



**STATEMENT OF ENVIRONMENTAL EFFECTS**  
for  
**ALTERATIONS AND ADDITIONS TO HOUSE**  
at

**81 Cabarita Rd  
(Lot 15 in DP 24563)  
Avalon Beach NSW 2107**

**OWNER:  
MS MARGARET RICHARDSON**

**DESIGN AND DOCUMENTATION BY:  
PETER PAINE AND GRAEME HEINE**

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ISSUE A

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**1.00 APPLICATION**

This application is for Development Consent for alterations and additions to a freestanding house at 81 Cabarita Rd (Lot 15 in DP 24563) Avalon Beach NSW 2107. The site is also commonly known as 15 Trappers Way Avalon.

**2.00 AUTHORS**

The design and most of the documentation has been prepared by Peter Paine, Licensed Builder No 26841.

Graeme Heine, Registered / Nominated Architect No 2818, has assisted with drawings titles and minor modifications to drawings, site cover and landscaped area drawings and this Statement of Environmental Effects.

**3.00 CONSULTATION**

I understand that the Owner has discussed the proposals with her immediate neighbours and that they have not raised any objections.

The Owner and Graeme Heine visited Council on 26 April 2018 and discussed the proposals with Council's Duty Planner. The only change of any significance that has been made to the DA documents since that meeting is that an elevational shadow diagram has been prepared showing shadows projected onto the north elevation of the building to the south.

**4.00 SCOPE OF WORK**

The works comprise the following:

- Demolition of the upper floor of the house and small parts of the lower floor.
- Construction of a new upper floor of the house including two bay windows, a large north facing deck and new fireplace.
- Construction of a new bedroom with ensuite and a new wet bar at the lower floor level.
- The existing house will be renovated within the existing footprint. There is little excavation involved.

**5.00 COMPLIANCE**

The only issues of non-compliance that I have identified are:

- The eastern corner of the house at both upper and lower floor levels is less than 1.0m from the side boundary (same as existing).
- The southern end of the house, which is on the same alignment as the existing house, does not comply with the requirements of the building envelope, but the new skillion roof is lower than the existing gable roof.

**6.00 STATEMENT OF ENVIRONMENTAL EFFECTS**

Due to the relatively simple scope of works and full compliance this Statement has been kept simple.

**7.00 THE SITE****7.01 Generally**

The items referred to in this section are shown in graphic form on the Site Analysis drawing, which forms part of the submission. The land survey prepared by DP Surveying also contains detailed information on boundaries, levels etc.

**7.02 Details**

The site is identified as Lot 15 in DP 2463, or 81 Cabarita Rd Avalon Beach.

It is located on the west or high side of Cabarita Rd.

**7.03 Zoning and permitted uses**

The site is zoned E4 – Environmental Living. The existing – residential – and proposed uses – dwelling house – comply.

**7.04 Area and dimensions.**

The site is similar to a parallelogram with an effective width of approximately 24.885m at the front boundary and depths of 64.485m and 73.635m at the side boundaries. The primary frontage is to Trappers Way, and it has a battle axe handle approximately 3.9m wide leading to Cabarita Rd. It has an area of 1,922 sq m.

Note that whilst true or grid north is shown on the survey drawing, the bearings relate to magnetic north.

**7.05 Topography**

The long axis runs approximately south-west to north-east. There is a fall of approximately 22m from front to back on the main part of the site excluding the battle axe handle.

**7.06 Existing vegetation**

There is a considerable amount of vegetation on the site including mature spotted gum trees.

**7.07 Solar access**

Solar access is not ideal due to orientation, topography and shadows cast by large trees.

**7.08 Prevailing winds**

In the warmer months, the prevailing winds are the cooling north-easterly sea breezes.

In the cooler months colder southerly and westerly winds will reach the site.

**7.09 Views**

There are local views to the north-east.

**7.10 Existing buildings on the site**

The existing house on the site is set back approximately 15.5m from the front boundary. The house is single storeyed at the front behind a high retaining wall and two storeyed at the rear. It is of timber construction on the upper level and brick on the lower level with a corrugated fibre cement roof.

