

# Statement of Environmental Effects



Figure 1: Subject site

## Secondary dwelling and associated site works

Lot 2 DP 838513  
790A BARRENJOEY ROAD PALM BEACH NSW 2108

Mr and Mrs J. Ritchie

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Issue: DA Issue

## Introduction

The following is a Statement of Environmental Effects for Mr. + Mrs. J Ritchie of No. 790A Barrenjoey Road Palm Beach, for erection of a detached split-level secondary dwelling and associated site works for Northern Beaches Council.

The existing site (Lot 2 DP 838513) is a battle-axe allotment that has an area of approximately 1073m<sup>2</sup> and is legally accessed via a 4.57m wide Right of Carriageway to Barrenjoey Road. A development application (DA2018/2061) approved a dwelling house on the subject property – the secondary dwelling will be established in conjunction with the principal dwelling. **Appendix D** contains a builder's quote which has calculated the cost of works for the proposed development. The proposed application will include the following:

### Secondary dwelling

- An open living, dining and kitchen area with WC
- One bedroom
- One bathroom
- Associated living area decking to the north-west elevation
- Laundry and storage areas
- Entry and stairs

### Associated site works

- Site cut and fill, including retaining walls for terracing of the site
- A stormwater system, including onsite detention and rainwater reuse

The secondary dwelling is proposed to be constructed for a family member who is an Artist – the void area will be both oriented towards the views (Pittwater and surrounds) for inspiration, but the volume of the Living / Kitchen area will be a space in order to display artwork. The volume of the ground floor living area space compensates for the small area of the secondary dwelling – both giving amenity to the occupant who resides in the highly desired locality of Palm Beach, whilst sympathetically stepping down the site to relate to the steep topography of the allotment. By limiting the footprint of the secondary dwelling, the endangered ecological community (spotted gum forest), onsite trees and rock shelves over the site are respected and incorporated into the proposed development, and due amenity consideration is provided to the principal dwelling.

## Relevant project details

LEP:	Pittwater Local Environmental Plan 2014
ZONING:	E4 Environmental Living
MAX. HEIGHT:	5.5m (Cl. 4.3 (2FA) of the LEP)
MAX. FSR:	No standard
HERITAGE:	Not affected
BIODIVERSITY:	Pittwater Spotted Gum Forest EEC
RIPARIAN LANDS:	Not affected
GEOTECHNICAL:	Geotechnical Hazard Zone H1
FLOOD PLANNING:	Not affected
BUSHFIRE:	Not affected
ASS:	Class 5
COASTAL:	Within coastal zone
MSB:	Not affected
STORMWATER:	To street gutter
OSD:	Required
SCENIC PROTECTION:	Palm Beach



## A. Site suitability

### Site analysis – built environment and character

The proposed development is surrounded by low density residential development. Refer to **Figures 2 – 6** for existing site conditions and adjoining development (photos taken December 2019).



Figure 2: Location of the proposal (Source: maps.six.nsw.gov.au)



Figure 3: Subject location for secondary dwelling – viewing north-east from the existing driveway





Figure 4: Subject site – viewing north-west



Figure 5: Subject site – viewing south-west





Figure 6: Subject site – viewing north-east

The subject site has a fall across the site of 16.8m (north-east to south-west - equivalent to a 36.5% fall across the site) which is also constrained by the Pittwater Spotted Gum Forest EEC and geotechnical hazards (Zone H1).

This modest development is considered compatible with existing development in the immediate area and will suitably relate to the proposed dwelling house (DA2018/2061), adjoining built form and the character of the Palm Beach scenic protection area.

## **B. Present and previous uses of the land**

The site is currently vacant and prior to subdivision has been historically used for low density residential purposes. The proposed development will continue the use of the allotment – for residential purposes. A development application (DA2018/2061) approved a dwelling house on the subject property – the secondary dwelling will be established in conjunction with the principal dwelling. For subdivision plans and 88b restrictions, please refer to the submitted survey and **Appendix A** (Property Information).

## **C. Compliance with planning provisions**

The following demonstrates how the proposed development complies with the relevant statutory and non-statutory requirements, in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### **1. State Environmental Planning Policies**

The following SEPPs apply to the proposed development:

- SEPP 55 (Remediation of Land)
- SEPP (BASIX) 2004
- SEPP (Affordable Rental Housing) 2009
- SEPP (Coastal Management) 2018
- SEPP (Infrastructure) 2007
- SEPP (Vegetation in Non-Rural Areas) 2017

### **SEPP 55 (Remediation of Land)**

This SEPP is applicable to all land within NSW.

Given the allotment is a vacant parcel of land in a residential zone, and the previous use of the allotment was for residential purposes, it is not anticipated that the site is subject to any contamination nor will any remediation of the existing allotment be required. The proposed development satisfies the relevant provisions of the SEPP.

### **SEPP (Building Sustainability Index: BASIX) 2004**

In accordance with the requirements of SEPP (BASIX), a BASIX Certificate (including a Thermal Performance Assessment) has been submitted with this application.

The proposed secondary dwelling is oriented towards the north, for maximum solar access and cooling summer breezes. Shading devices have been installed to windows to reduce direct impact from the summer sun. Openable glazing will provide for suitable ventilation and cross ventilation through the proposed development. All walls and ceilings of the proposed development will be insulated as specified in the BASIX certificate.

The proposed development will comply with SEPP (BASIX) requirements concerning water, thermal and energy commitments, and satisfies the relevant provisions of the SEPP.

### **SEPP (Affordable Rental Housing) 2009**

Despite the zoning (E4 Environmental Living), it is considered the proposed development meets the relevant provisions of this SEPP, which has been gazetted for the provision of affordable rental housing in NSW. The proposed development proposes one principal dwelling and one secondary dwelling (Clause 22 (2)). In accordance with Clause 5.4 of the LEP, the secondary dwelling is no more than 60 square metres in area, in accordance with the LEP definition of 'gross floor area'.

### **SEPP (Coastal Management) 2018**

In accordance with Clause 14 (Development on land within the coastal environment area), the proposed development will not detrimentally impact the coastal zone nor the environmental assets of the coast. The proposed development will not adversely impact the biophysical, hydrological or ecological environment, nor the geological coastal processes and features. The proposed development will not impact the water quality of sensitive coastal areas, and will not impact native flora, fauna or Aboriginal heritage. A suitable stormwater design has been incorporated into the proposed development (refer to the Stormwater Management Plan), and effluent will connect to the mains sewer.

Refer to **Appendix B**, the arborists report and the flora and fauna report for supplementary information concerning the proposed development's compliance with this SEPP. The proposed development satisfies the relevant provisions of the SEPP.

### **SEPP (Infrastructure) 2007**

In accordance with Clause 45 of the SEPP, the proposed development is not located within 5m of an overhead electricity power line. The proposed development satisfies the relevant provisions of the SEPP.

### **SEPP (Vegetation in Non-Rural Areas) 2017**

Given the allotment is located within the Spotted Gum Forest EEC, the proposed development seeks to maintain existing onsite trees and vegetation under this application. One tree (Swamp Oak – *Allocasuarina*) is sought for removal under this application. Refer to comments in the relevant DCP section beneath and the arborists report. In accordance with Clause 3, the proposed development satisfies the relevant provisions of the SEPP.

## 2. Pittwater Local Environment Plan 2014

The proposed development has suitably addressed the relevant clauses of Council's Local Environment Plan (LEP) for a single dwelling.

The relevant provisions of the LEP are nominated beneath with comment:

Section	Comment
Zoning	<p>E4 (Environmental Living). Secondary dwellings are permissible in this land zone. The proposed development has sought to address the following objectives of this clause:</p> <ul style="list-style-type: none"> <li><i>To provide for low impact residential development in areas with special ecological, scientific or aesthetic values.</i></li> <li><i>To ensure that residential development does not have an adverse effect on those values.</i></li> <li><i>To provide for residential development of a low density and scale integrated with the landform and landscape.</i></li> <li><i>To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.</i></li> </ul> <p>The proposed development satisfies this provision of the LEP.</p>
4.3 (Building Height)	<p>Development standard: 5.5m (2FA)</p> <p>The height of the detached secondary dwelling development will have a maximum height of 5.5m above ground level (existing).</p> <p>The proposed development is consistent with the desired character of the Palm Beach locality, and the height and scale of surrounding and nearby development. The proposed development has sought to minimise overshadowing impact to neighbouring properties, facilitate the reasonable sharing of views, respond sensitively to the natural topography, and has sought to minimise the visual impact of development on the natural environment.</p> <p>The proposed development full sits within the prescribed building height envelope for the allotment and satisfies this provision of the LEP.</p>
5.4 (Controls relating to miscellaneous permissible uses)	<p>The proposed secondary dwelling will not exceed 60 square metres.</p> <p>The gross floor area, as per the LEP definition, for the secondary dwelling is 59.95 square metres.</p>
5.9 (Preservation of trees or vegetation)	<p>The proposed development seeks to maintain existing onsite trees and vegetation under this application and has sought to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p> <p>Refer to comments in the arborists report. The proposed development satisfies this provision of the LEP.</p>
5.10 (Heritage Conservation areas)	<p>The property is not a heritage item or located within a Heritage Conservation Area, nor does the allotment contain any known Aboriginal heritage. Refer to <b>Appendix B</b>. The proposed development will suitably conserve the environmental heritage of the area. The proposed development satisfies this provision of the LEP.</p>
7.1 (ASS)	<p>The property is affected by Class 5 Acid Sulphate Soils. The proposed development satisfies this provision of the LEP.</p>

7.2 (Earthworks)	Due to site constraints, the proposed development proposes minor cut and fill. Given the location of cut and fill on the allotment, it is considered that the proposed earthworks will not detrimentally impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land. The proposed development satisfies this provision of the LEP.
7.6 (Biodiversity protection)	<p>The property is within a Biodiversity area (Spotted Gum Forest EEC).</p> <p>In accordance with this part, the proposed development has been designed to protect native fauna and flora. By suitably conserving the site for remediation and landscaping, the proposed development has encouraged the conservation and recovery of native fauna and flora in this area. A 5-part test has been completed – refer to the flora and fauna report. The proposed development satisfies this provision of the LEP.</p>
7.7 (Geotechnical hazards)	<p>The property is identified on Council's mapping as a geotechnical hazard property – Geotechnical Hazard H1.</p> <p>The proposed development is satisfactory with respect to the allotment's underlying geotechnical conditions. With respect to geotechnical considerations, the proposed development will not endanger life or property.</p> <p>A geotechnical report accompanies this application in accordance with Council's <i>Geotechnical Risk Management Policy</i>. The proposed development satisfies this provision of the LEP.</p>
7.10 (Essential Services)	<p>As a Torrens titled allotment, as demonstrated in DA2018/2061, the proposed development has suitable access to services - including water, electricity and telecommunications. The allotment has access to the mains sewer, as per the approved subdivision plan. The allotment benefits from an Easement for Services (B) that extends from the property boundary to Barrenjoey Road. Refer to the submitted survey and <b>Appendix A</b>.</p> <p>Any necessary alterations to public utilities will be at the developer's expense and will be to the requirements of both Council and any other relevant Authority.</p> <p>The proposed development satisfies this provision of the LEP.</p>

### 3. Locality provisions

#### A4.12 Palm Beach Locality

The proposed development is a low-density development, in accordance with the relevant character locality statement. The proposed secondary dwelling will be a split-level development and will maintain the natural landform and landscape of the allotment – the proposed development has been located on the part of the site that is void of vegetation and requires remediation.

The proposed development is located in an existing urban environment that has suitable access to infrastructure and public transport. The proposed development has been designed below the tree canopy, with a minimal bulk and scale, and horizontal massing that respects the existing built form. The proposal will be stepped down over the sloping site which has been designed to be integrated with native vegetation. Principles of environmentally sustainable development will be incorporated into the proposed development, with building colours and materials that will harmonise with the natural environment. Refer to **Appendix C**.

