over all that piece of land shown in the plan annexed hereto, and indicated as proposed Right of Carriageway 2.44 and variable width and proposed Right of Carriageway variable width **AND ALSO** the full...

- 6 The prior title search in Annexure A confirms that the Subject Property is Volume 12950 Folio 159 (which, for completeness, is referenced in dealing Q620725 shown above).

Image 2

Prior Title Listings for 4/580525

Title Ref.	Title Search
12950-159	<input type="checkbox"/> 12950-159

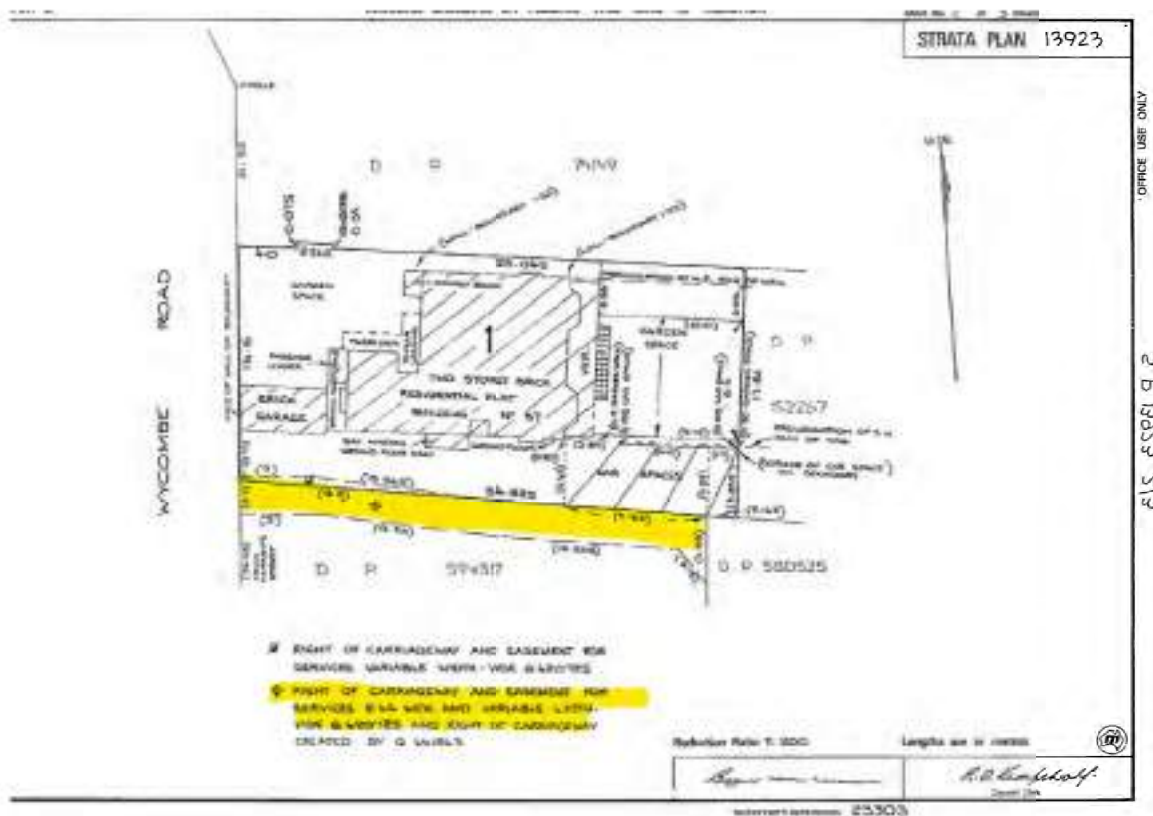
Existence of right of carriageway on neighbouring properties to the Subject Property

- 7 The right of carriageway is also noted on the plans of neighbouring properties to the Subject Property, being SP 14430 (which was registered 24 August 1979). As shown in the enclosed plans and highlighted yellow in Image 3 and Image 4, the plan of subdivision of Lot 2 DP 594317, creating SP 14430 registered on 24 August 1979 (being 55A Wycombe Road, Neutral Bay) and Strata Plan 13923 which was registered 14 March 1979 (being 59 Wycombe Road, Neutral Bay) show the existence, location and description of dealing Q620725 – being the right of carriageway benefiting the Subject Property.

Image 3



Image 4



Lack of notation on the plan of the Subject Property (DP580525)

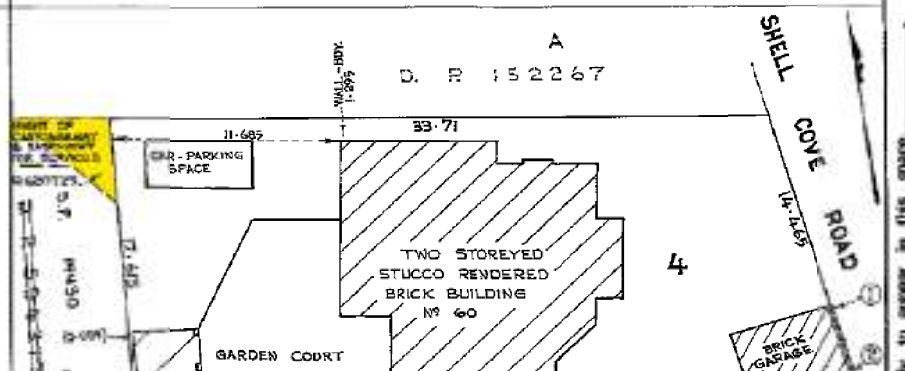
- 8 In 2023, we were instructed by our clients to dissolve Strata Plan 34185, which was formerly registered over the Subject Property. As shown in **Image 5** and the enclosed Strata Plan 34185, Strata Plan 34185 clearly notes the existence of dealing Q620725:

Image 5

RELINQUISHING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

<p>PLAN OF WHOLE OF LOT 4 IN D.P. 580525 (E)</p> <p>Municipality: NORTH SYDNEY Locality: NEUTRAL BAY</p> <p>Parish: WILLOUGHBY County: CUMBERLAND</p> <p>Reduction Ratio 1: 200 Lengths are in metres (m)</p>	<p>STRATA PLAN SP 34185</p> <p>Registered: 12-1-1989</p> <p>C.A.: No 1845 OF 18-11-1988</p> <p>Purpose: STRATA PLAN</p> <p>Ref. Map: U1852-724 4</p> <p>Last Plan: D.P. 580525</p>
<p>Name of, and names for, service of, the plan, the body corporate, or the original strata plan only.</p> <p style="text-align: center;">OF THE REGISTERED PROPRIETORS OF STRATA PLAN No 34185 No 60 SHELL COVE ROAD NEUTRAL BAY 2089</p>	



D. P. 52267

To appear in this space.