There is a carport and a garage. Both are very close to the front boundary.

**8.00 4.3 – HEIGHT OF BUILDINGS**

Clause 4.3 of Pittwater LEP 2014 lists the following controls:

Controls	Compliance and comments.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	Height shown on map is 8.5m.

Proposal complies. Height is approximately 7.1m.

**9.00 7.1 – ACID SULFATE SOILS**

The site is located in Zone 5, which is the lowest of the five zones.

Clause 7.1 of Pittwater LEP 2014 lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
... development consent is not required under this clause to carry out any works if:	
(a) the works involve the disturbance of less than 1 tonne of soil, and	Excavation could result in the disturbance of soil in excess of 1 tonne.
(b) the works are not likely to lower the water table.	Complies. Because of the location of the works at the top of the site and in excess of 64m above Pittwater waterway, logic dictates that the excavation could not possibly lower the water table.

**10.00 7.2 – EARTHWORKS**

Clause 7.2 of Pittwater LEP 2014 lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:	
a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	Refer Geotech report. This applies in addition to all the responses below.
b) the effect of the development on the likely future use or redevelopment of the land,	I do not foresee any way that the development could affect the future use or redevelopment of the land.
c) quality of the fill or the soil to be excavated, or both,	No specific soil tests have been carried out, but there is no reason to suggest that there are any issues with the soil to be excavated. The quality of the fill is a construction issue and will be overseen by the consulting structural engineer.
d) the effect of the development on the existing and likely amenity of adjoining properties,	Refer discussion below. The consulting structural engineer will oversee these matters.
e) the source of any fill material and the destination of any excavated material,	This is a construction issue.
f) the likelihood of disturbing relics,	No known relics on the site.

**STATEMENT OF EFFECTS****81 CABARITA RD AVALON BEACH**

<b>Controls</b>	<b>Compliance and comments.</b>
g) the proximity to, and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,	There is no known drinking water catchment associated with the site, which falls to the north into the Pittwater waterway.  Silt barriers and the like will be used during construction to avoid adverse impact on the Pittwater waterway.  The area of site where the proposed development will take place is already similarly developed.
h) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	No known heritage issues on or associated with the site.

**11.00 A4.1 – AVALON BEACH LOCALITY**

The low key design and the low profile of the proposals comply with the requirements of the DCP.

**12.00 B1.4 – ABORIGINAL HERITAGE SIGNIFICANCE**

None identified.

**13.00 B3.1 – LANDSLIP HAZARD**

Refer Geotech report prepared by Ben White.

**14.00 B4.7 – PITTWATER SPOTTED GUM FOREST – ENDANGERED ECOLOGICAL COMMUNITY****15.00 B3.6 – CONTAMINATED LAND AND POTENTIALLY CONTAMINATED LAND**

There is no identified contaminated or potentially contaminated land identified on the site. As far as the owners are aware, the land has only been used for residential purposes. Prior to that time, given the history of the development of the area, it may have been used for agricultural purposes. No change of use is proposed.

**16.00 B5.3 – GREYWATER RE-USE**

No greywater reuse proposed.

**17.00 B5.4 – STORMWATER HARVESTING**

No stormwater harvesting proposed. Is a stormwater management plan required?

**18.00 B5.7 – STORMWATER MANAGEMENT – ON-SITE STORMWATER DETENTION**

Not required – increase in impervious area is <50 sq m. But in any case the new downpipes will be connected into the existing system which discharges into Cabarita Rd.

**19.00 B5.8 – STORMWATER MANAGEMENT – WATER QUALITY – LOW DENSITY RESIDENTIAL**

Not required – increase in hard surface area is <50 sq m.

