

Northern Beaches Local Government Area

154 Cabarita Road, Avalon Beach

Statement of Environmental Effects to support minor modification to approved Development Application N0832/01 under section 4.55 (1A) of the EPA Act

Report prepared for
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Document Control

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Mrs Tracey & Mr Greig Witney, applicants, to accompany a Modification Application (MA) under section 4.55(1A) of the EP&A Act to Northern Beaches Council (the Council) for minor modifications to the scheme approved under N0832/01 – some drawings of which are annotated and included in Appendix A.

Development approval N0832/01 was issued on 29 November 2002 by the Council for demolition of an existing dwelling, construction of a new dwelling, inground swimming pool and front fence at 154 Cabarita Road, Avalon Beach.

Architectural plans submitted with this application show the proposed minor modifications in colour. The proposed modifications do not result in any measurable environmental impact as the approved building envelope and site/landscaping works will be unchanged.

2 The site and its locality

Located at 154 Cabarita Road, Avalon Beach, the site has the legal description of Lot 4 in DP 14882. Pedestrian access, the main entry to the site, is provided from the 13m frontage to George Street, along the northern site boundary.

The site has a skewed front boundary and regular side and rear boundaries, resulting in a total area of 1188m² according to 2003 construction certificate plans. Lots along this section of George Street are occupied by two and three storey dwellings. Site area, boundary dimensions and other physical attributes of the site are shown on the architectural plans submitted with this application.

The following photos show the site in its immediate and wider context.



Figure 1: Locality map, subject site shaded in blue. Image courtesy of Nearmap.



Figure 2: Subject site (shaded in blue) in its immediate context. Image courtesy of Nearmap.



Figure 3: Front entry and the driveway viewed from George Street. Image courtesy of Google Maps.

3 Proposal

The proposed modification is for a minor external alteration to the approved scheme under N0832/01 and includes only the following item:

First Floor:

- Adding a metal deck, reverse-sloped roof over the outdoor living area

The materials and colours for the amended and new sections of the façade are annotated on the amended drawings shown in Appendix 1.

4 DA approval

N0832/01 was approved by Council in November 2002 for the *demolition of existing dwelling and construction of a new dwelling, inground swimming pool and front fence*, subject to the conditions and for the reasons set out in the Assessment Report. The physical works in accordance with the approved DA were commenced on the subject site in August 2003.



5 Assessment under Section 4.55(1A) of the EPA Act

Subsection 1A of section 4.55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) states:

*(1A) Modifications **involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The proposed modification satisfies the above requirements as follows:

- The commenced roof differs slightly from the roof form shown in the plan extracts by having a reverse slope to an internal gutter and being constructed of metal deck and not Vergola, which is not inconsistent with the development consent issued. Vergola, when closed, has a form very similar to a standard colorbond steel roof deck as is now proposed.
- The change of roof structure and finish over the first floor outdoor area has negligible environmental impact on the site and the surrounding dwellings. Such works do not intensify the approved use or result in additional environmental impacts in the form of noise, parking/traffic demand or privacy.
- There is every reason that the Council can be satisfied that the commenced roof is part of substantially the same development as the N0832/01 approval granted by Council. The roof sits in the same place as the roof of slightly different finish, has the same function of shelter and differs only in not being able to be opened to the sky.



6 Assessment under Section 4.15 of the EPA Act

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires that a variety of matters be taken into consideration in the assessment of a development application. The following statutory instruments and strategic controls apply to the site:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy 55 – Remediation of Land
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan



Considering the proposed modifications are within the approved building footprint and envelope, and do not alter the existing siting of the house, assessing the current proposal against the requirements of the applicable SEPPs and parts of the PLEP and PDCP that are not affected by the modifications is unnecessary. An assessment of the proposed modifications against only the relevant requirements and sections of the PDCP is provided below.