- 9 The enclosed dealing AS959553 confirms that the termination of strata scheme was registered and the title the Subject Property has now reverted to its prior title, being 4/580525.
- 10 The reason that Dealing Q620725 does not show on the current plan for the Subject Property is due to the timing of the registration of Dealing Q620725, which was registered on 7 September 1978. As the plan for the Subject Property was registered on 13 November 1975, the plan for the Subject Property would not show dealing Q620725 as this was registered subsequent to the registration of 4/580525. Notwithstanding the timing of the registration of dealing Q620725, it was registered for the benefit of the Subject Property (as shown on the title search for the Subject Property).
- 11 If you have any issues, please contact me on my direct line below.

Yours faithfully,



Duane Keighran
Managing Director

E: duane.keighran@keighranlegal.com
D: +61 2 9000 7443

Encl.



ANNEXURE A

TITLE DOCUMENTS AND DEPOSITED PLANS



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/580525

SEARCH DATE	TIME	EDITION NO	DATE
5/7/2023	3:27 PM	2	27/6/2023

LAND

LOT 4 IN DEPOSITED PLAN 580525
AT NEUTRAL BAY
LOCAL GOVERNMENT AREA NORTH SYDNEY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP580525

FIRST SCHEDULE

JIE CHEN
JING LIAO
AS JOINT TENANTS (ST AS959553)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 Q620725 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE PARTS OF LOTS 1 AND 2 IN DP594317
- 3 Q620725 EASEMENT FOR SERVICES APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE PARTS OF LOTS 1 AND 2 IN DP594317
- 4 AR848411 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

DK:JM:000039

PRINTED ON 5/7/2023

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Imp:258811 / Jms:IL 062025 / Inv: 09-Jul-1991 / MSW: 125 / Pgs: 111 / Pnt: 18-Sep-2021 14:43 / Seq: 1 of 4
© Office of the Registrar-General / Svc: INFOTRACK / Ref: 15423



MEMORANDUM OF TRANSFER

TRANSFER PROPERTY ACT, 1996

0680/25
DOCUMENT
A/E/R
40

GANTHA FLY LIMITED a Company duly incorporated in New South Wales having its registered office at 205 Miller Street, North Sydney

Reference is made to the TRANSFER

being a legal proceeding of an estate in the district

of the said deceased, herein to the following instrument and contents

Reservations and conditions, if any, contained in Deed Grant NUMBERED TO: [REDACTED] AS REVISED.

is made as set out below

of 1.00

As set out in the said instrument, and in the instrument of the said Louise Jones and in pursuance of an agreement dated 28 December 1977 between Louise Jones Smith and Colin Grant Esq., dated and the transferee

being referred to

LOUISE JONES SMITH of 35 Wynnamo Road, Neutral Bay, Far North Shore

Reference is made to the TRANSFER

as set out in the said instrument and all such other rights and interests

as are described in the following schedule

Reference to the instrument	Extent of the interest		Whole or part	Description of land if part only	County	District
	Year	Rate				
12350	1/10	1/10	Whole		Gloucestershire	Wiltshire

*C/T 10/1/2025/101/15/E
L.P. 10/1/2025/101/15/E
L.P. 10/1/2025/101/15/E*

FILED BY [REDACTED]

Reg: 6540097 / Doc: DL 2620725 / Rev: 09-JUL-1997 / 328K 235 / Pgs: ALL / Rev: 16 Sep 2021 14:43 / Seq: 2 of 4
© Office of the Registrar-General / Name: MORTGAGE / Ref: 15428

[Handwritten mark]

A DEED OF CONVEYANCE is appointed to the land conveyed to
Beneficiaries of Title Deeds 1930 Folio 170 over all that plot
of land shown in the plan annexed hereto and indicated as
proposed Right of Conveyance 2.8) and variable width and
proposed Right of Conveyance variable width and also the full
and free right as appurtenant to the whole of the land in
Beneficiaries of Title Deeds 1930 Folio 170 over all that plot
of land shown in the plan annexed hereto and indicated as
proposed Right of Conveyance 2.8) and variable width and
proposed Right of Conveyance variable width and also the full
and free right as appurtenant to the whole of the land in
Beneficiaries of Title Deeds 1930 Folio 170 (hereinafter referred to as the
said land) or any part thereof and every person authorized
by his free title to title and at all times to make, lay out,
construct, repair, install, carry, maintain and run through
above or under the said land and all drains, pipes,
conduits, poles, wires and other equipment and fittings
necessary to provide and carry all or any services of water,
sewerage, drainage, gas, electricity, light, telephone and/or
other domestic services to and from the said premises hereunto
provided that the said drains, pipes, conduits, poles, wires,
and/or other equipment and materials shall be laid in such
positions as to cause as little interference as possible
with the said land and with the right for
each person and every person authorized by him with any tools,
implements or machinery necessary for the purpose to erect,
upon the said land and to remain there for any
reasonable time for the purposes of laying, inspecting,
altering, repairing, maintaining or renewing such services
or if any part thereof provided that such person and the
persons authorized by him will take all reasonable
precautions to ensure as little disturbance as possible
to the surface of the said land and will restore
without delay that surface as nearly as practicable to the
original condition.

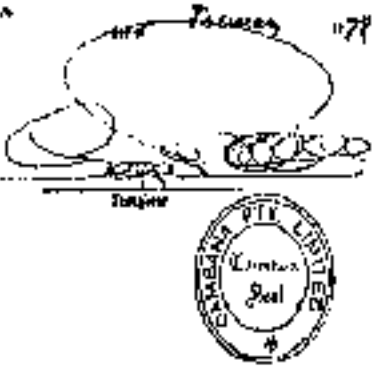
[Stamp]

• 15428
AS 15428

Louise Smith

709-6540097 / Doc-DE 2620125 / Sen:09-Jul-1997 / NMH LRS / Pts-All / Vol:16-Exp-2321 14:43 / Seq 3 of 4
K Office of the Registrar-General / Sen:ENR036ACR / Vol:15423

Dated 14 July 1997
 at 11th
 I hereby certify that the above is a true and correct copy of the original as shown to me by the SECRETARY of the LANDS AND FORESTRY DEPARTMENT in the presence of the SECRETARY of the LANDS AND FORESTRY DEPARTMENT and the SECRETARY of the LANDS AND FORESTRY DEPARTMENT.
SECRETARY
 Secretary of the Lands and Forestry Department




I signed by my partner by the registrar in person
John Ferris
 Signature of partner
(JOHN FERRIS)
 Name of partner (printed)
Partner of the Lands and Forestry Department
 Title of partner (printed)

Witnessed and certified correct for the purposes of the Land Property Act, 1908.