**STATEMENT OF EFFECTS****81 CABARITA RD AVALON BEACH****20.00 B5.10 – STORMWATER DISCHARGE INTO PUBLIC DRAINAGE SYSTEM**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
This control applies where stormwater can discharge into the public drainage system.	Applies to this development proposal.
Stormwater drainage is to be connected to a public drainage system by gravity means to which it would naturally flow.	The stormwater will be connected to the existing stormwater lines discharging into the gutter at Cabarita Rd.
Where the development has legal access to... a constructed public road within a road reserve adjacent to the development land (with or without kerbing and guttering), all concentrated stormwater must be discharged directly to that system.	The stormwater will be connected to the existing stormwater lines discharging into the gutter at Cabarita Rd.
Where a stormwater system discharges into a public road reserve that does not contain an existing kerb and guttering or into a channel or natural water course, an outlet structure is required to be installed and designed to defuse the concentrated stormwater discharge to reduce flow velocities to prevent scour, be safe and be easily maintained.	Not applicable.
All drainage structures and measures are to be designed to be visually unobtrusive and sympathetic with the environment.	Will comply.
A Water Management Plan to a minimum scale of 1:200 including survey contours to AHD must demonstrate the feasibility of the proposed drainage system within the site and connection to a public drainage system.	Will be provided as part of the CC documentation if required as a condition of consent.
Adequate overflow paths to the public drainage system must be provided to cater for major storm events (up to the 1% AEP storm event) or blockage within the drainage system serving the development.	Will be provided as part of the CC documentation if required as a condition of consent.

**21.00 B8.1 – CONSTRUCTION AND DEMOLITION – EXCAVATION AND LANDFILL**

Refer Geotech report.

**22.00 B8.2 – CONSTRUCTION AND DEMOLITION – EROSION AND SEDIMENT MANAGEMENT**

Will be constructed so as to comply.



**23.00 B8.3 – CONSTRUCTION AND DEMOLITION – WASTE MINIMISATION**

Pittwater 21 DCP lists the following controls:

Controls	Compliance and comments.
Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	All materials that can be recycled, eg timber, will be re-used in the works. Sandstone in particular will be salvaged for use in the site works. Any materials that cannot be used in the works but can be recycled will be disposed of at an appropriate recycling facility, eg Kimbriki tip. Materials that cannot be reused on site or recycled will be sent to landfill at an appropriate recycling facility, eg Kimbriki tip. Asbestos bearing materials if any will be removed and disposed of by experienced personnel using methods set out in the National Health Occupations and Safety Commission document No 3002: Guide to the control of asbestos in buildings and structures (1988) and No 2002: Code of practice for the safe removal of asbestos (1988).

This is a construction issue, and I am unable to address it further in any meaningful manner at this stage. It can only be addressed when a Builder has been signed up – site management is the responsibility of the Builder who is carrying out the works.

**24.00 B8.4 – CONSTRUCTION AND DEMOLITION – SITE FENCING AND SECURITY**

Will be constructed so as to comply.

**25.00 B8.5 – CONSTRUCTION AND DEMOLITION – WORKS IN THE PUBLIC DOMAIN**

Will be constructed so as to comply.

**26.00 B8.6 – CONSTRUCTION AND DEMOLITION – TRAFFIC MANAGEMENT PLAN**

Not applicable. Fill or excavated materials will be less than 100 cubic metres.

**27.00 C1.1 – LANDSCAPING**

Pittwater 21 DCP lists the following controls:

Controls	Compliance and comments.
All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.	Most canopy trees are Spotted Gum. All new vegetation will comply.

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<b>Controls</b>	<b>Compliance and comments.</b>
Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.	Will comply.
In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be provided to soften the built form.	Low lying and medium high shrubs will be provided, but it is not proposed to plant any more canopy trees.
At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site.	It is not possible to provide any new canopy trees in the front yard. There is no location that is not within 5m of the garage, the carport or most importantly of the existing retaining wall, and there is insufficient soil depth to safely support a new canopy tree.
Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term.	Refer letter from Owner.
Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.	There are many canopy trees on the site. The owner does not intend to plant any more, as the existing trees considerably compromise solar access. For example it is not practical to install photovoltaic panels on the roof.
Each tree planted is to have a minimum area of 3m x 3m and a minimum 8m <sup>3</sup> within this area to ensure growth is not restricted.	Noted. See above.
The following soil depths are required in order to be considered as landscaping: - 300mm for lawn - 600mm for shrubs - 1m for trees	Noted. See above.