Vehicular, pedestrian and cycle access in the locality will be maintained, and the proposed development will integrate with existing roads and traffic conditions.




#### 4. Pittwater Development Control Plan 21

The proposed development has suitably addressed the relevant aims, objectives and performance criteria of Council's Development Control Plan (DCP) for a single dwelling.


The relevant provisions of the DCP are nominated beneath with comment:

##### Section B – General Controls

Clause	Comment
B1.3 (Heritage Conservation)	The property is not located in a heritage conservation area nor is a heritage item.
B1.4 (Aboriginal Heritage Significance)	The property is not a known significant site, as per the AIHMS Certificate. Refer to <b>Appendix B</b> .  The proposed development has been designed to carefully limit disturbance to the ground level (existing).
B3.1 (Landslip Hazard)	The proposed development has been designed in accordance with the <i>Geotechnical Risk Management Policy for Pittwater</i> .  A geotechnical report accompanies this application in accordance with Council's <i>Geotechnical Risk Management Policy</i> . The report has recommended the proposed development be supported, subject to compliance with relevant recommendations.
B3.6 (Contaminated Land)	Given the existing residential nature of this area, we do not consider it likely that there would be any existing site contamination, nor do we consider it necessary that any test or assessment be undertaken for the purpose of this development.
B4.7 (Pittwater Spotted Gum Forest)	The allotment is located in the Pittwater Spotted Gum Forest – Endangered Ecological Community.  The proposed development has been designed to not have an adverse impact on Pittwater Spotted Gum Forest EEC. The development will permit the suitable regeneration of the EEC community to the north-east of the allotment. There will be no significant loss of canopy cover under this application.  A 5-part test has been completed concerning an assessment of the development that is located within the Spotted Gum Forest EEC – refer to the flora and fauna report. In addition, an arborists report has been submitted for trees within 5m of the proposal.
B4.22 (Preservation of Trees and Bushland Vegetation)	The proposed development will reinstate the scenic and environmental qualities of the natural environment under this application, by incorporating existing trees into the proposed development and new landscaping works.  The arborist has assessed and recommended how trees will be retained, protected and incorporated into the proposed development.  In considering the site area and the available development footprint, one tree (Swamp Oak – <i>Allocasuarina</i> ) is requested for removal with the following justification that is provided for Council's consideration: <ul style="list-style-type: none"> <li>• The tree is in poor condition – given recent meteorological events, the tree has been severely damaged which has included extensive limb loss.</li> <li>• The Arborist report has nominated the tree has low retention value.</li> <li>• The tree is not a native tree – as nominated in the Arborists report, native tree replacement (in accordance with the flora and fauna report) will contribute to the site's amenity and repair the Spotted Gum Forest EEC.</li> <li>• Retention of this tree creates an unreasonable restriction to the owners in this instance, given the poor quality of the tree, the high quality design of the secondary dwelling and other planning restrictions that have constrained development on the allotment.</li> </ul>

	<ul style="list-style-type: none"> <li>All other trees will be retained and incorporated into the proposed development – extensive planning and design input has minimised impact to the natural environment, so as to soften the proposed development in the locality and in the context of the Spotty Gum Forest EEC.</li> </ul> <p>Refer to <b>Figure 7</b> for a photo of the tree proposed to be removed. Note its low retention value and its poor condition.</p>  <p><u>Figure 7:</u> Tree 8</p>
B5.4 (Stormwater harvesting)	<p>Rainwater reuse will be incorporated into the proposed development in accordance with the NSW Government regulations (<i>Managing Urban Stormwater: Harvesting and Reuse</i>, 2006).</p> <p>The stormwater system will reduce water consumption and waste through reuse devices, conservation practices and recycling runoff. Water sensitive design principles have been incorporated into the design, which include drainage, onsite detention, landscaping and orientation of the development.</p> <p>Refer to the Stormwater Management Plan for further information.</p>
B5.7 (Stormwater Management – on-site stormwater detention)	<p>In accordance with Council's requirements, an On-Site Stormwater Detention system is required under this application. The proposed development has been designed to reduce stormwater discharge into Council's stormwater system. Refer to the Stormwater Management Plan for further information.</p>
B5.8 (Stormwater Management Water Quality Low Density Residential)	<p>The proposed development has been designed to incorporate pre-screening of organic matter, and a water quality filtration device for rainwater reuse. Water quality devices are located for safe and regular cleaning. Refer to the Stormwater Management Plan for further information.</p>
B5.10 (Stormwater Discharge into Public Drain System)	<p>The existing stormwater system terminates to the street gutter (Barrenjoey Road) via a stormwater outlet sump and pipe. No change is proposed to the stormwater system in this regard.</p> <p>Refer to the Stormwater Management Plan for further information.</p>



B5.13 (Development on Waterfront Land)	The proposed development will not adversely impact existing waterways nor Riparian zones.
B6.1 (Access driveways and Works on the Public Road Reserve)	<p>The Right of Carriageway to Barrenjoey Road is existing and was approved under the subdivision for this allotment. Refer to <b>Figure 8</b> beneath for a photo of the existing shared driveway access and the survey for the location of the existing driveway and crossover. There is no change proposed to the existing shared driveway or crossover under this application for the principal dwelling (as per DA2018/2061).</p>  <p><u>Figure 8:</u> Existing access – viewing south-west.</p>
B6.2 (Internal Driveways)	A new internal driveway was approved under DA2018/2061. There is no change to internal driveways in this regard.
B6.3 + B6.5 (Off-street vehicle parking requirements)	<p>A minimum of 1 onsite car parking space is required for the secondary dwelling, in addition to the 2 onsite car parking spaces provided for the principal dwelling (as per DA2018/2061) in accordance with this section.</p> <p>Proposed car parking spaces and vehicular access has been designed to comply with AS2890.1. Any open space parking space has been designed, where possible, to achieve a maximum cross fall of 5%. It is recognised that the subject site is significantly constrained by slope and a merit-based assessment was required by Council for the principal dwelling (DA2018/2061).</p> <p>Given the topographical constraints of the allotment, a merit-based assessment is required by Council for this application. The proposed development meets the following outcomes with respect to a variation request:</p> <ul style="list-style-type: none"> <li>• The DCP permits variations for steeply sloping sites. Given the substantial slope of the allotment (crossfall of 36.5%), this application is proposing that this requirement be addressed through stack-parking within the proposed driveway (as approved per DA2018/2061).</li> <li>• Having a stacked arrangement both suits the proposed use of the secondary dwelling, and the aspirations of the landowner. It has been suitably demonstrated that the proposed solution meets the demands generated by the development.</li> <li>• Given the slope of the allotment, it has been difficult to achieve compliant, dignified and safe vehicular access and car parking to the dwelling. As that has been suitably achieved, it is considered any further hardstand for separate car parking may impact on the safety of vehicles entering and exiting the proposed garage (as approved per DA2018/2061). It has been suitably demonstrated that the proposed stacked-parking arrangement is functional with respect to maximising pedestrian and vehicular safety</li> </ul>

	<ul style="list-style-type: none"> <li>In the instance Council requested a separate carparking space for the proposed development, additional hardstand would be required in an otherwise landscaped area. It is the applicant's intention that the built form be softened from public spaces; further hardstand would compromise on the natural environment. This application has suitably demonstrated that the proposed stacked-parking arrangement has considered the environmental impact of additional unwarranted and unutilised concrete hardstand.</li> <li>Additional onsite carparking is not a requirement under the Affordable Rental Housing SEPP; in a comparable residential zoned site (e.g. R2 low density residential), a consent authority cannot refuse an application for not providing onsite carparking to a secondary dwelling when assessed under the ARH SEPP 2009.</li> </ul> <p>It is not unreasonable therefore that given one car parking space has been provided by way of a stack parking arrangement, Council considers this solution on its merits; a car parking space has been provided to address this control in a way that utilises the approved access infrastructure for the principal dwelling (as per DA2018/2061).</p> <p>The proposed development satisfies the relevant outcomes of the DCP.</p>
B6.6 (On-Street Parking Facilities)	The proposed development will not result in any loss of on-street car parking spaces.
B8.1 (Excavation and Landfill)	<p>The applicant is seeking a merit-based assessment for excavation and fill, in accordance with the relevant objectives of Section D11.14. Refer to comments beneath.</p> <p>A geotechnical report accompanies this application. This report has nominated the proposed development is satisfactory in this regard and will comply with Council's <i>Geotechnical Risk Management Policy</i>.</p>
B8.2 (Erosion and Sediment Management)	The proposed development suitably addresses the document <i>Managing Urban Stormwater: Soils and Construction (Landcom 2004)</i> . Refer to the sedimentation and erosion control plan.
B8.3 (Waste Management)	Waste materials will be used onsite, recycled at an appropriate waste recycling facility or disposed at a waste facility. Refer to the waste management plan (Sheets 1 + 9).
B8.4 (Site fencing and security)	<p>Site fencing will be provided during the duration of works, in accordance with Council's requirements.</p> <p>The proposal will comply with Workcover NSW with respect to site access.</p>
B8.5 (Works in the public domain)	All works conducted in the public domain will ensure pedestrian and vehicular safety at all times.



## Section C – Development Type Controls

Clause	Comment
C1.1 (Landscaping)	<p>Existing trees will remain and be incorporated into the proposed development, which are predominantly of native species. As discussed in B4.22, one non-native tree (Swamp Oak – <i>Allocasuarina</i>) is requested for removal. On balance, the proposed development will not dominate the area; rather, the proposed development will be complimented by existing landscaping and the retention of existing vegetation. Landscaping surrounding the principal dwelling will not be amended substantially under this application (as per DA2018/2061).</p> <p>Any proposed new landscaping will comply with the EEC requirements for landscaping. Any proposed turf will have a minimum soil depth of 300mm. Proposed landscaping will not unreasonably obstruct vehicular and pedestrian visibility.</p> <p>Refer to the arborists report, the flora and fauna report, the site plan and the landscaping plan.</p>
C1.2 (Safety and security)	<p>Visitors can enter and exit the site without opening gates. Casual surveillance of Council's footpath can be maintained from the dwelling and entry points.</p> <p>The proposed development complies with <i>Crime Prevention through Environmental Design principles</i>.</p>
C1.3 (View Sharing)	<p>Given the steep topography of the allotment, the proposed development will not unreasonably affect view or view corridors on or through the site from neighbouring properties. The proposed development has been designed to facilitate the sharing of views.</p> <p>The four steps from the planning principle are nominated beneath with comment:</p> <ol style="list-style-type: none"> <li><i>The first step is the assessment of views to be affected.</i> <p>Given the steep topography of the allotment, it is considered that the proposed development will not detrimentally impact existing views over the site from existing neighbouring properties. Refer to <b>Figure 9</b> for a sectional detail, <b>Figure 10</b> for an aerial photo, and <b>Figures 11 - 14</b> for site photos. Views to water (Pittwater) and iconic views (towards Stokes Point) are available over the allotment. Adjoining neighbours above the subject site (in particular, neighbours at No. 17 and No. 19 Beauty Drive) enjoy a combination of whole and partial views, depending on the location of the existing built form, orientation of views and the location of vegetation. It is considered all other adjoining and adjacent neighbours are not impacted by the proposed development.</p> </li> <li><i>The second step is to consider from what part of the property the views are obtained.</i> <p>The location of views is across the allotment's side and rear boundaries. The case law makes the following comment in relation to views across side boundaries: <i>'the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries...The expectation to retain side views and sitting views is often unrealistic'</i>.</p> <p>Given the steep topography of the allotment, it is anticipated that existing views will not be adversely affected by the proposed development.</p> </li> <li><i>The third step is to assess the extent of the impact.</i> <p>The proposed roof reduced level at its most maximum reduced level will return to near ground level (existing) at the intersection of the north-eastern boundary of the allotment. Given the location and height of adjoining development, it has been assessed properties to the east will maintain available views over the allotment to water (Pittwater) and iconic views (towards Stokes Point).</p> </li> </ol>