Louise Smith
 Witness

Reg:R540895 /Ina:JL 05/02/25 /Rev:09 Jul 1997 /M&W LAB /Tqs:JLL /Det:15 Sep 2021 14:43 /Seq:4 of 4
c Office of the Registrar-General /Src:INFOTRACM /Ref:13423

101620785 \$160 3

<p>DEPARTMENTAL USE ONLY</p> <p>TRUSKOL and Grant of a Right of Carriageway and Easement for Services</p>	<p>TO BE COMPLETED BY CONTRACT PARTY</p> <p>LOANED BY <u>DUNCAN BARRON INC</u> <u>SOLE TRUSTEES</u> Address <u>404 Hunter Street</u> <u>SYDNEY NSW 2009</u> Phone No <u>258 5788</u> (Telephone) <u>258 5788</u> <u>LOAN AUTHORITY</u></p>
<p>REGISTERED</p> <p>7-4-1976</p>  <p>Registrar General</p>	<p>Estimated Documents _____</p> <p>Recording Charge _____</p>
<p>AUTHORITY FOR AND ON BEHALF OF THE DONOR</p> <p>I hereby declare that I am the _____ of _____ <small>(Name of donor or persons, firm or company)</small> of _____ <small>(State or Territory)</small> and that I am the _____ of _____ <small>(Name of donor or persons, firm or company)</small> and that I am the _____ of _____ <small>(Name of donor or persons, firm or company)</small></p> <p>Signature _____ Name (Block Letters) _____</p>	
<p>AUTHORITY FOR AND ON BEHALF OF THE GRANTEE</p> <p>I hereby declare that I am the _____ of _____ <small>(Name of grantee or persons, firm or company)</small> of _____ <small>(State or Territory)</small> and that I am the _____ of _____ <small>(Name of grantee or persons, firm or company)</small> and that I am the _____ of _____ <small>(Name of grantee or persons, firm or company)</small></p> <p>Signature _____ Name (Block Letters) _____</p>	
<p>CERTIFICATE OF THE TAKING DECLARATION OF INTEREST</p> <p>I hereby declare that _____ <small>(Name of person making declaration)</small> of _____ <small>(State or Territory)</small> and that I am the _____ of _____ <small>(Name of person making declaration)</small> and that I am the _____ of _____ <small>(Name of person making declaration)</small></p> <p>Signature _____ Name (Block Letters) _____ Signature _____</p>	

M.P. 10



NSW Title Search > Prior Title Search

Prior Title Listings for 4/580525

Title Ref.	Title Search	Other	Fee
12950-159	<input type="checkbox"/> 12950-159	More Documents ▾	\$0.00

Total \$0.00

[Place order](#)



This information is provided as a searching aid only. The Registrar General does not guarantee that the information provided discloses details of all land/premises owner/leased by the party searched against. The information returned relates to owners/lessees registered from 1971 onwards except in relation to current lease information which is returned from 1998 onwards. Manual indexes are available for records registered prior to 1971. Note: *indicates Lessee name.

Copyright © Office of the Registrar-General 2024. Received: 27/05/2024 17:05:00

COUNCIL'S CERTIFICATE

The Council of the City Municipality Shire of NORTH SYDNEY having satisfied itself that the requirements of the Strata Titles Act, 1973 (other than the requirements for the registration of plans) have been complied with, approves of the proposed strata plan strata plan of subdivision illustrated herein.

Wycombe Rd

Date 25th JUNE 1979

Subdivision No. 1142

Handwritten signature of Council Clerk

SURVEYOR'S CERTIFICATE

NORMAN TEMPLE BANKS 55 MILITARY RD MOSMAN

- (1) any wall, the inner surface or any part of which corresponds substantially with any line shown on the accompanying floor plan as a boundary of a proposed lot, exists;
(2) any floor or ceiling, the upper or under surface or any part of which forms a boundary of a proposed lot, shown in the accompanying floor plan, exists;
(3) any wall, floor, ceiling or structural cubic space, by reference to which any boundary of a proposed lot shown in the accompanying floor plan is defined, exists;
(4) any building containing proposed lots erected on the land shown on the accompanying location plan and each proposed lot shown on the accompanying floor plan are wholly within the perimeter of the parcel

(a) except to the extent that the building encroaches on a public place;

(b) eaves and guttering of the building encroach on land other than a public place, in respect of which eaves and guttering an appropriate easement has been created by registered

(5) the survey information recorded in the accompanying location plan is accurate.

Signature: Norma T. Banks Date: 7 JUNE 1979

Delete if inapplicable State whether drawing or plan, and quote registered number.

This is sheet 1 of my Plan in THREE sheets.

SUBDIVISION OF

PLAN OF LOT 2 D.P. 594317



Mun./Shire City : NORTH SYDNEY

Locality : NEUTRAL BAY

Parish : WILLOUGHBY

County : CUMBERLAND

Reduction Ratio 1: 200

Lengths are in metres



STRATA PLAN 14470

Registered: 24.8.1979

C.A.: No 1142 OF 25.6.1979

Purpose: STRATA PLAN

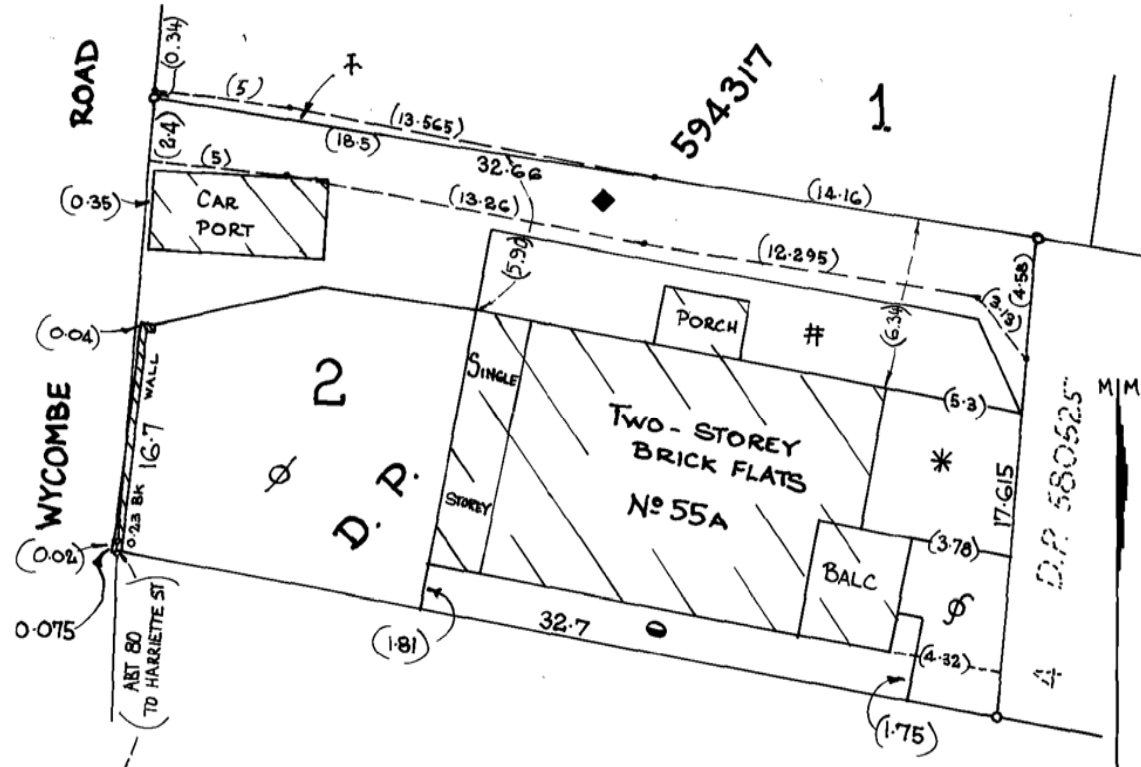
Ref. Map: NORTH SYDNEY SH

Last Plan: D. P. 594317

Name of, and *address for service of notices on, the body corporate THE PROPRIETORS OF STRATA PLAN No 14470 No 55A WYCOMBE RD NEUTRAL BAY 2089. *Address required: on original strata plan only.

atures, seals and statements of intention to create easements or restrictions as to user.