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<b>Controls</b>	<b>Compliance and comments.</b>
The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:  (ii) 60% - for single dwelling house. Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	Will comply to the extent that is possible given that the garage and carport are existing.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	Not applicable.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	Existing complies. Not affected by new landscaping.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	Refer Arborist's report for retention and protection of existing significant trees.  There are no rock outcrops to retain in the vicinity of the proposed works.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	Refer Arborist's report.
Noxious and undesirable plants must be removed from the site.	The Owner will comply with this requirement. Refer attached letter.
A landscape plan needs to be provided unless the proposal does not involve changes to the external appearances or increase the footprint of an existing building and /or does not cause any substantial changes to the visual character of the site (as a guide a landscape plan is required [if] the works will disturb more than 40sqm of the site).	Applies to this development. The proposed works will disturb far less than 40 sq m of the site.
The plan needs to include a plant schedule which lists the scientific names (inclusion of common names as well would be preferred but not essential) of all plants to be used and their quantities.	Landscape plan not required.

Controls	Compliance and comments.
The site plan must include the location of all plants (either through labelling or a code/key). Marking out sections and listing numerous species is not generally acceptable unless they are ground covers and the quantities are still listed	Not provided. Refer attached letter.

I have interpreted the statement in the DCP that “as a guide a landscape plan is required if the works will disturb more than 40 sq m of the site” to mean *additional* disturbed area.

The Owner has extensive experience in bushland regeneration and will progressively undertake weed removal and restoration on the site. The photo on the drawings cover sheet shows part of the existing back yard.

An Arborist's report has been provided to assess risk to an existing tree on the neighbouring property to the south. Refer also attached letter from the Owner.

#### 28.00 C1.2 – SAFETY AND SECURITY

Unchanged by the proposals.

#### 29.00 C1.3 – VIEW SHARING

Unchanged by the proposals.

#### 30.00 C1.4 – SOLAR ACCESS

##### 30.01 Controls

Pittwater 21 DCP lists the following controls:

Controls	Compliance and comments.
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	Solar access to the subject property is improved by the introduction of increased glazing to the north-east elevation in particular. Will comply, though sunlight will be filtered by the significant vegetation on the site.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	Subject property will comply. Solar access to the house to the south (lot 14) is improved by the replacement of the gable roof with a skillion roof.
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.	No solar collectors. Not practical to install any due significant overshadowing by trees.

Controls	Compliance and comments.
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Unchanged by the proposals
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	No identified issues with solar access.

### 30.02 Shadow projections

Shadows have been cast at noon and 3.00pm using the following data:

- Angle of elevation of the sun at 9.00am = 17 deg.
- Angle of elevation of the sun at noon = 32 deg.
- Angle of elevation of the sun at 3.00pm = 17 deg.
- Bearing of the sun at 9.00am = 44 deg east of true north.
- Bearing of the sun at noon = due north.
- Bearing of the sun at 3.00pm = 44 deg west of true north.
- All shadows are referenced to true north, not magnetic north.

Elevations shadows showing the existing and new overshadowing of the adjacent house at No 14 Trappers Way at noon and 3.00pm are provided. Plan shadows on this site would be extremely complex and time consuming to prepare, and as the elevational shadows show that both the proposed and existing buildings comply they have not been provided.

Neither the existing nor the proposed building cast any shadows on the adjacent building to the south at 9.00am at the winter solstice.

By noon, both the existing and proposed buildings cast shadows on the walls of the adjacent building, but neither casts a shadow on the window.

At 3.00pm, the shadow from the proposed building (ie with the lower skillion roof) casts a shadow on about 50% of the window in the wall of the adjacent building. As the angle of elevation of the sun falls from noon to 3.00pm, it is clear that the proposed building will not cause overshadowing of more than 50% of the glazed area of the window between 9.00am and 3.00pm at the winter solstice.

It is possible that the existing building will cause overshadowing before 3.00pm, but not between 9.00am and noon.

### 31.00 C1.5 – VISUAL PRIVACY

Pittwater 21 DCP lists the following controls:

Controls	Compliance and comments.
Private open space, recreation areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).	Complies.