	<p>In this regard, adjoining properties above the subject site (namely No. 17 and No. 19 Beauty Drive) will not be detrimentally impacted by the proposed development.</p> <p>4. <i>The fourth step is to assess the reasonableness of the proposal that is causing the impact.</i></p> <p>The proposed secondary dwelling has demonstrated compliance with Council's relevant statutory and non-statutory provisions. The proposed development fully complies with Council's height of buildings principal development standard for the allotment. Given the constrained nature of the allotment with respect to locations of easements, topography, trees and rock outcrops, the proposed development has demonstrated suitable compliance with Council's relevant DCP provisions.</p> <p>The case law associated makes the following comment in relation to the suitability of a design and its impact on views:</p> <p><i>'the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.'</i></p> <p>It is considered that there will be no detrimental impact to adjoining neighbours having regard to existing coastal and iconic views. The proposed development has demonstrated suitable regard to the planning principle and will permit the sharing of views.</p>
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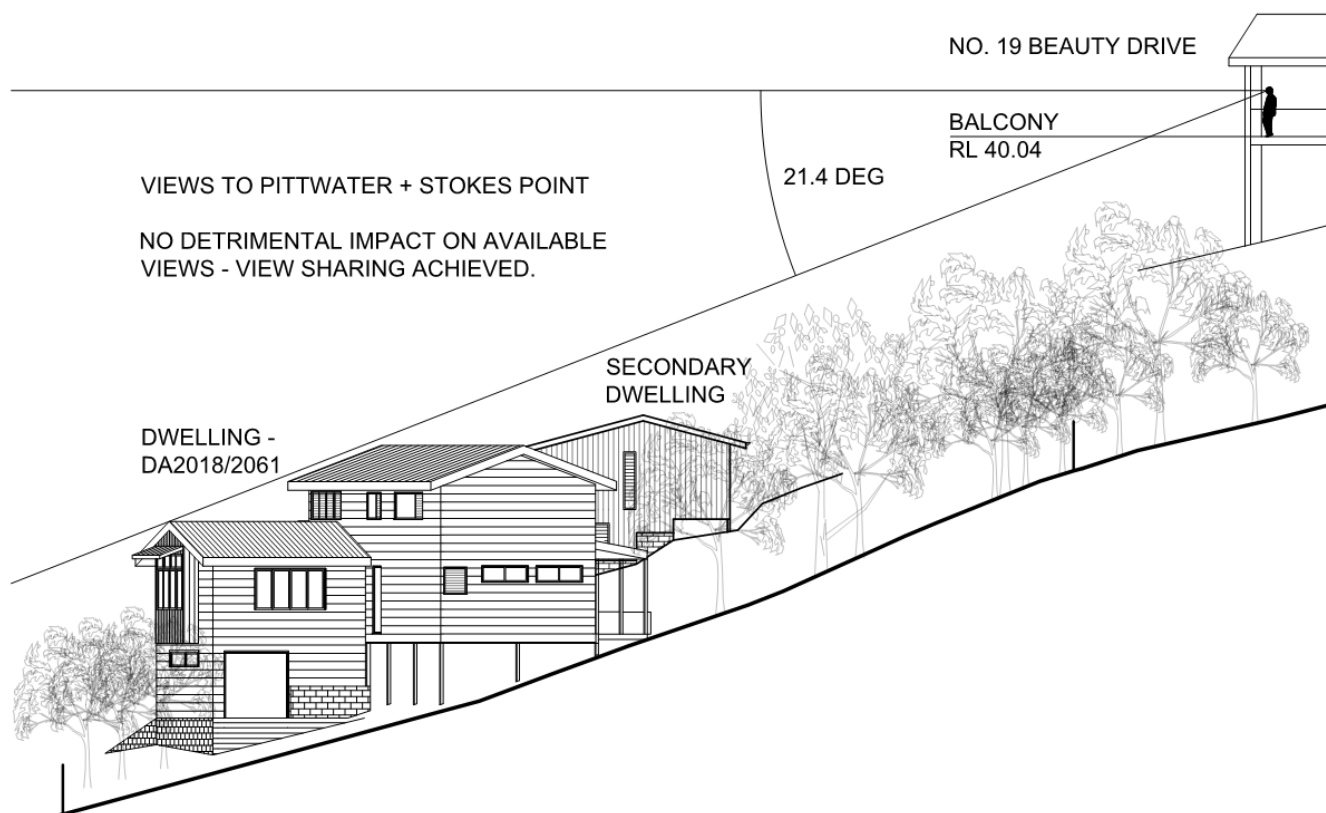


Figure 9: South-Eastern Section - view sharing opportunities





Figure 10: Aerial photo - view sharing (Source: maps.six.nsw.gov.au)

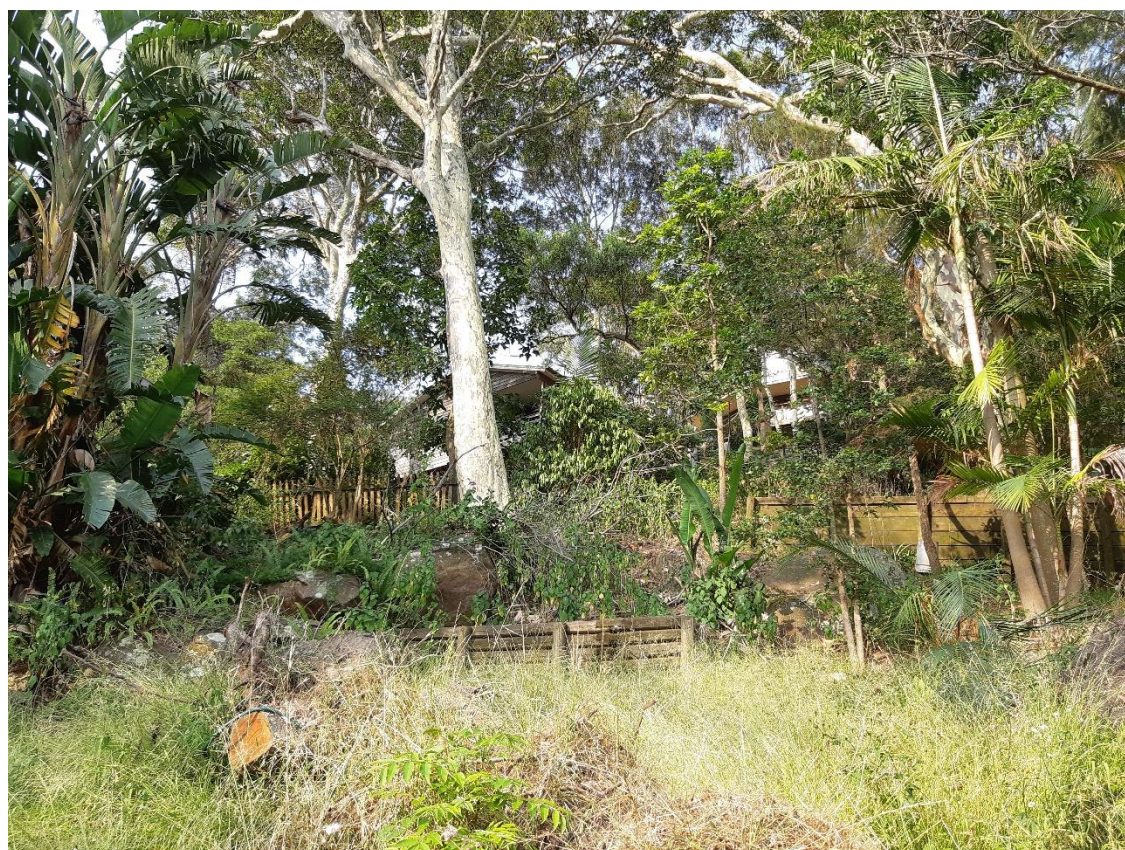


Figure 11: Photo – No. 17 Beauty Drive, viewing north-east from the subject site.

The deck is elevated higher than the deck at No. 19 Beauty Drive and is not located on the detailed survey (given its setback from the eastern boundary).





Figure 12: Photo – No. 19 Beauty Drive, viewing north-east from the subject site.



Figure 13: Photo – from the deck of No. 17 Beauty Drive, over the subject site.



Figure 14: Photo – from the deck of No. 19 Beauty Drive, over the subject site.

Given the topography and reduced levels of development to both No. 17 and No. 19 Beauty Drive, it has been suitably demonstrated that there will be no detrimental impact on available views. View sharing has been achieved.



<p>C1.4 (Solar Access)</p>	<p>Given the orientation of the allotment, site topography and the location of adjoining development, the proposed development will not unreasonably impact solar access to the principal dwelling and adjoining properties – including north-facing living area windows, areas of open space and solar collectors. It is considered north-oriented living area windows and open space areas will receive a minimum of 3 hours solar access during the winter solstice under this application, between 9am and 3pm. Refer to shadow diagrams.</p> <p>The following justification is provided concerning the proposed development and an assessment of solar access:</p> <ul style="list-style-type: none"> <li>• The proposed development has been designed to maximise solar access to the principal area of private open space of the principal dwelling, by relocating the bulk of the proposed development to the north-east (up the site), providing a suitable mass and form, and by reducing the finished floor level of the secondary dwelling.</li> </ul> <p>With respect to the planning principle established in the NSW Land &amp; Environment Court (The Benevolent Society v Waverley Council), solar access details have suitably demonstrated that sunlight will be available to over half (56%) of the area of the principal area of private open space at floor level at 12pm during the winter solstice, with approximately 93% sunlight available at standing level at 12pm during the winter solstice:</p> <ul style="list-style-type: none"> <li>○ An excellent quality of sunlight remains to the principal dwelling's principal area of private open space. It is considered that the quality of sunlight available to the principal area of private open space to the principal dwelling has not been adversely impacted given morning solar access is restricted – the steep eastern topography of this area prevents quality morning solar access being achieved to this allotment and adjoining allotments.</li> <li>○ Given the constraints and orientation of the site, the form of the proposed development has been sympathetically reduced to respond to the topography, and to retain onsite trees and rock shelves. The massing has been relocated towards the north-east in order to improve the quality of solar access (both standing and sitting) to the principal area of private open space to the principal dwelling.</li> <li>○ Sunlight will also remain to the principal dwelling's other areas of private open space during the winter solstice.</li> </ul> <ul style="list-style-type: none"> <li>• The dwelling does not have any north-oriented living areas – regardless, the proposed development will not detrimentally impact solar access to the north-western living area windows of the principal dwelling.</li> </ul> <p>Clothes drying will be achieved in a location where there is suitable solar access.</p> <p>The proposed development satisfies the relevant outcomes of the DCP.</p>
<p>C1.5 (Visual Privacy)</p>	<p>There are no adverse overlooking and privacy concerns with the proposed development. New windows are suitably offset from adjoining neighbour's windows. Adjoining areas of principal open space will not be adversely impacted by the proposed development.</p> <p>Overlooking and privacy within 12m of the development has been addressed by suitable building layout and spatial separation. It is considered landscaping, dividing fences and high windows will further screen the proposed development from adjoining neighbours.</p> <p>It is considered the design of the proposed development will permit suitably visual privacy between adjoining landowners.</p>
<p>C1.6 (Acoustic Privacy)</p>	<p>There will be no additional noise generated by the proposed development. Noise-sensitive rooms have been located away from noise sources where possible.</p>