Handwritten signatures: Noel Davie, Helen Dolly, Denise



Legend: O O # * DENOTES GARDEN AREAS; O DENOTES CAR SPACE; ♦ RIGHT OF CARRIAGEWAY 2.44 WIDE & VAR - Q 620725 AND Q661863 AND EASEMENT FOR SERVICES; † RIGHT OF CARRIAGEWAY VAR WIDTH - Q 620725 AND EASEMENT FOR SERVICES.

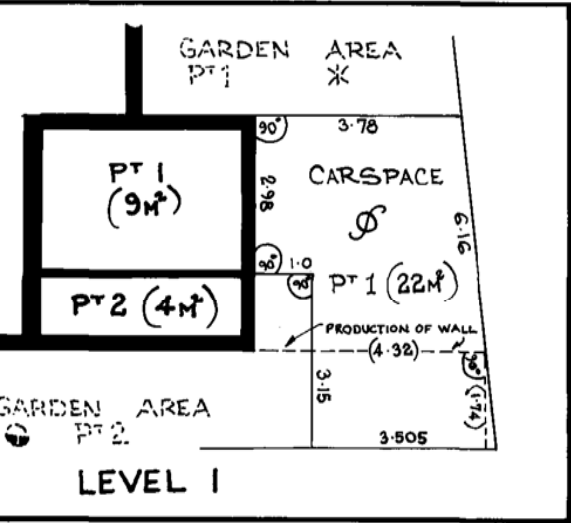
Table of mm with columns from 10 to 160.

M.P.D.

SURVEYOR'S REFERENCE: F/S 692

Plan Drawing only to appear in this space

STRATA PLAN 14430



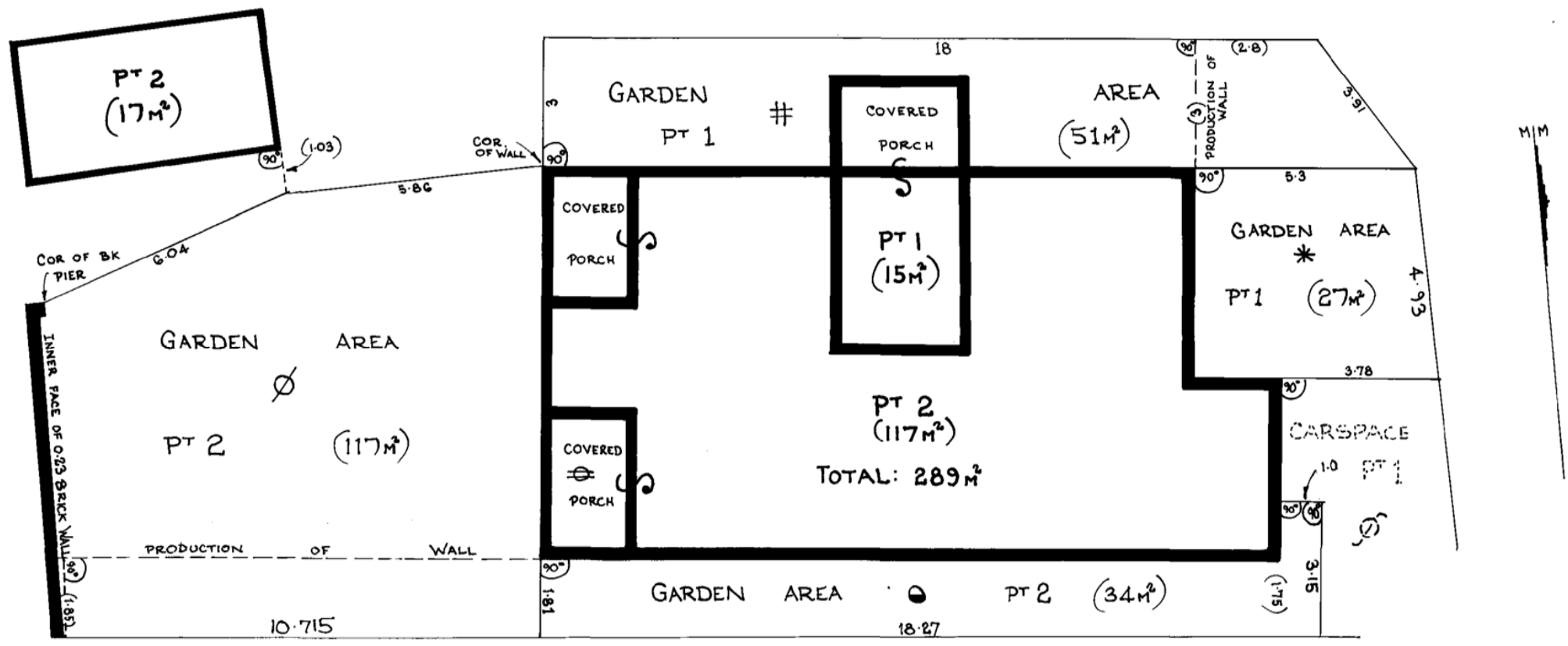
THE STRATUM OF THE GARDEN AREA \emptyset IS LIMITED TO A HEIGHT OF 4M ABOVE AND 1M BELOW THE UPPER SURFACE OF THE CONCRETE FLOOR OF THE COVERED PORCH PT 2 \oplus

THE STRATUM OF THE GARDEN AREA \bullet IS LIMITED TO A HEIGHT OF 2M ABOVE AND 3M BELOW THE UPPER SURFACE OF THE CONCRETE FLOOR OF THE COVERED PORCH PT 2 \oplus

THE STRATUM OF THE GARDEN AREA # IS LIMITED TO A HEIGHT OF 3M ABOVE AND 3M BELOW THE UPPER SURFACE OF THE CONCRETE FLOOR OF THE COVERED PORCH PT 1

THE STRATUM OF THE GARDEN AREA * WHERE NOT CONCRETED IS LIMITED TO A HEIGHT OF 2.5M ABOVE AND 2M BELOW THE UPPER SURFACE OF THE CONCRETE FLOOR OF PT 1 ADJACENT.