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<b>Controls</b>	<b>Compliance and comments.</b>
Elevated decks, verandahs and balconies should incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building.	The new deck is located at the rear and side of the building. It is 8.6m from the house to the north. There are two small windows 0.5m high on the east end of that wall and the sill height is 5.4m above the level of the deck. These are highlight windows and loss of privacy is not considered to be an issue. There are three other windows in this elevation that are significantly obscured by vegetation.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	Not applicable.

**32.00 C1.6 – ACOUSTIC PRIVACY**

Unchanged by the proposals.

**33.00 C1.7 – PRIVATE OPEN SPACE-**

A new balcony 3.0m wide is provided opening directly off the principal living area.

The distance from the edge of the balcony to the windows on the side of the house to the north is 8.6m, but as the sills of the windows in the wall of this house are some 6 metres above the level of the proposed new deck I do not believe that overlooking from the new deck will be an issue.

**34.00 C1.9 – ADAPTABLE HOUSING AND ACCESSIBILITY**

Not applicable to this development.

**35.00 C1.13 – POLLUTION CONTROL**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
Residential premises must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise or land pollution	I can only advise that the premises have been designed so as to minimise air, water, noise or land pollution.
Developments must comply in all respects with the Protection of the Environment Operations Act, 1997, and other relevant legislation.	Complies to the best of my knowledge.

In my opinion, the proposals will achieve the desired outcomes of this section of Pittwater 21 DCP.

**36.00 C1.14 – SEPARATELY ACCESSIBLE STRUCTURES****36.01 Controls**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:	Applies to this application.
i. it is ancillary to a dwelling;	The separately accessible structure is part of the main dwelling.
ii. it is not designed for separate habitation and does not contain any cooking facilities.	Complies.

**36.02 Variations**

Pittwater 21 DCP lists the following variations:

<b>Variations</b>	<b>Compliance and comments.</b>
Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.	Applies to this application. The distance from the separately accessible structure measured along the path of travel to the front door of the house is over 19 metres, and there is a further 11 metres to travel to the single bathroom.

The structure of the studio is existing and is connected to the house by a small spiral stair that will be removed. It has a small ensuite shower room. It is proposed to use the studio as a place for guests to stay. It will have no internal access into the ground floor of the house simply because removing the spiral stair improves the efficiency of the design at both levels.

**37.00 C1.16 – TENNIS COURTS**

Not applicable.

**38.00 C1.17 – SWIMMING POOL SAFETY**

Not applicable.

**39.00 C1.19 – INCLINE PASSENGER LIFTS AND STAIRWAYS**

Not applicable.

**40.00 C1.25 – PLANT, EQUIPMENT BOXES AND LIFT OVERRUN**

Not applicable.

**41.00 C5.11 – THIRD PARTY SIGNAGE**

Not applicable.

**42.00 D10.1 – CHARACTER AS VIEWED FROM A PUBLIC PLACE**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	Complies.
Walls without articulation shall not have a length greater than 8m to any street frontage.	Existing does not comply, proposed does due bay windows..
Any building façade to a public place must incorporate at least two of the following design features: (i) entry feature or portico; (ii) awnings or other features over windows; (iii) verandahs, balconies or window box treatment to any first floor element; (iv) recessing or projecting architectural elements; (v) open, deep verandahs; or (vi) verandahs, pergolas or similar features above garage doors.	The existing retaining wall and existing planting will conceal almost all but the roof and highlight windows under the roof when viewed from the street. The Owner intends to add planting to conceal even more of the house.  The design has the following features when viewed from the street: (iv) bay window and (v) a very wide roof overhang (1200mm) which I believe complies with the intent of this clause.
The bulk and scale of buildings must be minimised.	The bulk and scale of the building is minimised by the new roof which will appear to almost float over the glazing below it.
Garages, carports and other parking structures must not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	Existing – not applicable.
Landscaping shall be integrated with the building design and screen structures wherever possible. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Existing complies, proposed even more so.



**STATEMENT OF EFFECTS****81 CABARITA RD AVALON BEACH**

<b>Controls</b>	<b>Compliance and comments.</b>
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view. General service facilities must be located underground.	All new services will be run via concealed routes.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public place.	Will comply.

**43.00 D10.4 – BUILDING COLOURS AND MATERIALS**

Refer Schedule of External Finishes and Colours.