C1.7 (Private Open Space)	<p>A minimum of 84m<sup>2</sup> private open space (POS) was approved under DA2018/2061 and this area will be increased under this application (84.6m<sup>2</sup>). The open space for the secondary dwelling (36.3m<sup>2</sup>) will remain to the north-west and be incorporated into the proposed development.</p> <p>The principal area of POS has been situated for solar access and amenity purposes. The principal area of POS has been located to maximise privacy for occupants.</p> <p>As assessed with the development application for the principal dwelling, a merit-based assessment is required from the Council given the grade of the external private open space areas will exceed 5%. Given site constraints, excessive retaining walls, site cut and site fill, would be required to fully satisfy this control – any additional cut and fill would also result in the removal of onsite trees. It is considered the proposed development will suitably preserve the natural topography of the allotment and has reduced impact on the natural environment.</p>
C1.9 (Adaptable Housing and Accessibility)	<p>The proposed development complies with this clause.</p>
C1.11 (Secondary Dwellings and Rural Worker's Dwellings)	<p>The proposed development will not result in more than two dwellings being erected on the allotment. The secondary dwelling does not contain more than two bedrooms and one bathroom – refer to comments and justification for further information.</p> <p>Given the maximum building height of the allotment, the development has been designed as a split-level dwelling that does not have one storey located above or beneath another storey. For aesthetic purposes however, the first floor will overhang the ground level by 600mm to allow the kitchen and laundry joinery to be located flush with the first-floor wall above.</p> <p>Technically, a merit-based assessment is required by Council in this regard. The proposed development meets the following outcomes with respect to a variation request:</p> <ul style="list-style-type: none"> <li>• Although the allotment has a steep topography, the bulk and scale of the development has been minimised to address the constraints of the site; the proposed development fully complies with both the maximum floor area of Clause 5.4 of the LEP (60m<sup>2</sup>), and the maximum building height of 5.5m (Clause 4.3 (2FA)).</li> <li>• In order to achieve dignified access to the ground level of the secondary dwelling, the ground floor requires to be excavated into the allotment – given the steep topography of the allotment. As with the principal dwelling, the first floor is constructed of pier and beam construction so as to not further impact on the natural topography of the allotment – this would be the preferred construction method if the allotment was not constrained by building height restrictions. Therefore, a split-level design is required to step the secondary dwelling up the site.</li> <li>• In addition to building height restrictions, the allotment is constrained given the orientation of the site, the location of the principal area of private open space of the principal dwelling (refer to comments in C1.4), easements, rock shelves and trees. A compact and efficient design, which includes a minor overlap of floors, has been proposed that will preserve amenity impacts resulting from the proposed secondary dwelling whilst addressing the development aspirations of the applicant.</li> <li>• As stated previously, the first floor overhangs the ground floor by 600mm for primarily aesthetic purposes – allowing the joinery to be flush with the upper storey. Refer to section. Any full separation of the ground and first floor levels to achieve a technically compliant development would compromise the design ascetics, would further impact on the natural features of the allotment (including topography, trees and rock shelves), and would detract from the amenity afforded to the principal dwelling in the submitted design.</li> <li>• Given the topography of the allotment and the extensive circulation required to achieve compliance with the BCA, a separate WC has been located on the ground floor of the development so to provide dignified, accessible sanitation facilities to the occupant.</li> </ul> <p>The proposed development satisfies the relevant outcomes of the DCP.</p>

C1.12 (Waste and Recycling facilities)	<p>The proposed development will utilise Northern Beaches Council's waste collection service for a single residential dwelling.</p> <p>Waste impact is not required to be addressed in this Statement of Environmental Effects.</p>
C1.13 (Pollution Control)	<p>The proposed development will comply with the <i>Protection of the Environment Operations Act</i>.</p>
C1.23 (Eaves)	<p>A minimum 600mm eave has been incorporated where eaves are proposed in the development.</p> <p>The proposed development does not technically provide shading to windows on the south-east elevation, given its proximity to the onsite easement. Given the orientation of these windows (south-east) and the topography of the allotment, it is considered solar access will be limited to these collectors; the orientation of these windows do not permit adverse levels of solar heating loads to enter the building. This has been confirmed in the BASIX certificate, which has supported no eaves to these windows.</p> <p>Whilst the applicant does not consider shading is required to these two windows, Council can condition vertical fixed louvre screens to these windows if deemed necessary.</p>
C1.24 (Public Road Reserve – landscaping and infrastructure)	<p>No landscaping is proposed to be amended or changed within the road reserve.</p>

#### Section D12 – Palm Beach Locality

Clause	Comment
D12.1 (Character as viewed from a public place)	<p>The proposed development has suitably responded to the existing and desired natural and built character of the area. The built form is subservient to existing site vegetation and does not exceed two-stories in height. Views and vistas to Pittwater will be maintained through the subject site, and the natural bushland context will be reinstated.</p> <p>Located on a battle-axe, the proposed development is compatible with adjoining built form. The front façade will suitably integrate with the positive elements of the streetscape and the approved dwelling (DA2018/2061). Parking structures will be located out of view of the streetscape, which is further concealed by the location of the Right of Carriageway.</p> <p>The building façade will further address character in the following ways:</p> <ul style="list-style-type: none"> <li>• Awnings over windows</li> <li>• A balcony to the development facing the street frontage</li> <li>• Façade treatment to the first floor</li> <li>• Recessing or projections of architectural elements</li> </ul> <p>The proposed development has been designed to minimise bulk and scale, and through appropriate articulation, will suitably relate to the streetscape.</p> <p>Landscaping will soften the appearance of the development from the street. Services will be located underground where possible.</p>
D12.2 (Scenic protection)	<p>The proposed development will minimise impact on the natural environment when viewed from the street. Bushland will be the predominant feature, with the built form recessing behind the vegetation.</p>



D12.3 (Building Colours and materials)	<p>Proposed colours and materials will be completed in dark and earthy tones and be of low-reflective colours. The proposed colours and materials will complement and enhance the locality and streetscape. The detailing of the proposal will blend into the bushland character of the Pittwater area.</p> <p>The proposed dwelling will be a lightweight clad development on slab (ground floor) and pier and beam (first floor) supports. Concrete block walls are proposed to the base of the secondary dwelling (where retaining is required), the lightweight walls will be clad in fibre cement cladding, and the roof will be sheet metal. Select timber hardwood will be used to further detail and articulate the proposed development from public areas.</p> <p>Refer to the colours and materials schedule for details (<b>Appendix C</b>).</p>
D12.5 (Front building line)	<p>As a battle-axe allotment, it is noted Council's minimum front building line is 6.5m for E4 zoned land. A minimum setback of 7.75m has been provided.</p> <p>The proposed development satisfies the relevant outcomes and controls of the DCP.</p>
D12.6 (Side and rear building line)	<p>The proposed development will comply with side and rear setbacks for the allotment. The following setbacks are required and provided:</p> <ul style="list-style-type: none"> <li>• One side boundary (south-east) – a minimum setback of 2.5m has been achieved. A setback of 21.2m has been provided.</li> <li>• One side boundary (north-west) – a minimum setback of 1.0m has been achieved. A setback of 1.9m has been provided.</li> <li>• Rear boundary (north-east) – a minimum setback of 6.5m has been achieved. A setback of 12.45m has been provided.</li> </ul> <p>The proposed development satisfies the relevant outcomes and controls of the DCP.</p>
D12.8 (Building envelope)	<p>The prescribed building envelope in accordance with Council's DCP is as follows:</p> <ul style="list-style-type: none"> <li>• 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 building height (refer to <i>Pittwater Local Environmental Plan 2014</i>).</li> </ul> <p>The building footprint is located on land that has a slope over 16.7 degrees (ie; 30%). Regardless, the proposed development satisfies both the relevant outcomes and controls of the DCP.</p>
D12.10 (Landscaped Area - General)	<p>The total landscaped area on shall be 60% of the site area (E4 Environmental Living). A total of 707m<sup>2</sup> (65.9%) soft landscaping has been provided onsite, in accordance with Council's planning provisions.</p> <p>The proposed landscaping has demonstrated that the bulk and scale of the built form is recessive to site vegetation. Landscaping will provide a suitable level of amenity to the occupants, and the conservation of natural vegetation and biodiversity will be preserved and reinstated. Stormwater runoff will be reduced under the proposed development due to the preservation of existing vegetation.</p>
D12.12 (Fences – General)	<p>No fences are proposed under this application.</p>
D12.13 (Construction, Retaining walls, terracing and undercroft areas)	<p>Cut and fill will be required to appropriately terrace the site, as shown on the submitted plans and elevations. Pier and beam construction for the first floor will be incorporated into the proposed development, and timber decks have been used for outdoor entertaining areas where possible. The cut and fill suitably complies with this clause and is appropriately offset from property boundaries. Any battering will not adversely impact adjoining development.</p> <p>The proposed development will incorporate the following site cut and fill:</p> <ul style="list-style-type: none"> <li>• Site cut – a benched / stepped cut of approximately 1.0m (total site cut – approximately 2.0m), and</li> </ul>

	<ul style="list-style-type: none"><li>• Site fill – approximately 1.0m</li></ul> <p>Given topographical constraints of the allotment, a merit-based assessment is required by Council in this regard. The proposed development meets the following outcomes with respect to a variation request:</p> <ul style="list-style-type: none"><li>• The proposed development addresses the relevant character requirements of the Palm Beach locality provisions.</li><li>• The proposed development fully complies with the height of buildings principal development standard, in accordance with Clause 4.3 of the LEP.</li><li>• In order to achieve dignified access to the ground level of the secondary dwelling, the RL of the ground floor requires to be suitably excavated into the allotment. The proposed development as a collective has sought to respond to the natural topography of the area – where possible, pier and beam design sits sensitively above the steep topography of the allotment. The ground level concrete slab being cut into the site will permit this floor level to maximise the earth's thermal properties, to more suitably regulate heating and cooling of the development.</li><li>• Given the substantial slope of the allotment, it is considered that the proposed cut and fill has been minimised across the site to reduce impact to the natural landform of the area. This includes benching of site retaining.</li><li>• Proposed cut and fill is required to achieve safe and dignified pedestrian access to the development, and suitable drainage for the lower ground level of the proposed development.</li><li>• Landscaping retaining walls and terracing will be out of view from public places.</li></ul> <p>The proposed development satisfies the relevant outcomes of the DCP.</p>
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#### **D. Access and traffic**

The site has legal access via a 4.57m Right of Carriageway to Barrenjoey Road. The proposed development provides for a minimum of 1 onsite car parking space for the secondary dwelling.

No changes are proposed to the existing crossover under this application. Any amendment or upgrade to the existing crossover would be subject to a Section 138 approval under the *Local Government Act*.

#### **E. General accessibility**

Access and accessibility, as per the Disability Discrimination Act 1992 and the Premises Standards 2010, is not required to be provided to a Class 1a dwelling and is not required to be addressed in this statement.

#### **Conclusion**

It is considered that the proposed development has met all requirements and objectives of the relevant SEPPs, LEP, DCP and the BCA (NCC).

In accordance with all accompanying documentation submitted to Council for this application, this statement recommends the proposed development (secondary dwelling and associated site works) at No. 790A Barrenjoey Road Palm Beach be recommended for approval and receive approval via development consent.

Enclosed: Appendices A – D

Req:R504914 /Doc:DP 0838513 P /Rev:06-May-1994 /Sts:OK,OK /Pgs:ALL /Prt:27-Apr-2018 11:48 /Seq:1 of 1  
Ref:17740 /Src:M

**WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION**



INSTRUMENT SETTING OUT TERMS OF EASEMENTS  
AND RESTRICTIONS AS TO USES INTENDING TO  
BE CREATED PURSUANT TO SECTION 88A OF THE  
CONVEYANCING ACT 1912.

PART 1

PLAN.

DP 838513

FULL NAME AND ADDRESS OF THE  
PROPRIETORS OF THE LAND.