THE STRATUM OF THE CARSPACE \emptyset IS LIMITED TO A HEIGHT OF 3M ABOVE THE UPPER SURFACE OF ITS CONCRETE FLOOR.



Reduction Ratio 1:100

Lengths are in metres

Norman T. Bank
Registered Surveyor

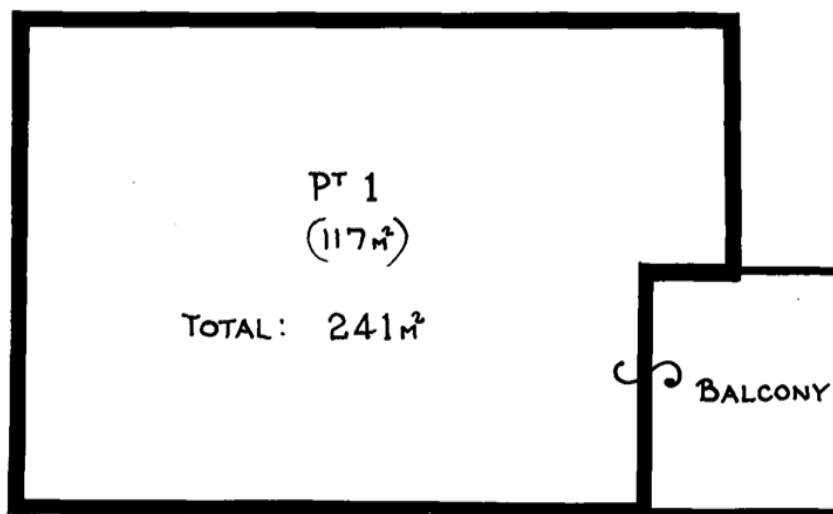
[Signature]
Council Clerk

M/M

THE STRATUM OF THE BALCONY
 WHERE NOT COVERED IS LIMITED
 TO A HEIGHT OF 3 M ABOVE THE
 UPPER SURFACE OF ITS TILED FLOOR.

SCHEDULE OF
 UNIT ENTITLEMENTS

LOT	ENTITLEMENT
1	50
2	50
AGGREGATE	100



LEVEL 3

Reduction Ratio 1:100

Lengths are in metres

Norman T. Blundy
 Registered Surveyor

[Signature]
 Council Clerk

2. 6. 19253 5/3

2. 6. 19253 1/2

FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

<p>PLAN OF LOT 1 IN D.P. 594317</p> <p>Met. State: NORTH SYDNEY Locality: NEUTRAL BAY</p> <p>Parish: WILLOUGHBY County: CUMBERLAND</p> <p>Reduction Ratio 1: 200 Lengths are in metres</p>	<p>STRATA PLAN 13923</p> <p>Registered: 1979 14-3-1979</p> <p>C.A.: NP 1093 OF 1-2-1979</p> <p>Purpose: STRATA PLAN</p> <p>Rel. Map: NORTH SYDNEY SH. 39</p> <p>Last Plan: D. P. 594317</p>
<p>THE PROPRIETORS - STRATA PLAN NO 19923</p> <p>NO 51 WYCOMBE ROAD</p> <p>NEUTRAL BAY 2085</p>	<p>Number of lots: 2</p> <p>Name of lot: 1</p> <p>Block: 1</p> <p>Sub-block: 1</p> <p>Original state plan only</p>

FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

FOR LOCATION SKETCH

SEE SHEET B

Plan Drawing only to appear in this space

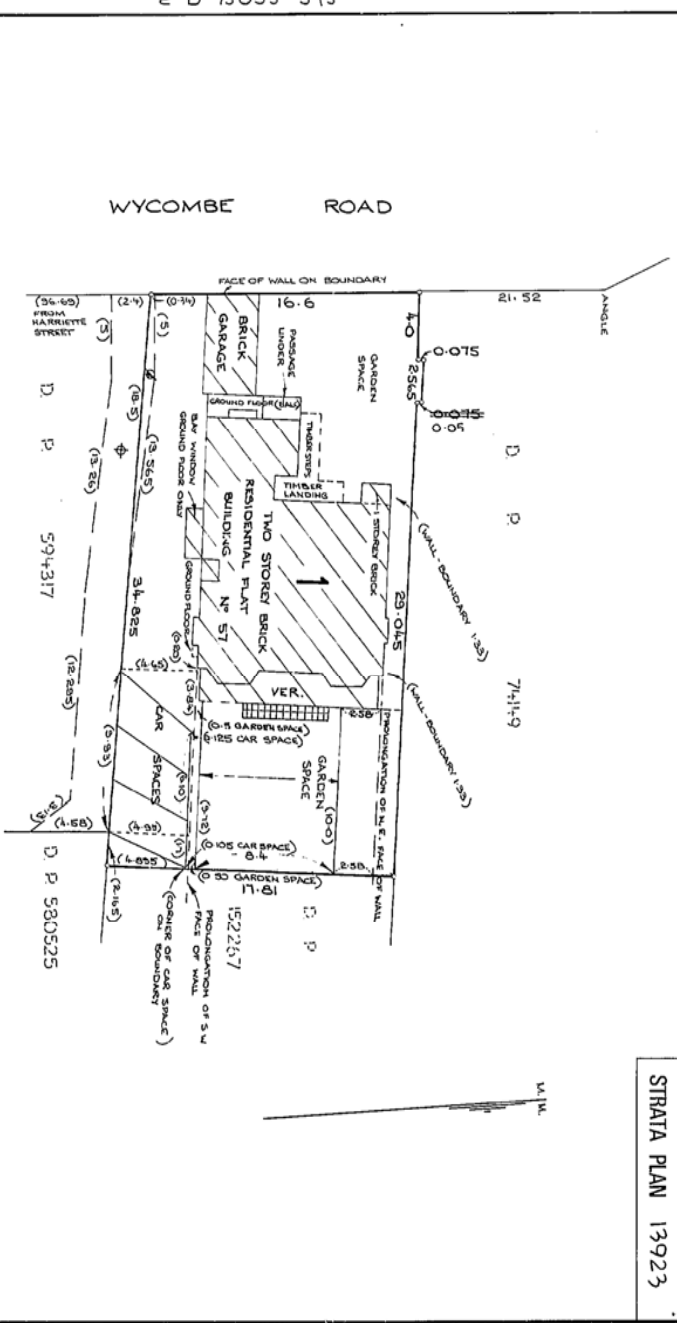
Plan Drawing only to appear in this space

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 16th day of March, 1979

FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA PLAN 13923



RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES VARIABLE WIDTH - VIDE Q.6 & Q.7

RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 2.44 METER WIDE AND VARIABLE WIDTH - VIDE Q.8 & Q.9

RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 2.44 METER WIDE AND VARIABLE WIDTH - VIDE Q.10 & Q.11

Reduction Ratio 1: 200

Lengths are in metres

2. 6. 19253 5/3

OFFICE USE ONLY

10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM / 10/11/2024 10:58:23 AM