**44.00 D10.7 – FRONT BUILDING LINE**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
The minimum front building line shall be... 6.5 m or established building line, whichever is the greater.	Existing 7.77m. Proposed 7.17m. House north side
Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback.	Complies.
Where the outcomes of this control are achieved, Council may accept a minimum front building setback to a secondary street of half the front building line.	Not applicable.

**44.00 D10.8 – SIDE AND REAR BUILDING LINES**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
The minimum side building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be 2.5m to at least one side; 1.0m for the other side	Existing and proposed south side 900mm (house only). Carport 180mm. House north side 6.98m. Garage 5.78m.
Rear boundary: 6.5m	Easily complies (Cabarita Rd)..

The southern side boundary setback is unchanged at 900mm.

**45.00 D10.11 – BUILDING ENVELOPE****45.01 Controls**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
Buildings are to be sited within the following envelope:  Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum height.	Neither existing nor proposed comply, however the proposed profile is a considerable improvement on the existing.

**45.02 Variations**

Pittwater 21 DCP lists the following variations:

<b>Variations</b>	<b>Compliance and comments.</b>
Where the building footprint is situated on a slope over 16.7 degrees (ie 30%), variation to this control will be considered on a merits basis.	Not applicable – slope is <30 deg.
Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.	Not applicable.
Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.	Not applicable.
Council may consider a variation for the addition of a second storey where the existing dwelling is retained.	Not applicable.

The existing building and the proposed modifications on the south elevation breach the building envelope, but the proposed skillion roof will not intrude to the same degree as the existing gable roof.

D10.13 – landscaped area – environmentally sensitive land

Calculations are shown on the drawings. Easily complies.

**46.00 D10.14 – FENCES - GENERAL**

Few fences, but existing will be unchanged.

**47.00 D10.16 – RETAINING WALLS, TERRACING AND UNDERCROFT AREAS**

Not applicable.

**48.00 D10.18 – SCENIC PROTECTION CATEGORY ONE AREAS**

Pittwater 21 DCP lists the following controls:

<b>Controls</b>	<b>Compliance and comments.</b>
Screen planting shall be located between structures and boundaries facing waterways.	Not applicable.
Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.	Not applicable.
Development is to minimise the impact on existing significant vegetation.	Complies.
The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.	Three new canopy trees will be planted. The remainder of the site is fully landscaped. Canopy trees cannot be planted between this house and Trappers Way because of the lack of soil depth.
The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.	The site is fully landscaped, and there are only very limited cleared areas. It would not be reasonable to reduce these areas further.
The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.	No canopy trees will be removed.
The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.	Refer Schedule of Finishes and Colours. Complies.
Applicants are to demonstrate that proposed colours and materials will be dark and earthy.	Refer Schedule of Finishes and Colours. Complies.

**49.00 D15.11 – WATERFRONT LIGHTING**

Not applicable.

**50.00 D15.12 – DEVELOPMENT SEAWARD OF MEAN HIGH WATER MARK**

Not applicable.

**51.00 WASTE MANAGEMENT PLAN**

I have not provided a waste management plan. I have not done so because I cannot fill out Council's forms with any degree of accuracy, and I doubt that most designers would be able to do so. This is builder's work, and it relates to construction, not development. I have also not identified a location on the site for storage of materials, because this relates to site management, which can only be

done by the builder. I ask that if Council does require a waste management plan for such a small project, it does so as a condition to be satisfied before the issue of the construction certificate.

**52.00 THE APPENDICES****52.01 ID Survey by Dunlop Thorpe and Co dated 20.10.2000.**

This document identifies the distance between the east corner of the house and the southern boundary on the survey diagram on the third page.