FULL NAME AND ADDRESS OF THE  
MORTGAGEE OF THE LAND.

Sheet 1 of 16

Subdivisions of Lot 15 in D.P. 16718  
+ Part Lot 46 in D.P. 10375.

Covered by Council  
Clerks Certificate

No. P 37  
of 27th October 1993

Stephen Grant Langley  
794 Raxenjoy Road, Palm Beach  
William James Goddard, Alan Bruce Goddard  
and William James Goddard  
790 Raxenjoy Road, Palm Beach

1. *Ally Goddard*  
*W. Goddard*  
*W. Goddard*  
2. *W. Goddard*  
Registered Proprietors

1. *W. Goddard*  
Mortgagee

2. *W. Goddard*  
Mortgagee

The Seal of GREATER  
BANKING SOCIETY LTD.  
as the body affected  
by the instrument.



INSTRUMENT SETTING OUT TERMS OF EASEMENTS  
AND RESTRICTIONS AS TO USES INTENDING TO  
BE CREATED PURSUANT TO SECTION 88A OF THE  
CONVEYANCING ACT 1912.

PART 1

Sheet 2 of 6

PLAN.

DP 838513

1. IDENTITY OF EASEMENT OR  
RESTRICTION FIRSTLY  
REFERRED TO IN THE ABOVE-MENTIONED  
PLAN.

SCHEDULE OF LOTS, ETC. AFFECTED.

Lots burdened

3

2. IDENTITY OF EASEMENT OR  
RESTRICTION SECONDLY  
REFERRED TO IN THE ABOVE-MENTIONED  
PLAN.

SCHEDULE OF LOTS, ETC. AFFECTED.

Lots burdened

3

3. IDENTITY OF EASEMENT OR  
RESTRICTION THIRDLY  
REFERRED TO IN THE ABOVE-MENTIONED  
PLAN.

SCHEDULE OF LOTS, ETC. AFFECTED.

Lots burdened

3

1. *W. Goddard*  
*W. Goddard*  
Registered Proprietors

1. *W. Goddard*  
Mortgagee

2. *W. Goddard*  
Mortgagee

Subdivisions of Lot 15 in D.P. 16718  
+ Part Lot 46 in D.P. 10375

Covered by Council  
Clerks Certificate

No. P 37  
of 27th October 1993

Right of Carriageway  
4.57wide

Lots, name of Road  
or Authority benefited.

1 & 2

1  
Easement to drain water  
4.57wide

Lots, name of Road  
or Authority benefited.

1 & 2

1  
Easement for Services  
4.57wide

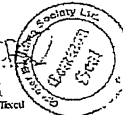
Lots, name of Road  
or Authority benefited.

1 & 2

1  
*W. Goddard*  
Council Clerk  
General Manager

2. *W. Goddard*  
Mortgagee

The Seal of GREATER  
BANKING SOCIETY LTD.  
as the body affected  
by the instrument.



REPORT :

Sheet 3 of 6

7'25.

DP 838513

Subdivision of Lot 15 in D.P. 26718  
 & Part Lot 44 in D.P. 10375  
 covered by Council  
 Clerks Certificate

Net. P27  
of 27 October 1963

4. IDENTITY OF FACILITY OR  
RESTRICTION FOURTHLY  
MENTIONED TO IN THE ABOVE MENTIONED  
PAGE.

SCHOOLS OF ARTS, ETC. AFFECTED.

121.6 ԽԱՐՎԱՆԵՐԷ

3

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Pleasanton Municipal Council


1. William C. Calkins  
 1897-1900  
 1901-1902

7. ~~.....~~  
ΠΡΟΪΣΤΕΥΝΗ ΠΡΟΠΡΟΣΑΧΩΝ

Witness \_\_\_\_\_

2. *Chelidonium* *foliolosum*

*Lauvick*



INSTRUMENT SETTING OUT TERMS OF EASEMENTS  
AND RESTRICTIONS AS TO USER INTENDED TO  
BE CREATED PURSUANT TO SECTION 808 OF THE  
CONVEYANCING ACT 1919.

PART 2

Page 5 of 6

PLAN.

D.P. 838513

Subdivision of Lot 20 in D.P. 26718  
 & Part Lot 44 in D.P. 28075  
 covered by Council  
 Clerk's Certificate

No. P37  
of 27<sup>th</sup> October 1997

7. TERMS OF RESTRICTION AS TO USER FOURTHLY:  
REFERRED TO IN THE ABOVEMENTIONED PLAY.

No building work shall be commenced on the lot hereby bid under the terms of the statement and/or land management plan has been submitted and approved by Council. The statement and plan shall include all details of any proposed clearing, earthworks, demolition, replanting, sediment control measures and site works of any nature, the submission is to be made a minimum of 3 days before the closing of the bids, and must be commenced, or any work or disturbance to the land, prior to be the satisfaction of the Municipal Engineer.

Any building application in respect of the Lot hereby burdened and submitted for consideration by Council shall be accompanied by a report from a consulting geotechnical engineer listed by Council as to any likely adverse effect the building and subdivision may have on the stability of the land together with recommendations as to any necessary stabilization works. Where such stabilization is required in the form of retaining structures, special footings and the like, these designs shall be certified by a practicing structural engineer listed by Council.

Any residence to be erected on the Lot hereby burdened is not to exceed a maximum area of 234 square metres and is to be confined to any area which is clear of significant trees. Any residence to be erected is to be designed and constructed so as to minimise any adverse effect on trees and vegetation on the subject land and any trees damaged or destroyed during construction are to be replaced by any super advance specimens of a like species in appropriate locations.

NAME OF AUTHORITY EMPowered TO MODIFY OR VARY THE ABOVE-ENTIONED  
RESTRICTIONS AND ENDORSEMENTS.

**PALANFOLK Municipal Council**



*Al. G. ...*

... ..


6. 11. 19

W. L. T. 11/11/11

111 72-

Leumick

Council Clerk



Ed. White

.....  
Hochschule

UNCLASSIFIED

In theory

REGISTERED  27-4-1994

#BXNDZC#  
REF ID:A67098  
QJ / NOV - 16-MAY-1984 / S=ACX-JK / P=LH; WAP-2004 CV:42 / ZYU:1

P

SHEET 6 OF 6

D.F. 838513

Sheet 4 of 5

Subdivision of Lot 15 in D.P. 26718  
 & Part Lot 44 in D.P. 18375  
 covered by Council  
 Clerk's Certificate

NO. P27  
OF 274 October 1943

1. TERMS OF AGREEMENT FOR SERVICES THIRDLY  
RENDERED TO IN THE ABOVE-DISTINGUISHED PLAN.

pull said fence right face every person who is at any time entitled to be present or interested in possession of the land herein indicated as the dominant tenant or any part thereof with which the right shall be in violation of any law, ordinance, rule, regulation or by him to make, install, construct, erect, install, carry, maintain and use through, above, on and under any personal, national, international or other means, pole, lines or other equipment and materials necessary to provide and carry all of any water, sewerage, gas, electric light, heat, steam, or other utility services to and from the said dominant tenant. COOPERED WITH THE RIGHT FOR THE GRANTOR AND EVERY PERSON AUTHORIZED BY HIM WITH TOOLS, IMPLEMENTS OR MACHINERY necessary for the purpose of carrying out the said dominant tenant and to remove there (or any reasonable time for the purpose of laying, inspecting, cleaning, replacing, maintaining or removing such equipment) and to erect, thereon, and to use any other necessary PROVISION that the grantees and the persons authorized by him will take all reasonable precautions to ensure as little disturbance as possible to the surface of the dominant tenant and to the persons and property of the dominant tenant and will remove without delay the surface as nearly as practicable to its original condition. This right shall be exercised or modified without the consent of the Water Board.

REGISTERED   27.4.1994

*[Handwritten signature]*

... *Landlord* ...  
~~Owner~~ *General Manager*



7. ~~Registered Proprietors~~

Witness my hand and seal this 14th day of June, 1964.

2. *Myosotis* <sup>from</sup> *Boles!*  
*from*

Носитель

There is a small  
note on the left  
of the page which  
is the signature.

Sherman House Bill  
by  
H. C. ...  
...  
...  
ANNA SCHMIDT  
SHE QUICK & HAYES  
SONS OFFICE

538 i. 4009

RSC Feni, Sado

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LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/838513

SEARCH DATE	TIME	EDITION NO	DATE
12/12/2017	10:13 AM	7	19/8/2015

### LAND

LOT 2 IN DEPOSITED PLAN 838513  
AT PALM BEACH  
LOCAL GOVERNMENT AREA NORTHERN BEACHES  
PARISH OF NARRABEEN COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP838513

### FIRST SCHEDULE

THE DIFRANCO GROUP PTY LTD (T AJ738803)

### SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 H367120 RIGHT OF FOOTWAY 0.915 APPURTENANT TO THE PART  
SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 3 H367120 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN  
THE TITLE DIAGRAM.
- 4 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
DIAGRAM CREATED BY:
  - H367120 RIGHT OF FOOTWAY 0.915
  - X518651 EASEMENT TO DRAIN WATER 0.915
  - Z68767 EASEMENT TO DRAIN WATER 0.915
  - DP838513 RIGHT OF CARRIAGEWAY 4.57 WIDE
  - DP838513 EASEMENT TO DRAIN WATER 4.57 WIDE
  - DP838513 EASEMENT FOR SERVICES 4.57 WIDE
- 5 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:
  - DP838513 RIGHT OF CARRIAGEWAY 4.57 WIDE
  - DP838513 EASEMENT TO DRAIN WATER 4.57 WIDE
  - DP838513 EASEMENT FOR SERVICES 4.57 WIDE
- 6 DP838513 RESTRICTION(S) ON THE USE OF LAND
- 7 AJ738804 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED

### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

\* 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.

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Received: 12/12/2017 10:13:34



THIS FORM MAY BE USED WHERE NEW RESTRICTIVE COVENANTS ARE IMPOSED OR EASEMENTS CREATED OR WHERE THE SIMPLE TRANSFER FORM IS UNSUITABLE.

R.P. 13A. No. **367120**  
 New South Wales

**MEMORANDUM OF TRANSFER**  
 (REAL PROPERTY ACT, 1900.)



FEES:— £ s. d.  
 Lodgment 2: : :  
 Endorsement 2: : :  
 Certificate 10: : :  
 13-12-60 9-5: : :  
 J. H. H.

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black non-copying ink.



If a fee is payable, strike out "in fee simple" and interline the required alteration.

**THE AUSTRALIAN MERCHANDISE & ENTERPRISE PTY. LIMITED**

(herein called transferor)

being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of

Three hundred and seventy five pounds (£ 375.0.0.) (the receipt whereof is hereby acknowledged) paid to it by

ROBERT ALBERT SHAW AND IN CONSIDERATION of the sum of four hundred and seventy five pounds (£475.0.0.) paid to the said Robert Albert Shaw by DOROTHY RUTH WILLIAMS of 54 Miller Street North Sydney, Married Woman (hereinafter called "transferee") DO HEREBY at the request and direction of the said Robert Albert Shaw (testified by his execution hereof)

do hereby transfer to

Show in BLOCK LETTERS the full name, postal address and description of the persons taking, and if more than one, whether they hold as joint tenants or tenants in common.

**DOROTHY RUTH WILLIAMS** of 54 Miller Street, North Sydney,  
 Married Woman

(herein called transferee)

The description may refer to parcels shown in Town or Parish Maps issued by the Department of Lands or shown in plans filed in the Office of the Registrar-General. If part only of the land comprised in a Certificate or Certificates of Title is to be transferred add "and being Lot sec. D.P. " or "being the land shown in the plan annexed hereto" or "being the residue of the land in certificate (or grant) registered Vol. Fol. "

Where the consent of the Local Council to a subdivision is required the certificate and plan mentioned in the Local Government Act, 1919, should accompany the transfer.

