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17 September 2020

STATEMENT OF ENVIRONMENTAL EFFECTS – 1107 Oxford Falls Road Frenchs Forest – Proposed Development Application for alterations and additions to existing dwelling including ground floor and first floor additions, reconfiguration, vehicle garaging, swimming pool, gazebo, waste water system, landscaping and driveway access at property known as 1107 Oxford Falls Road Frenchs Forest being Lot X DP395065. OWNERS: Mr. Spiro and Mrs Diana Toursounoglou.

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Above – Existing



Above – Proposed development – Corner of Oxford Falls Road and Wearden Road

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1.0. Introduction, Issues and Supporting Documents

1.1. This statement is prepared to accompany a Development Application for alterations and additions to an existing dwelling as described in this Statement and accompanying documents. Drawings and documents accompanying the application are:

Document	Ref.	Prepared By	Date
Cover	A000	Walter Barda Design	09.09.20
Site Plan – Site Analysis Plan	A100	Walter Barda Design	09.09.20
Waste management Plan and Site Analysis Plan	A101	Walter Barda Design	09.09.20
Shadows Diagrams -21 June	A102	Walter Barda Design	09.09.20
Location Plan and front setbacks including adjoining	A103	Walter Barda Design	09.09.20
Landscape Concept Plan	A104	Walter Barda Design	09.09.20
Demolition Plan	A200	Walter Barda Design	09.09.20
Ground Floor Plan	A201	Walter Barda Design	09.09.20
First Floor Plan	A202	Walter Barda Design	09.09.20
Area Plan	A203	Walter Barda Design	09.09.20
Elevations	A300	Walter Barda Design	09.09.20
Sections	A301	Walter Barda Design	09.09.20
3D Diagram	A400	Walter Barda Design	09.09.20
Survey report	18628	Bee and Lethbridge	23.02.17
Geotechnical Assessment	AG20144	Ascent Geotechnical Consulting	29.06.20
Bushfire Protection Assessment Report	2890	Bushfire Planning and Design	29.06.20
BASIX Certificate/NatHERS Assessor Certification	1123794S	Taylor Smith Consulting	27.08.20
Waste Management System	200094.1A	Enviro Engineers Australia	03.09.20
Stormwater Concept Plan and certification	SW/11070X	Ryeco Consulting Engineers	28.08.20
Statement of Environmental Effects		Colco Consulting Pty Ltd	17.09.20

1.2. This Statement assesses compliance with relevant planning controls and objectives applicable to this property and assesses compliance with planning controls and objectives and impacts of the proposal on adjoining properties and locality. This development application should be read in conjunction with supporting documents and current and past consents. We conclude that the proposal is a quality design and conforms with planning controls and objectives other than minor setbacks which we consider are justified on the basis outlined in this report. Below - Proposal from Wearden Road (secondary road frontage):