**DUNLOP THORPE & CO.**  
Pty. Limited  
**SURVEYORS**  
ENGINEERS  
LAND DEVELOPMENT CONSULTANTS

**DIRECTORS**  
R. D. Dunlop M.I.S. Aust.  
J. P. Thorpe B.Surv. M.I.S. Aust.

**ASSOCIATES**  
C. P. Punturiero B.E.  
P. K. Arnold M.I.S. Aust.  
M. P. Mumby M.I.S. Aust.

Our Ref: 13764  
Your Ref: JXS2267583

20 October 2000

Judi Shinkel  
Phillips Fox  
Lawyers  
DX 107 SYDNEY

Dear M/s Shinkel,

Re: **PURCHASE** Richardson from Haughton  
**PROPERTY 15 Trappers Way, Avalon**

Land comprised in Certificate of Title 15/24563 being Lot 15 in  
Deposited Plan 24563 at Avalon in the Local Government Area of  
Pittwater Parish of Narrabeen and County of Cumberland.

We thank you for your instructions to survey the above property, and now provide our report  
for use associated with this particular transaction.

The subject land, shown edged red on the accompanying diagram, has a frontage of 4.570  
metres to Cabarita Road and other dimensions as shown.


Standing upon the land, and wholly within its boundaries, there are erected:

- (i) a one and two-storey weatherboard house roofed with metal and known as  
No.15 Trappers Way,
- (ii) a brick garage roofed with metal, and
- (iii) a timber car-port roofed with metal.

The walls of the dwelling comply with the requirements of Clause 44(1) of the Environmental  
Planning and Assessment (Savings and Transitional) Regulation 1998, in that they stand not  
less than 900mm from the boundaries. A corner of the eaves and guttering which overhang the  
south-eastern wall of the house does not comply with the current set-back requirements of the  
Regulation, being less than 675mm from the boundary, as shown.

The main access to the subject property is from Riverview Road by means of reciprocal Rights  
of Carriageway each 3.810 metres wide, created by numerous Dealings as endorsed on the  
Certificate of Title. These Rights of Carriageway contain a constructed driveway and form,  
what is known as "Trappers Way".

A.C.N. 003 512 150  
4th Floor, 355 Kent Street,  
Sydney 2000  
Telephone: (02) 9299 3055  
Fax: (02) 9231 6237  
DX 988 Sydney



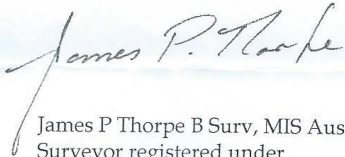
The locations of reciprocal Rights of Way created by Transfer F927700, which provide for access to and from Cabarita Road, are indicated on the diagram. These Rights of Carriageway are not currently used for access purposes, and this part of the subject land is maintained by the adjoining property as garden area. An adjoining metal garden shed extends beyond the correct alignment of part of the north-western boundary and stands about 1.500 metres on the Right of Carriageway, as shown.

The subject land is affected by a Covenant contained in Transfer F927700, the requirements of which, as far as could be seen, have been complied with.

The boundaries of the subject land are, in the main, not fenced. A post and wire fence erected adjacent to part of the north-western boundary stands from 80mm within the subject land to 860mm on the adjoining property, in the manner indicated on the diagram. A small length of brush fence erected adjacent to part of the south-eastern boundary stands 200mm on the adjoining property. A brick retaining wall along the alignment of Cabarita Road stands 600mm on the footway, as shown.