ALL such its Estate and Interest in ALL the land mentioned in the schedule following:—

County.	Parish.	Reference to Title.			Description of Land (if part only).
		Whole or Part.	Vol.	Fol.	
QUEENSLAND	MARRABETON	PART	7510 4202	26 204 X	BEING lot 15 as shown on deposited plan No. 26718
<p><u>TOGETHER WITH</u> full and free right of footway over that piece of land 3 feet wide shown on Lot 14 in Deposited Plan No. 26718 as being site of proposed right-of-way 3 feet wide and also shown on the plan endorsed hereon and designated diagram 2 and therein colored blue such right-of-way to be appurtenant to the whole of the land comprised in deposited plan 26718, hereby Transferred.</p>					
<p>Now being part of land comprised in Cert'e of Title Vol. 7610 Fol. 26</p>					

92360 31226



And the transferee covenant(s) with the transferor

2 Strike out if unnecessary, or suitably adjust.

(i) if any easements are to be created or any exceptions to be made; or

(ii) if the statutory covenants implied by the Act are intended to be varied or modified.

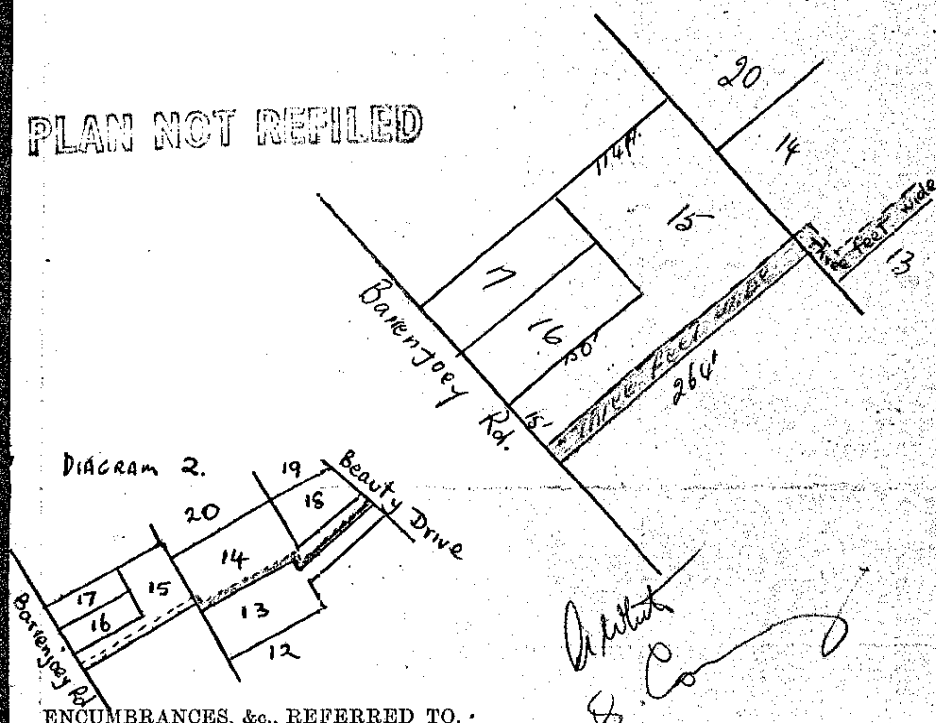
Covenants should comply with the provisions of Section 88 of the Conveyancing Act, 1919-1924.

RESERVING to the transferor a right of footway over that piece of land three feet wide as shown on plan hereunder shown and coloured red thereon such reservation being for the benefit of the <sup>residue</sup> ~~whole~~ of the

land in Deposited Plan No. 26718 <sup>residue</sup> ~~whole~~ being lots 1 to 4 inclusive, <sup>8, 10, 12, 13, 14, 20 to 25 inclusive and 28</sup>

AND the transferee for herself and her assigns COVENANTS with the transferor and its assigns for the benefit of any adjoining land owned by the transferor but only during the ownership thereof by the transferor and its assigns that no fence shall be erected on the property hereby sold to divide it from such adjoining land without the consent of the transferor or its assigns, but such consent shall not be withheld if such fence is erected without expense to the transferor or its assigns and in favour of any person dealing with the transferee or her assigns such consent shall be deemed to have been given in respect of every such fence for the time being erected and this restriction may be released varied or modified by the owner or owners for the time being of the adjoining land.

PLAN NOT REFILED



ENCUMBRANCES, &c., REFERRED TO.

\* A very short note will suffice.

K 1165-3

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

Execution in New South Wales may be proved if this instrument is signed or acknowledged before the Registrar-General, or Deputy Registrar-General, or a Notary Public, a J.P., or a Commissioner for Affidavits, or to whom the instrument is known, otherwise the attesting witness should appear before one of the above functionaries who having received an affirmative answer to each of the questions set out in Sec. 108 (1) (b) of the Real Property Act should sign the certificate at the foot of this page.

Execution may be proved where the parties are resident:—

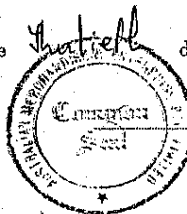
(a) in any part of the British dominions outside the State of New South Wales by signing or acknowledging before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or Mayor or Chief Officer of any municipal or local government corporation of such part, or Justice of the Peace for such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.

(b) in the United Kingdom by signing or acknowledging before the Mayor or Chief Officer of any corporation or a Notary Public.

(c) in any foreign place by signing or acknowledging before (i) a British Consular Officer (which includes a British Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or Legation, Consul-General, Acting Consul-General, Consul, Acting Consul, Vice-Consul, Acting Vice-Consul, Pro-Consul, Consular Agent and Acting Consular Agent), (ii) an Australian Consular Officer (which includes an Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Chargé d'Affaires, Counsellor or Secretary at an Embassy, High Commissioner's Office or Legation, Consul-General, Consul, Vice-Consul, Trade Commissioner and Consular Agent), who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

§ Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

Signed at SYDNEY the thirtieth day of November 1959  
Signed in my presence by the transferor  
THE COMMON SEAL OF AUSTRALIAN  
WHO IS PERSONALLY KNOWN TO ME—  
MERCHANDISE AND ENTERPRISE PTY.  
LIMITED was hereunto affixed by  
authority of the Board, and in the  
presence of:



Robert A Shaw  
Director  
Transferor.\*  
Director

SIGNED in my presence by the said  
ROBERT ALBERT SHAW who is personally known to me:

Robert A Shaw  
Directing Party

† Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the transferee  
WHO IS PERSONALLY KNOWN TO ME

Robert A Shaw  
Transferee(s).

Robert A Shaw  
Transferee(s).

### MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.

(To be signed at the time of executing the within instrument.)

Memorandum where by the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. \_\_\_\_\_ Miscellaneous Register under the authority of which he has just executed the within transfer.

Signed at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
Signed in the presence of— \_\_\_\_\_

### CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS.\*

To be signed by Registrar-General, Deputy Registrar-General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

Appeared before me at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_ nine hundred and \_\_\_\_\_ and declared that he personally knew \_\_\_\_\_ the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said \_\_\_\_\_ is \_\_\_\_\_ own handwriting, and that he was of sound mind and freely and voluntarily signed the same.

\* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

H 367120

No. ....

LODGED BY *K.58 J.C. S. C. Alder & Maudslayi*  
*11 C. Chesterburgh St. Sydney*

FEES.

The Fees, which are payable on lodgment, are as follows:—

- (a) £2 where the memorandum of transfer is accompanied by the relevant Certificate of Title or Crown Grant, otherwise £2 5s. 0d. Where such instrument is to be endorsed on more than one folium of the register, an additional charge of 5s. is made for every Certificate of Title or Crown Grant after the first.
- (b) A supplementary charge of 10s. is made in each of the following—
  - (i) where a restrictive covenant is imposed; or
  - (ii) a new easement is created; or
  - (iii) a partial discharge of mortgage is endorsed on the transfer.
- (c) Where a new Certificate of Title must issue the scale charges are—
  - (i) £2 for every Certificate of Title not exceeding 15 folios and without diagram;
  - (ii) £2 10s. 0d. for every Certificate of Title not exceeding 15 folios with one simple diagram;
  - (iii) as approved where more than one simple diagram, or an extensive diagram will appear.

Where the engrossing exceeds 15 folios, an amount of 5s. per folium, extra fee is payable.

DOCUMENTS LODGED HEREWITH.

To be filled in by person lodging dealing.

1	} Received Docs. Nos.
2	
3	
4	
5	} Receiving Clerk.
6	

PARTIAL DISCHARGE OF MORTGAGE.

(N.B.—Before execution read marginal note.)

I, *mortgagee under Mortgage No.*  
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

This discharge is appropriate to a transfer of part of the land in the Mortgage. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

Dated at this day of 19  
Signed in my presence by

who is personally known to me.

Mortgagee.

USES FOR DEPARTMENTAL USE.

INDEXED	MEMORANDUM OF TRANSFER <i>Together with and retaining Right of Footways Subject to Covenants</i>
Checked by <i>[Signature]</i>	Particulars entered in Register Book, Volume <i>7610</i> Folio <i>26</i>
Passed (in S.D.B.) by <i>[Signature]</i>	the <i>23rd</i> day of <i>November</i> 19 <i>60</i> at minutes past <i>10</i> o'clock in the <i>fore</i> noon.
Signed by <i>[Signature]</i>	<i>[Signature]</i> Registrar

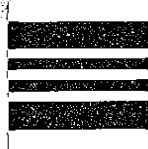
PROGRESS RECORD.

	Initials.	Date.
Sent to Survey Branch		
Received from Records	<i>hm</i>	<i>9/9</i>
Draft written	<i>ASW</i>	<i>13/11/60</i>
Draft examined		
Diagram prepared		
Diagram examined	<i>[Signature]</i>	
Draft forwarded		
Supt. of Engrossers		
Cancellation Clerk		
Vol. <i>8052</i> Fol. <i>29</i>		

EXTRA FEES  
*10/2*  
Diagram  
NOV 1960  
EXTRA FEE

K 1145-2

RP 12B  
Extra fee paid  
\$47.00 CRB 35091  
6/1/90  
\$25



2  
068767

**TRANSFER  
GRANTING EASEMENT**

REAL PROPERTY ACT, 1900  
(See Instructions for Completion on back of form)

16  
\$ 56  
211

DESCRIPTION  
OF LAND  
Note (a)

FOLIO IDENTIFIER 15/26718

FOLIO IDENTIFIER 14/26718

TRANSFEROR  
(registered  
proprietor of  
servient tenement)  
Note (b)

STEPHEN GRANT LANGLEY of 794 Barrenjoey Road, Palm Beach, Bank Officer.

Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$2,000.00  
and TRANSFERS and GRANTS easement to drain water over the land described as "proposed  
easement to drain water 0.915 wide" in plan annexed hereto.

OFFICE USE ONLY

over

TRANSFEE  
(registered  
proprietor of  
dominant tenement)  
Note (b)

out of the servient tenement and appurtenant to the dominant tenement to the TRANSFEE

EDWARD OLIVER BALL of 10 Crane Lodge Place, Palm Beach and SUSAN BALL  
of the same address.

PRIOR  
ENCUMBRANCES  
Note (d)

subject to the following PRIOR ENCUMBRANCES: 1. Y548749 Mortgage to ANZ Savings Bank Limited

2. 3.