Pittwater 21 Development Control Plan (PDCP)

B8 – Site Works Management		
CONTROL	PROPOSED	COMPLIES?
B8.3 Construction and Demolition - Waste Minimisation		
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.	No demolition is proposed and therefore little site waste is to be generated. All materials will be pre-cut before delivery.	N/A
B8.4 Construction and Demolition - Site Fencing and Security		
All sites are to be protected by site fencing for the duration of the works.	No site fencing is required as the change is internal to the constructed and occupied dwelling.	N/A

C1 Design Criteria for Residential Development		
CONTROL	PROPOSED	COMPLIES?
C1.4 Solar Access		
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Clothes drying area not affected.	N/A
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	As the first floor deck is inset into the house footprint, no impact on the solar access of neighbours will result.	N/A
C1.12 Waste and Recycling Facilities		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste	No waste is expected.	N/A

Management Plan.		
C1.23 Eaves		
Dwellings shall incorporate eaves on all elevations.	An eaves is proposed for the leading, and only visible, edge of the roofing.	Yes
Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.	Effectively the eaves is as deep as the deck and therefore greatly exceeds 450mm.	Yes

Section D Locality Specific Development Controls		
CONTROL	PROPOSED	COMPLIES?
D1.1 Character as viewed from a public place		
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.	No change to approved building form proposed.	N/A
The bulk and scale of buildings must be minimised.	The form, height, proportion and scale of the partly constructed roof does not alter the bulk or scale of the existing approved dwelling design. When closed, a Vergola roof has the same form and function as the fixed metal deck roof currently constructed.	N/A
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	See above.	N/A
D1.5 Building colours and materials		
<p>External colours and materials shall be dark and earthy tones as shown below:</p>  <p>White, light coloured, red or orange roofs and walls are not permitted:</p> <p>White ✗, Light blue ✗, Red ✗, Orange ✗, Light grey ✗, Beige ✗</p>	<p>The colour of the proposed and partly installed roofing is Woodland Grey (Colorbond steel coating), as shown below. This colour is consistent with the dark grey colour indicated in the control.</p>  <p>WOODLAND GREY®</p>	Yes
Finishes are to be of a low reflectivity.	Colorbond Woodland Grey has a solar absorptance value of 0.71. This indicates that 71% of total incident solar radiation is absorbed, with the remaining 29% of radiation reflected. As such, the proposed and partly installed roofing would present a low level of reflectivity.	Yes



D1.20 Scenic Protection Category One Areas		
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	As mentioned above, Colorbond Woodland Grey is consistent with the dark grey colour permitted under control D1.5 of the PDCP. The reflectivity value of the roof is low and the roof material is custom orb steel, which ensures an unobtrusive design that blends in to the surrounding natural environment.	Yes
Applicants are to demonstrate that proposed colours and materials will be dark and earthy.	As above.	Yes

7 Conclusions

- 7.1 The proposed modification application is substantially the same as the approved development under N0832/01. The change of roof material will enhance the amenity of residents while resulting in negligible adverse environmental impact, adverse or otherwise, on the neighbouring properties.
- 7.2 The applicable planning controls, under the SEPPs, PLEP 2014 and PDCP are satisfied by the modified development as did the original DA.
- 7.3 Having regard to the very limited extent of change proposed by this application, Council can be satisfied that the proposal will result in substantially the same development as that which was previously approved.
- 7.4 In the light of the above assessment, the proposed modifications are worthy of approval.

<https://nurban.sharepoint.com/sites/CPWActiveProjects/Shared Documents/21165 - Witney, Avalon/CPW reports and files/Witney, Avalon s4.55 1A SEE - v3.docx>



8 Appendix 1 – List of the DA drawings referenced in section 1 of this report

Architectural and landscape drawings prepared by Patrick Nicholas Design

Drawing No.	Drawing Title	Revision	Date Drawing Title
0114 DA_02	LOWER GROUND FLOOR	B	August 2001
0114 DA_03	GROUND FLOOR PLAN	A	August 2001
0114 DA_04	FIRST FLOOR PLAN	A	September 2002
0114 DA_05	ELEVATIONS	A	August 2001
0114 DA_06	ELEVATIONS	A	June 2003
0114 DA_07	ELEVATIONS	A	June 2003
0114 DA_08	SECTION A-A	A	June 2003
0114 DA_09	SECTION B-B	A	August 2001
0114 DA_12	SECTION	A	September 2002