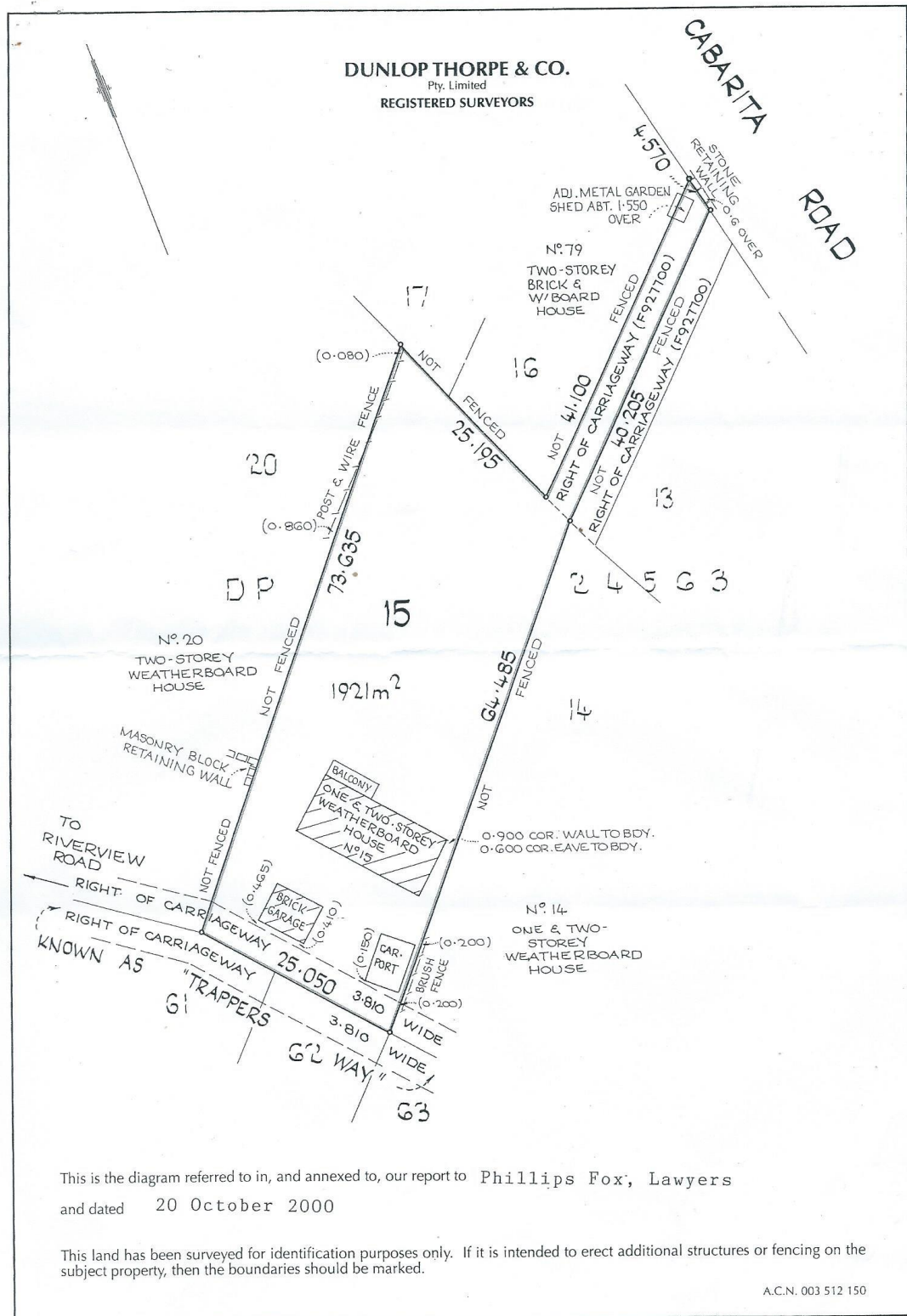
With the exception of the above, there are no visible encroachments on the subject land and none by the subject property on the adjoining lands and street.

Yours faithfully,  
DUNLOP THORPE & CO



James P Thorpe B Surv, MIS Aust  
Surveyor registered under  
the Surveyors' Act, 1929.

**DUNLOP THORPE & CO.**  
Pty. Limited  
REGISTERED SURVEYORS





**52.02 Photos of the site taken by the owner on 18 & 19 July 2019.**

These photos confirm that the elevation shadow diagrams included in the drawings are reasonably accurate. Whilst these photos are taken some 4 weeks after the winter solstice, the change in the azimuth and elevation of the sun at this time is only slightly different to that at 21 June.



North elevation of the house to the south at 9.00am 18.07.2019. Sunlight on the wall confirms that there are no shadows cast on this building at this time of day.

The owner explained that due to the significant vegetation between the houses it was very difficult to obtain clear photos.





North elevation of the house to the south at noon 18.07.2019. This photo is difficult to interpret, but small patches of sunlight are visible on the wall. The photo does show the very significant effect of the shadows from vegetation.





North elevation of the house to the south at 3.00pm 18.07.2019. This photo is also difficult to interpret, but again small patches of sunlight are visible on the wall. The photo does show the very significant effect of the shadows from vegetation.