FORM 1

WARNING: EMPHASIS ON FOLDING WALL LEAD TO REJECTION

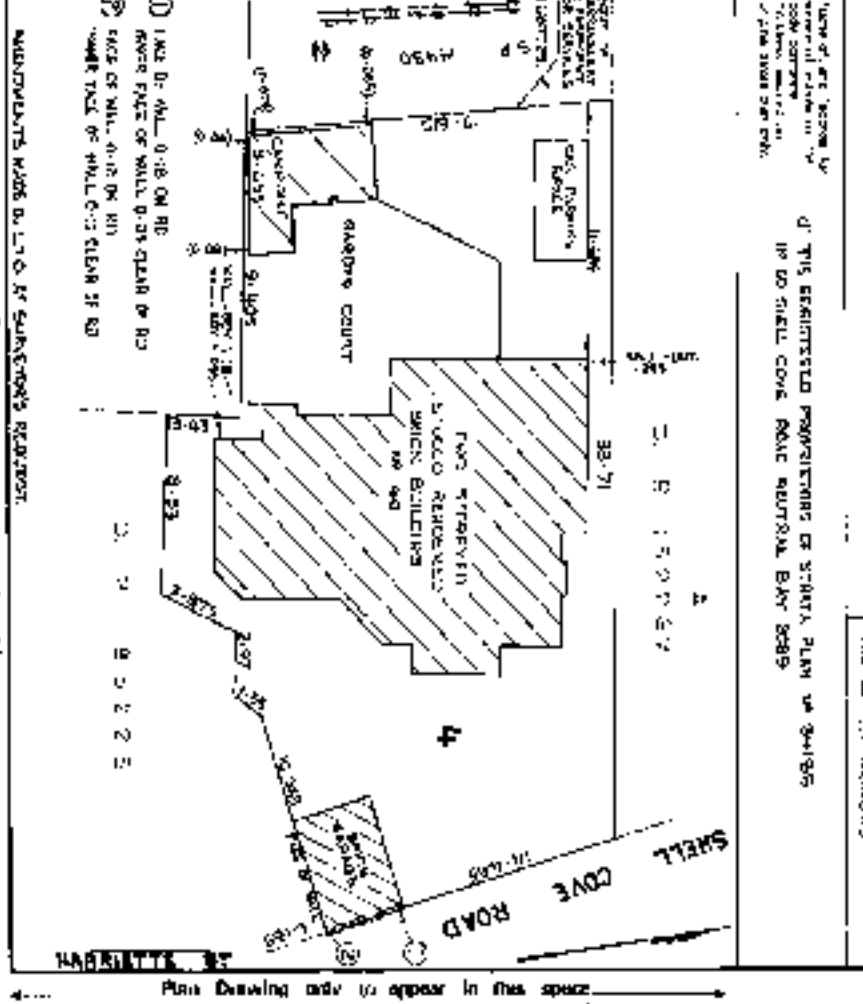
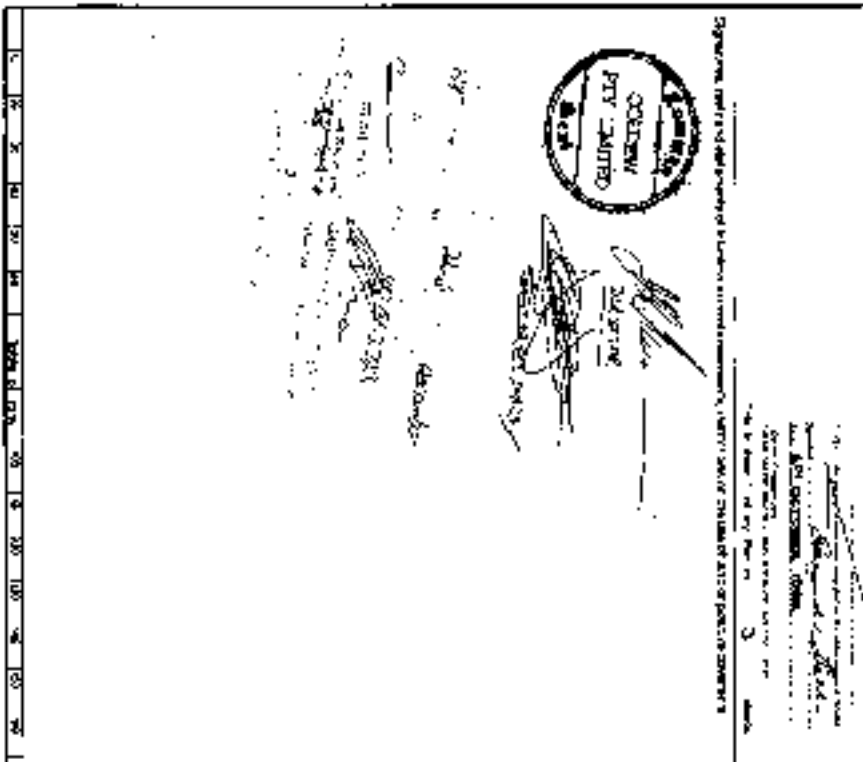
PLEASE USE ONLY

CONTRACTOR'S DECLARATION
I, the undersigned, being duly qualified and registered in accordance with the provisions of the Building Act 2003, hereby declare that the plans submitted to me for approval are true and correct copies of the original plans and that I am not aware of any other person who has been or is to be involved in the preparation of the plans.

REGISTERED ARCHITECT
NAME: [Name] No. [Number]
I, the undersigned, being duly qualified and registered in accordance with the provisions of the Building Act 2003, hereby declare that the plans submitted to me for approval are true and correct copies of the original plans and that I am not aware of any other person who has been or is to be involved in the preparation of the plans.

PLAN OF WHOLE OF LOT 4 IN O.P. 580525
Name: MORRIS SYDNEY Location: NEUTRAL BAY
Estate: WILLUGHSHY County: CUMBERLAND
Production Ref: 1, 200 Licence No: [Number]

STRATA PLAN SP 34185
Name: [Name] No. [Number]
I, the undersigned, being duly qualified and registered in accordance with the provisions of the Building Act 2003, hereby declare that the plans submitted to me for approval are true and correct copies of the original plans and that I am not aware of any other person who has been or is to be involved in the preparation of the plans.



10/11/2024 10:58:23 AM

Plan Drawing only to appear in this space

2

THESE PLANS (DRAWING NO. 20497) WERE PREPARED BY THE ARCHITECT (REGISTERED ARCHITECT NO. 1043) IN ACCORDANCE WITH THE BUILDING ACT (1974) AND THE BUILDING REGULATIONS (1975).