EXECUTION  
Note (e)

DATE OF TRANSFER 29/5/90  
We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

Signed in my presence by the transferor who is personally known to me

Signature of Witness

Paul Fongkin

Name of Witness (BLOCK LETTERS)

518 KENT ST

Address and occupation of Witness

Note (e)

Signed in my presence by the transferee who is personally known to me

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

[Signature]  
Signature of Transferor

A.M. ORR  
SOLICITOR FOR  
Signature of Transferee

TO BE COMPLETED  
BY LODGING PARTY  
Notes (f) and (g)

LODGED BY <b>GRAHAM GOLDENBERG PARTNERS SOLICITORS 12-14 COCHRAN STREET SUITE 101 P.O. BOX 431 SMITHS CREEK</b>		LOCATION OF DOCUMENTS	
		CT <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>
Delivery Box Number		Herewith. <input type="checkbox"/> In R.G.O. with <input type="checkbox"/> Produced by <input checked="" type="checkbox"/>	
Extra Fee <u>\$47</u> <u>PLAN</u>	Checked by <u>BU</u> <u>O.</u> <u>HRFII</u>	REGISTERED  18 JUL 1990 Registrar General	<u>over</u>

OFFICE USE ONLY

\$56  
\$56



RP 13B

# INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialled by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

Registered mortgagees, chargees and lessees of the servient tenement should consent to the grant of easement; otherwise, the mortgage, charge or lease should be noted in the memorandum of prior encumbrances.

Rule up all blanks.

The following instructions relate to the side notes on the form.

(a) Description of land. **TORRENS TITLE REFERENCE.**—Insert the current Folio Identifiers or Volume and Folios of the Certificates of Title/Crown Grants for both the dominant and servient tenements, e.g., 135/SF12345 or Vol. 8514 Fol. 126.

(b) Show the full name, address and occupation or description.

(c) State the nature of the easement (see, e.g., section 181A of the Conveyancing Act, 1919), and accurately describe the site of the easement. The transfer and grant must comply with section 88 of the Conveyancing Act, 1919.

(d) In the memorandum of prior encumbrances state only the registered number of any mortgage, lease or charge (except where the consent of the mortgagee, lessee or chargee is furnished), and of any writ recorded in the Register.

(e) Execution.

## GENERALLY

(i) Should there be insufficient space for the execution of this dealing, use an annexure sheet.

(ii) The certificate of correctness under the Real Property Act, 1990 must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he is personally known.

The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his firm) to be typewritten or printed adjacent to his signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1990.

## ATTORNEY

(iii) If the transfer is executed by an attorney for the transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. , and I declare that I have no notice of the revocation of the said power of attorney".

## AUTHORITY

(iv) If the transfer is executed pursuant to an authority (other than specified in (iii)), the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.

## CORPORATION

(v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., "In accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation."

(f) Insert the name, postal address, Document Exchange reference, telephone number, and delivery box number of the lodging party.

(g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat, dec, for statutory declaration, p/ba for probate, L/A for letters of administration.

## OFFICE USE ONLY

DIRECTION: PROP No. OF NAMES:		FIRST SCHEDULE DIRECTIONS				
(A)	FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) J	(E)	NAME AND DESCRIPTION
SECOND SCHEDULE & OTHER DIRECTIONS						
(F)	FOLIO IDENTIFIER (OR RECD. DEALING & FOLIO IDENTIFIER)	(G) DIRECTION	(H) NOTFN TYPE	(I)	DEALING NUMBER	(K) DETAILS
	15/ 26718	ON	EA			Easement to drain water affecting the part of the land above described shown so burdened in <del>EP</del> plan with Z 68767.
	14/ 26718	ON	EA			Easement to drain water appurtenant to the land above described affecting the land shown so burdened in plan with Z 68767.
	15/ 26718	CT	—		205.	
	14/ 26718.	CT	—		NOCT	

ANNEXURE TO TRANSFER GRANTING EASEMENT DATED 29/5 1990 BETWEEN  
STEPHEN GRANT LANGLEY (Transferor) AND EDWARD OLIVER BALL AND SUSAN BALL (Transferees)

26876



Signed and Sealed by the said  
Bank at Sydney by its Attorney

GRAEME ALLAN BOOL

who is personally known to me.

KYLIE JANE ATKINS

BARRENJOEY ROAD

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
INCORPORATING ANZ BANK AND ECA BANK  
by its Attorney

GRAEME ALLAN BOOTH

and I, the said Attorney state that I have not received any notice of the revocation of the Power of Attorney registered in the Office of the Registrar General Sydney as No. 283 Book 3403 under which this document is executed.

ACTING REGIONAL MANAGER FOR THE  
TIME BEING OF AUSTRALIA AND NEW ZEALAND BANKING  
GROUP LIMITED

RP13B

STAMP DUTY



X518651

**TRANSFER  
GRANTING EASEMENT**

REAL PROPERTY ACT, 1930  
(See Instructions for Completion on back of form)

TG 

A	1 of 1	X
\$	99	E

\$10 -

DESCRIPTION  
OF LAND  
Note (a)

Volume 8052 Folio 29

Volume 13678 Folio 43

TRANSFEROR  
(registered  
proprietor of  
servient tenement)  
Note (b)

**BRUCE SIMMONDS** of 794 Barrenjoey Road, Palm Beach, Bank Officer, and  
**ELIZABETH ANNE SIMMONDS** of the same place, his wife, as joint tenants

Note (c)

pursuant to Deed dated 11th December, 1987 hereby  
(the abovenamed TRANSFEROR) transfers and grants an easement to drain water as shown as "proposed  
easement to drain water 0.915 wide" in Plan annexed hereto.

OFFICE USE ONLY

OVER

TRANSFEE  
(registered  
proprietor of  
dominant tenement)  
Note (b)

out of the servient tenement and appurtenant to the dominant tenement to the TRANSFEE

**THOMAS JAMES JOHNSON** of 25 Beauty Drive, Whale Beach, Manager,  
and **LYNDA ALEXANDER JOHNSON** of the same place, his wife, as joint  
tenants

PRIOR  
ENCUMBRANCES  
Note (d)

subject to the following PRIOR ENCUMBRANCES: 1. ....  
2. .... 3. ....

DATE 12th April 1988

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION  
Note (e)

Signed in my presence by the transferor who is personally known to me

*[Signature]*  
Signature of Witness  
**FRANK C. KIRKPATRICK (FED)**  
Name of Witness (BLOCK LETTERS)  
*[Signature]*  
Address and occupation of Witness

*[Signature]*

*[Signature]*  
Signature of Transferor

Note (e)

Signed in my presence by the transferee who is personally known to me

*[Signature]*  
Signature of Witness  
**KEITH ROBERTSON OSBORN**  
Name of Witness (BLOCK LETTERS)  
*[Signature]*  
Address and occupation of Witness

*[Signature]*  
Signature of Transferee

344

TO BE COMPLETED  
BY LODGING PARTY  
Notes (f) and (g)

LODGED BY  
**H.D. McLACHLAN, CHILTON & CO.,**  
Solicitors,  
2 O'Connell Street,  
SYDNEY N.S.W. 2000 Tel. 27-3883  
D.X. 120 Sydney  
Delivery Box Number 541M

LOCATION OF DOCUMENTS  
CT OTHER  
2076 Herewith.  
In R.G.O. with  
Produced by 34F + 453J

OFFICE USE ONLY

Checked EBB 02	Passed EPB	REGISTERED 17-5-19 88	OVER
Signed RAJ.	Extra Fee		

Registrar General

99



RP13B

## INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment by hand at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

Registered mortgagees, chargees and lessees of the servient tenement should consent to the grant of easement; otherwise, the mortgage, charge or lease should be noted in the memorandum of prior encumbrances.

Rule up all blanks.

The following instructions relate to the side notes on the form.

(a) **Description of land. TORRENS TITLE REFERENCE.**—Insert the current Folio Identifiers or Volume and Follies of the Certificates of Title/Crown Grants for both the dominant and servient tenements, e.g., 135/SP12345 or Vol. 8514 Fol. 126. Title references should be listed in numerical sequence.

(b) Show the full name, address and occupation or description.

(c) State the nature of the easement (see, e.g., section 181A of the Conveyancing Act, 1919), and accurately describe the site of the easement. The transfer and grant must comply with section 88 of the Conveyancing Act, 1919.

(d) In the memorandum of prior encumbrances state only the registered number of any mortgage, lease or charge (except where the consent of the mortgagee, lessee or chargee is furnished), and of any writ recorded in the Register.

(e) **Execution.**

**GENERALLY** (i) Should there be insufficient space for the execution of this dealing, use an annexure sheet.

(ii) The certificate of correctness under the Real Property Act, 1900 must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he is personally known.

The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his firm) to be typewritten or printed adjacent to his signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.

**ATTORNEY** (iii) If the transfer is executed by an attorney for the transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. , and I declare that I have no notice of the revocation of the said power of attorney".

**AUTHORITY** (iv) If the transfer is executed pursuant to an authority (other than specified in (iii)), the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.

**CORPORATION** (v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.

(f) Insert the name, postal address, Document Exchange reference, telephone number, and delivery box number of the lodging party.

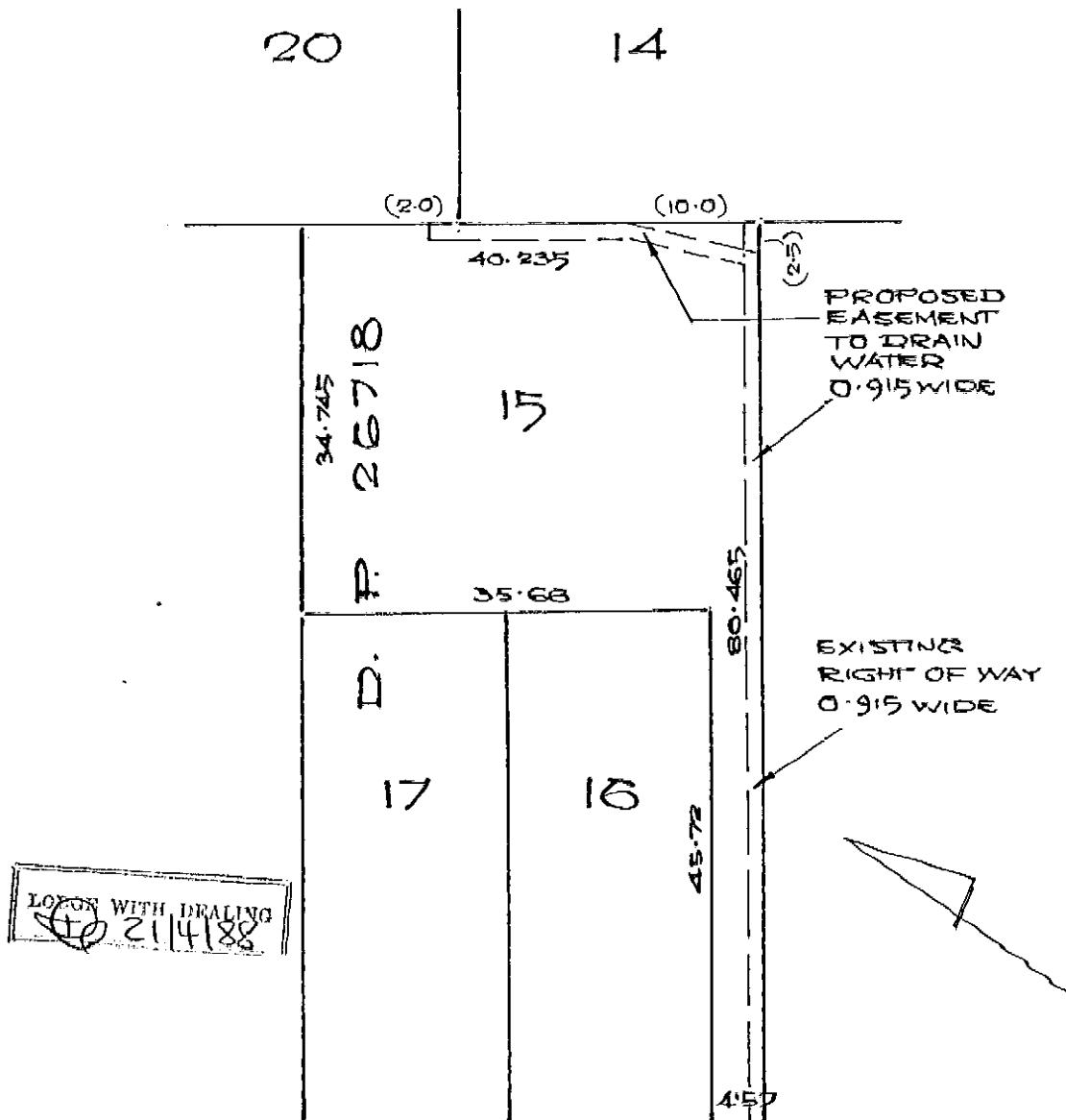
(g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration, pbt for probate, L/A for letters of administration.