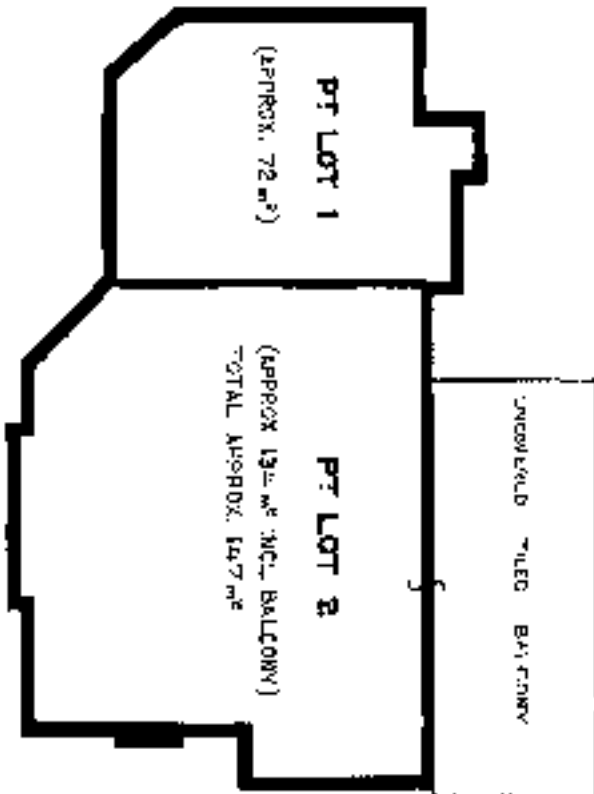
FORM 2

WARNING: CHECKING OR FOLDING WILL LEAD TO REJECTION

Scale: 3/4" = 1'-0"

STRATA PLAN SP 34185

LEVEL 3
FIRST FLOOR



PT LOT 2 SHALL NEVER BE LIMITED IN HEIGHT FROM THE UPPER SURFACE OF THE FLOOR TO THE UNDERSIDE OF THE TILE ROOF COVERING THE SAID PT LOT 2. HEIGHT THE BALCONY OF PT LOT 2 IS LIMITED IN HEIGHT FROM THE UPPER SURFACE OF THE FLOOR TO 2.5 ABOVE EXCEPT WHERE COVERED.

Reduction Ratio: 1:100

Lengths are in metres

Edward J. Hume
Registered Architect

Edmund Hume
Registered Architect

APPROVED 20497

OFFICE USE ONLY

Lodger Details

Lodger Code 506776M
Name KEIGHRAN LEGAL & ADVISORY
Address L 11, 160 SUSSEX ST
SYDNEY 2000
Lodger Box 1W
Email DUANE@KEIGHRANLEGAL.COM
Reference DK:JM:000039

Land Registry Document Identification
AS959553
STAMP DUTY:

Termination of Strata Scheme (15ST)

Jurisdiction NEW SOUTH WALES

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Land Title Reference	Part Land Affected?	Land Description
2/SP34185	N	
1/SP34185	N	
CP/SP34185	N	

Applicant

JIE CHEN

Applicant

JING LIAO

Document Type

Termination of Strata Scheme (15ST)

The subscriber requests the Registrar-General to make any necessary recording in the Register to give effect to this instrument, in respect of the land or interest described above.

Attachment

See attached Dealing

Execution

The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
The Certifier has retained the evidence supporting this Registry Instrument or Document.
The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of JIE CHEN
Signer Name DUANE KEIGHRAN
Signer Organisation KEIGHRAN LEGAL & ADVISORY PTY LTD
Signer Role PRACTITIONER CERTIFIER
Execution Date 22/03/2023

The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
The Certifier has retained the evidence supporting this Registry Instrument or Document.
The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of JING LIAO
Signer Name DUANE KEIGHRAN
Signer Organisation KEIGHRAN LEGAL & ADVISORY PTY LTD
Signer Role PRACTITIONER CERTIFIER
Execution Date 22/03/2023

DocuSign Envelope ID: 9EF73086-82D8-47E2-B662-2D3BA7E86489

DocuSign Envelope ID: 5C6BF89C-5A29-43CB-9C64-63C5BF8EBB04

Form: 15ST
 Release: 6.5

TERMINATION OF STRATA SCHEME

AS959553E

New South Wales
 Section 142 Strata Schemes
 Development Act 2015

- BEFORE completing this form consult the Instructions for Completion for this form and fact sheet Termination of a Strata Scheme by the Registrar General available from the NSW Land Registry Services website at www.nswlrs.com.au.
- PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY Insert Duties Assessment No. as issued by Revenue NSW Office.
 Duties Assessment No.

(A) **TORRENS TITLE** Lot 1, Lot 2 and CP in Strata Plan No. 34185 **STRATA SCHEME No.** 34185

(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any Keighran Legal + Advisory		CODE ST
	Email:	duane.keighran@keighranlegal.com	
	Reference:	DK:JM000039	

(C) **APPLICANT** Mrs Jie Chen and Mr Jing Liao

(D) **FOLIO(S) OF THE REGISTER TO ISSUE**
~~Please issue a Deposited Plan title. Prior to SP24185, the title reference was Lot 4 in DP580525.~~ 4/580525

(E) **CURRENT LEASE/ MORTGAGE/ CHARGE TO BE CARRIED FORWARD**

Nature of Instrument	Number	Lessee/mortgagee/chargee	Lot in SP	Instructions
Mortgage	AR848411	Commonwealth Bank of Australia	1	Carry forward.
Mortgage	AR848411	Commonwealth Bank of Australia	2	Carry forward.

(F) **SUPPORTING EVIDENCE LODGED HEREWITH**

No.	Document
1	Certificate by Sydney Water, the local water supply authority
2	Certificate by the Office of State Revenue
3	Statutory declaration by Jie Chen and Jing Liao
4	Certificate of Title for all lots and for common property
5	Electronic Notice of Sale

(G) The _____ certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. _____ Full name: _____ Signature: _____

I, LILY CHANG JIANG IS AUTHORISED TO MAKE THE ALTERATION. My name is

DocuSign Envelope ID: 9E172085-E2C8-47E2-E663-2D3BA7E86489

DocuSign Envelope ID: 506BF89C-5A29-4306-8064-83C5BF8EB80a

The applicant applies to the Registrar General for—

- an order terminating the strata scheme referred to above,
- (B) • the issue of a fofo of the Register as described above; and
- the recording of any current lease, mortgage or charge as specified above

DATE

(F) I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

Signature of witness:

Signature of applicant:

Name of witness:
Address of witness:

Please see Annexure 2 on Page 4 for execution by the applicants and Registered Proprietors.

I certify I am an eligible witness and that the registered proprietor signed this dealing in my presence.
[See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor of lot in the above strata scheme:

Signature of witness:

Signature of registered proprietor:

Name of witness:
Address of witness:

Please see Annexure 1 on Page 3 for consent of mortgagee Commonwealth Bank of Australia.

Mr LIN CHANG JINANG is AUTHORIZED to MAKE this ALTERATION by my signing

Mr LIN CHANG JINANG is authorized to make the alteration by my signing

(J) CONSENT OF PLANNING AUTHORITY

The Planning Authority North Sydney Council consents to this application for termination of strata scheme No. 34185

Signature of authorized officer:

Name of authorized officer:

LONG HUYNH

Authority of execution:

TEAM LEADER - BUILDING COMPLIANCE

Pursuant to Section 378 of the Local Government Act 1993 (NSW)

(K) ORDER FOR TERMINATION (notice use only)

Order for termination of strata scheme No. 34185

granted on 20 June 2023.

Signed on behalf of the Registrar General by—

Signature of authorized officer:

Name of authorized officer:

BENJAMIN TRANTER-BROWN

Position of authorized officer:

LEGAL COUNSEL, NSW LAND REGISTRY SERVICES.

DocuSign Envelope ID: 9EF73086-82D8-47E2-8662-2D3BA7E86489

DocuSign Envelope ID: 5C8BF89C-5A29-43CB-9C64-63C5BF8EBB04

Annexure: 1 to TERMINATION OF STRATA SCHEME

Parties:

Jing Liao and Jie Chen

Dated: 1/03/2023

Consent of Mortgagee

The Mortgagee Commonwealth Bank of Australia consents to this application for termination of strata scheme No. 34185.

Executed on behalf of
Commonwealth Bank of
Australia ACN 123 123 124
by its attorneys pursuant to
power of attorney dated:
registered Book: No:
who has no notice of the
revocation of the power of
attorney in the presence of:

Name:


Address:

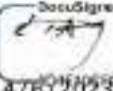
Name of witness:
Address of witness:

COMMONWEALTH BANK OF AUSTRALIA by its attorney
who is the SENIOR CONVEYANCING OFFICER for the time
being at Sydney and who is the attorney mentioned
and referred to in Power of Attorney registered
in the Land and Property Information BK 4297 No 297


Shannon Wong
5-7 Central Avenue
South Eveleigh NSW 2015


Romelinda Amurao

DocuSigned by:

Electronic Signature
of me, Jie Chen
affixed by me, at my
direction, on 15/6/2023 | 1:43 PM AEST
15/6/2023 | 1:43 PM AEST

DocuSigned by:

Electronic Signature
of me, JING LIAO
affixed by me, at my
direction, on 14/6/2023 | 8:45 PM PDT
14/6/2023 | 8:45 PM PDT

DocuSign Envelope ID: 9EF73086-82D8-47E2-B662-2D3BA7E86489

DocuSign Envelope ID: 5C6BF89C-5A29-43CB-9C64-63C5BF8EBB04

Annexure: **2** to TERMINATION OF STRATA SCHEME

Parties:

Jing Liao and Jie Chen

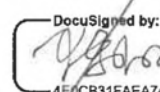
Dated: 13/3/2023 | 9:38 AM AEST

I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

Signature of witness: 
Name of witness: Jing Liao

Address of witness: 60 Shellcove Road Neutral bay

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

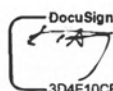
Signature of applicant: 
Name of applicant: Jie Chen

I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

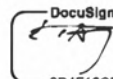
Signature of witness: 
Name of witness: Jie Chen

Address of witness: 60 Shellcove Rd, Neutral Bay, 2089, NS

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

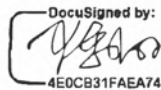
Signature of applicant: 
Name of applicant: Jing Liao

I certify I am an eligible witness and that the registered proprietor signed this dealing in my presence.
[See note* below].

Signature of witness: 
Name of witness: Jing Liao

Address of witness: 60 Shellcove Road Neutral bay

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor of lot 1 and 2 in the above strata scheme


Signature of registered proprietor: 
Name of registered proprietor: Jie Chen

I certify I am an eligible witness and that the registered proprietor signed this dealing in my presence.
[See note* below].

Signature of witness: 
Name of witness: Jie Chen

Address of witness: 60 Shellcove Rd, Neutral Bay, 2089, NS

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor of lot 1 and 2 in the above strata scheme

Signature of registered proprietor: 
Name of registered proprietor: Jing Liao

I, LILY CHANG JIANG, IS AUTHORISED TO MAKE THE ABOVE ALTERATION. My Cert No.

DocuSign Envelope ID: 9EF73086-82D8-47E2-B952-2D3BA7E88489

Annexure: 2 to TERMINATION OF STRATA SCHEME


Parties:


Jing Liao and Jie Chen

Dated: 15/6/2023 | 1:55 PM AEST

I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

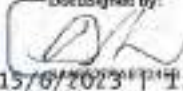
Signature of witness:  Electronic Signature of me, Duane Keighran affixed by me, at my direction, on 15/6/2023 | 1:55 PM AEST

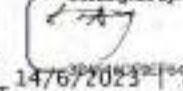
Signature of applicant:  Electronic Signature of me, Jie Chen affixed by me, at my direction, on 15/6/2023 | 1:43 PM AEST

Name of witness: Duane Keighran
Address of witness: Level 25, 259 George Street Sydney NSW 2000

I certify I am an eligible witness and that the applicant signed this dealing in my presence.
[See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

Signature of witness:  Electronic Signature of me, Duane Keighran affixed by me, at my direction, on 15/6/2023 | 1:55 PM AEST

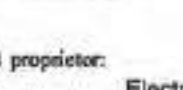
Signature of applicant:  Electronic Signature of me, JING LIAO affixed by me, at my direction, on 14/6/2023 | 8:45 PM PDT

Name of witness: Duane Keighran
Address of witness: Level 25, 259 George Street Sydney NSW 2000

I certify I am an eligible witness and that the registered proprietor signed this dealing in my presence.
[See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor of lot 1 and 2 in the above strata scheme

Signature of witness:  Electronic Signature of me, Duane Keighran affixed by me, at my direction, on 15/6/2023 | 1:55 PM AEST

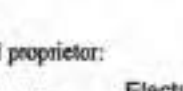
Signature of registered proprietor:  Electronic Signature of me, Jie Chen affixed by me, at my direction, on 15/6/2023 | 1:43 PM AEST

Name of witness: Duane Keighran
Address of witness: Level 25, 259 George Street Sydney NSW 2000

I certify I am an eligible witness and that the registered proprietor signed this dealing in my presence.
[See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor of lot 1 and 2 in the above strata scheme

Signature of witness:  Electronic Signature of me, Duane Keighran affixed by me, at my direction, on 15/6/2023 | 1:55 PM AEST

Signature of registered proprietor:  Electronic Signature of me, JING LIAO affixed by me, at my direction, on 14/6/2023 | 8:45 PM PDT

Name of witness: Duane Keighran
Address of witness: Level 25, 259 George Street Sydney NSW 2000

I, LILY CHANG JIANG, IS AUTHORISED TO MAKE THE ALTERATION
by Lily J

DocuSign Envelope ID: 9EF73088-82D8-47E2-B662-2D3BA7E86489

DocuSign Envelope ID: 505BF89C-5A29-43CB-9C64-63C5BF5EBB04

Annexure: 3 to TERMINATION OF STRATA SCHEME

Parties:

Jing Liao and Jie Chen

Dated:

Supporting Evidence lodged herewith as specified at (F)