## OFFICE USE ONLY

DIRECTION: PROP No. OF NAMES:		FIRST SCHEDULE DIRECTIONS				
(A)	FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) I	(E)	NAME AND DESCRIPTION
SECOND SCHEDULE & OTHER DIRECTIONS						
(F)	FOLIO IDENTIFIER FOR REGD. DEALING & FOLIO IDENTIFIER	(G) DIRECTION	(H) NOTEN TYPE	(I)	DEALING NUMBER	(K) DETAILS
	8052-29	ON	EA			EASEMENT TO DRAIN WATER 0.915 WIDE AFFECTING THE PART OF THE LAND ABOVE DECEASED SHOWN SO BURDENED IN THE PLAN WITH X 518651
	13678-43	ON	EA			EASEMENT TO DRAIN WATER 0.915 WIDE APPURTENANT TO THE LAND ABOVE DECEASED AFFECTING THE LAND SHOWN SO BURDENED IN THE PLAN WITH X 518651
	8052-29	OFF	X		X276597	(Lapsed)
	8052-29	CT			4535	
	13679-43	CT			36F	

X518651

ANNEXURE TO TRANSFER GRANTING EASEMENT DATED 12<sup>th</sup> April 1988  
BETWEEN BRUCE SIMMONDS AND ELIZABETH ANNE SIMMONDS (Transferors) AND  
THOMAS JAMES JOHNSON AND LYNDIA ALEXANDER JOHNSON (Transferees)



BARRENJOET ROAD

X 1/10 1/10 1/10  
X 1/10 1/10 1/10

# AHIMS Web Services (AWS)

## Search Result

Purchase Order/Reference : Search

Client Service ID : 508908

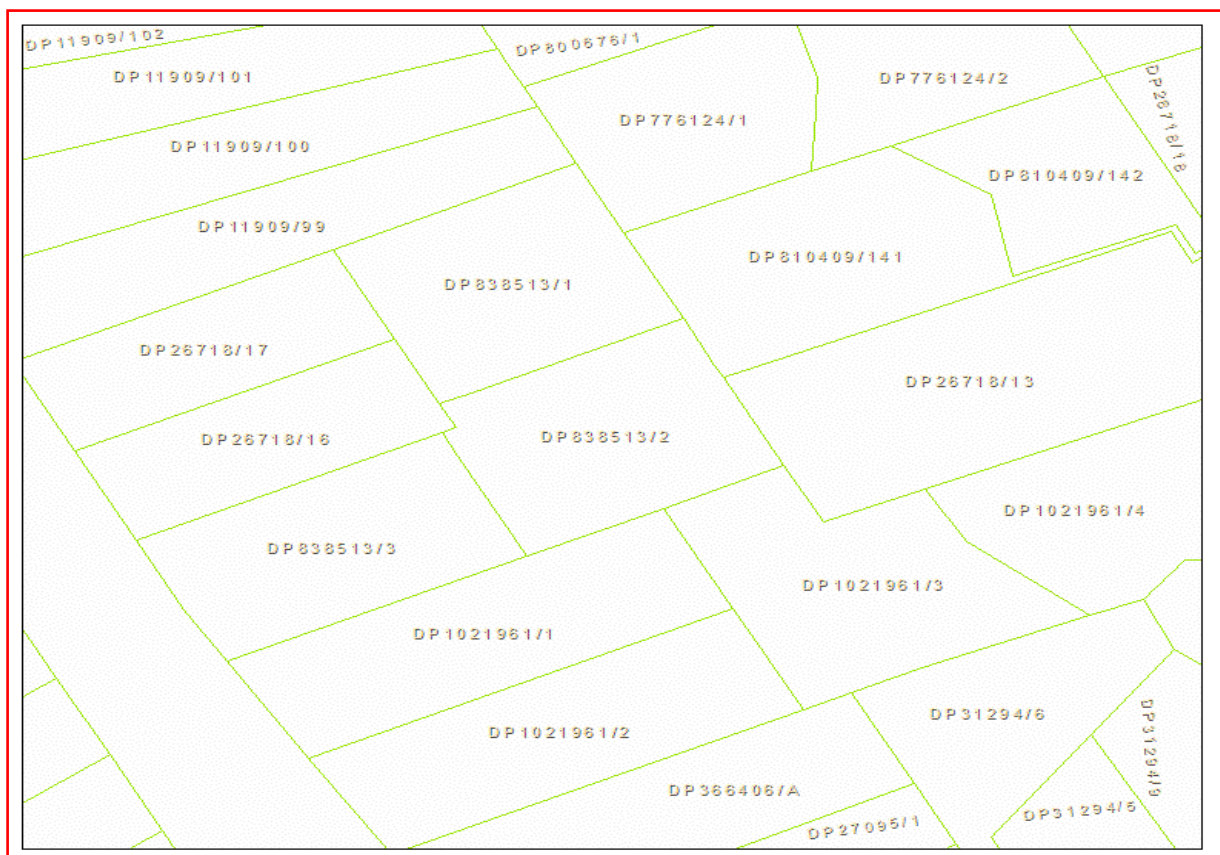
David Lamb  
7/25 Hall Street  
MEREWETHER New South Wales 2291  
Attention: David Lamb  
Email: davelamb82@gmail.com

Date: 28 May 2020

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP838513 with a Buffer of 50 meters, conducted by David Lamb on 28 May 2020.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

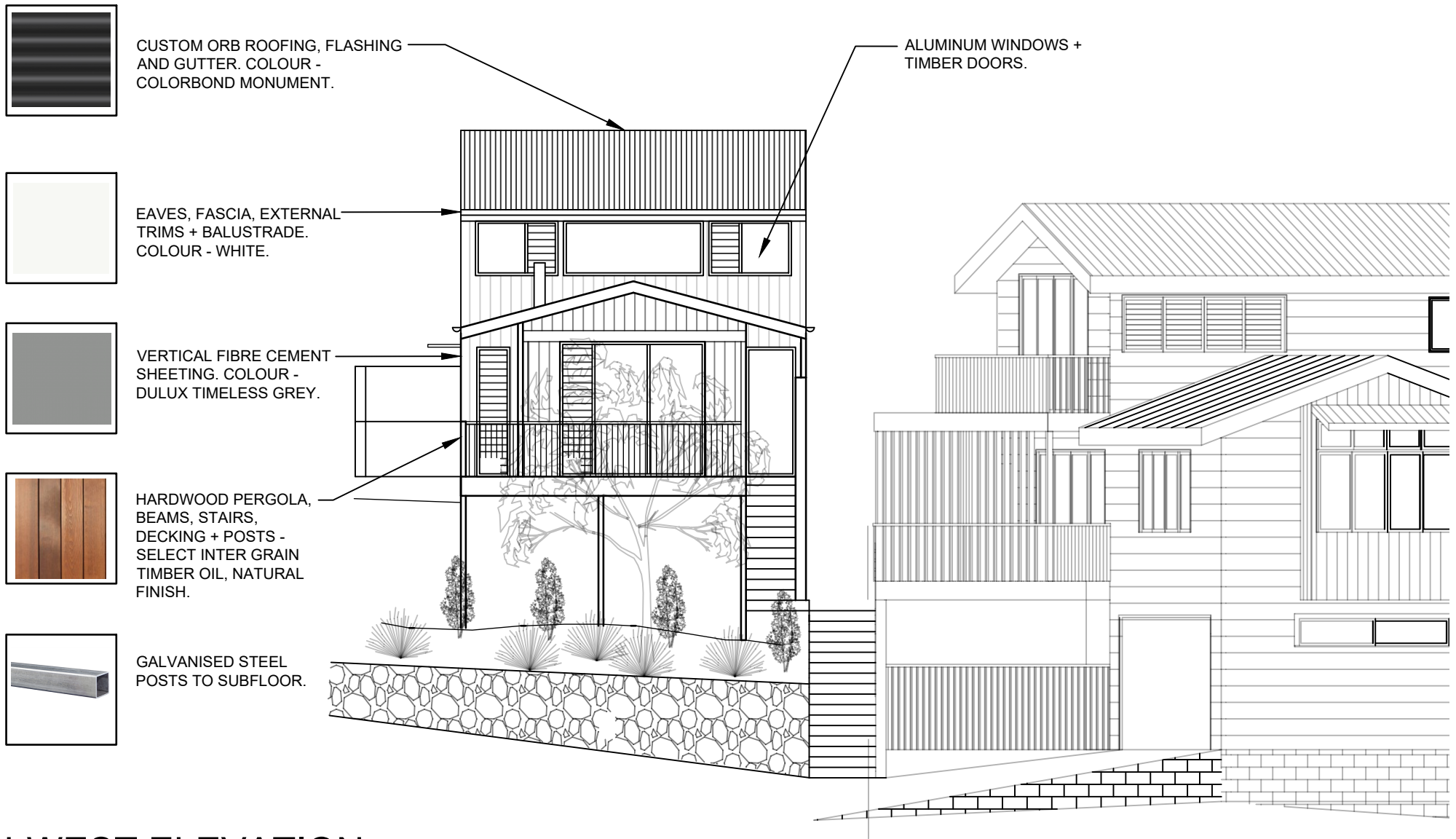
**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

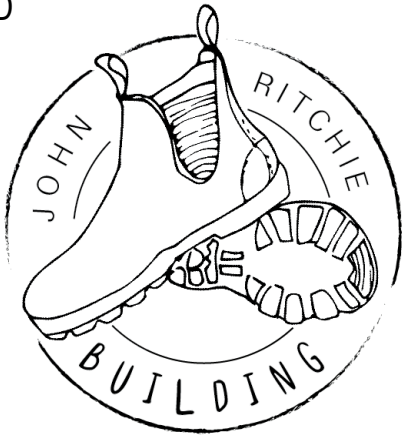
- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.





SOUTH-WEST ELEVATION

Project: J + B RITCHIE SECONDARY DWELLING	Details: LOT 2 DP 838513 790A BARRENJOEY ROAD PALM BEACH NSW 2108	COLOUR SCHEDULE	
		ARCHITECTURALS: DL	
		SCALE: 1:100 @ A4	NOVEMBER 2019



John Ritchie Building Pty Ltd

ABN 18618108875

Building Licence 310123C

21 Wakefield St,

North Manly NSW 2100

johnritchiebuilding@gmail.com

29 May 2020

**Quote for 790A Barrenjoey Road, Palm Beach – Secondary dwelling and associated site works**

Dear Sir/Madam,

In accordance with the Northern Beaches Council DA Application Form (Part 2.1 – Estimated Cost of Work), please find enclosed builders quote.

This quotation to construct a new secondary dwelling and associated site works as per plans and specifications provided:

- Plans by DL, Revision B, dated 25/05/2020
- BASIX requirements
- Earthworks as per the geotechnical report
- Retaining walls
- Stormwater requirements

Total Price: **\$250,000.00** (includes GST)

Please feel free to call me if you have any questions.

Kind regards,

A handwritten signature in black ink, appearing to be 'John Ritchie'.

John Ritchie

Director

0425301131