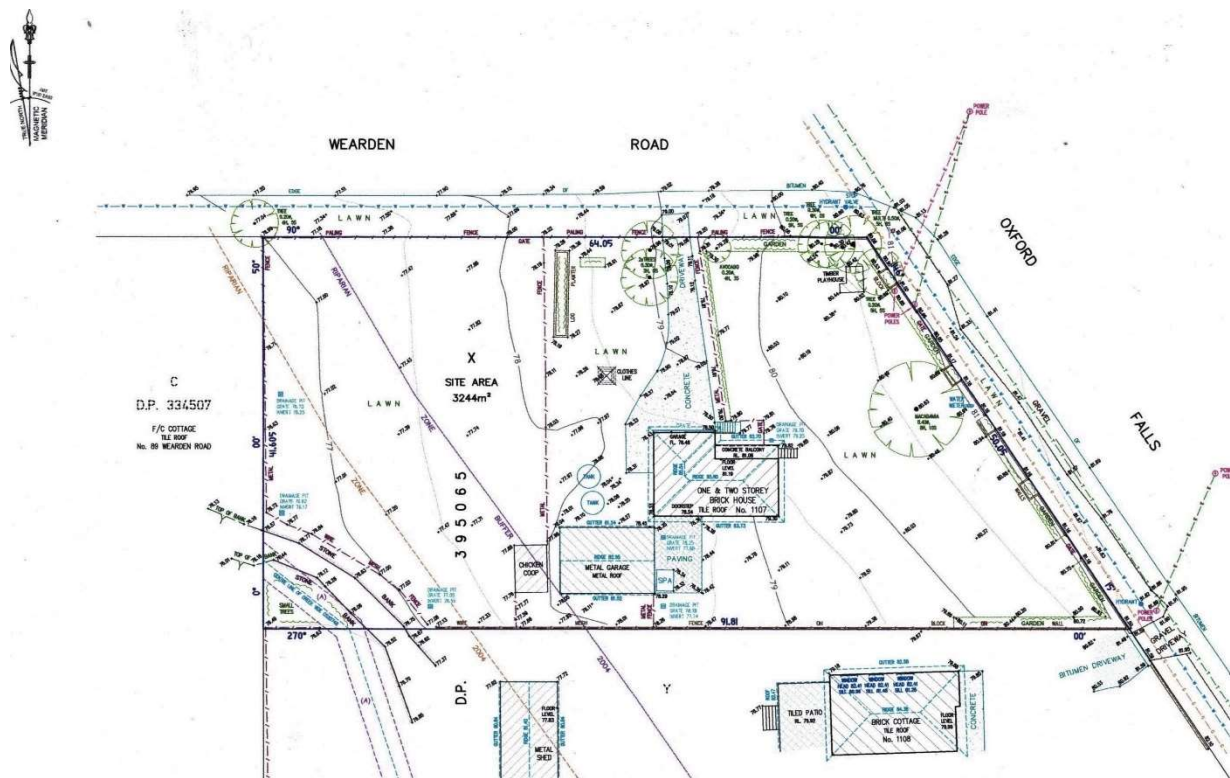


2.0. Property Description and Improvements

The property is legally described as being Lot X DP395065 and known as 1107 Oxford Falls Road Frenchs Forest (also known as Oxford Falls). A two storey dwelling is constructed on the land along with a large metal clad shed and a separate machinery shed and concrete driveway off Wearden Road.



Above – Aerial view of No. 1107 Oxford Falls Road indicated with red boundary lines. Refer also to extract from survey below:



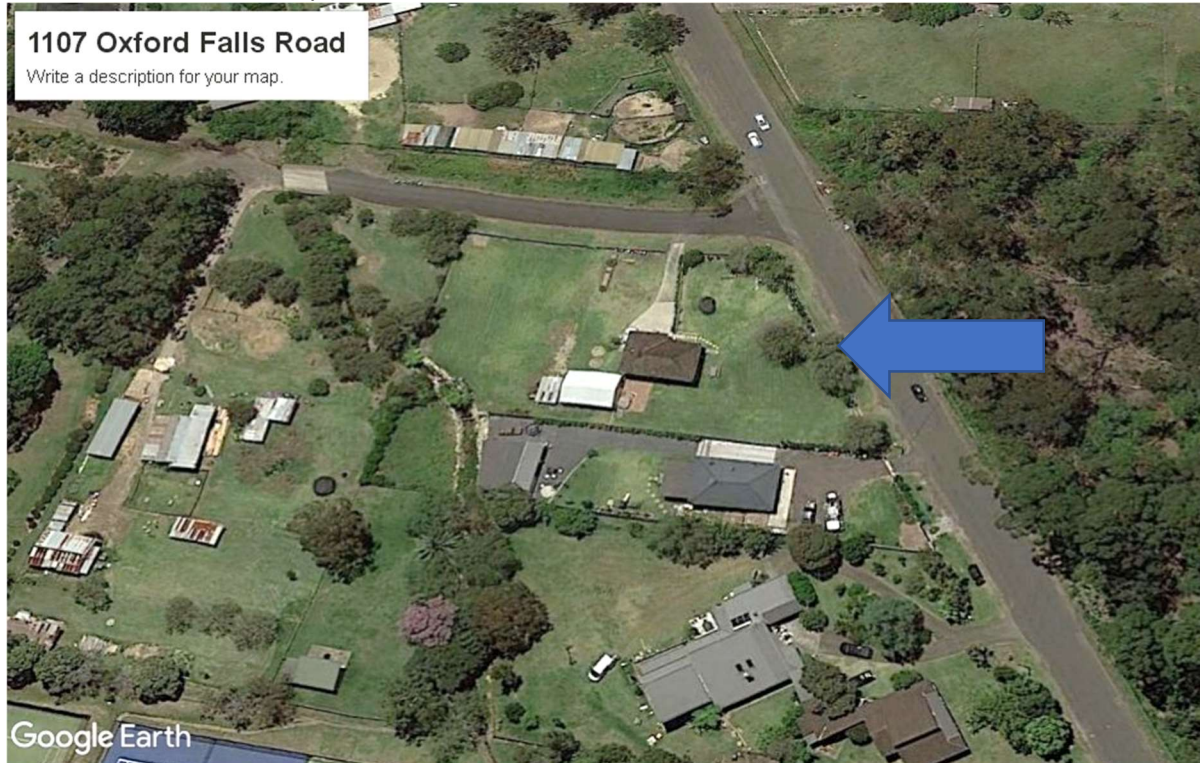
Above – Extract from detail survey by Bee and Lethbridge Surveyors 23 February 2017

3.0. Site, Surrounding Locality and Site History

3.1. The site is located on the western side of Oxford Falls Road on the corner of Wearden Road as identified in the photo and survey above and the Google Earth image below.

3.2. Area and Dimensions –

- The land has an area of 3244m² – by survey.
- Frontage to Oxford Falls Road – 50.05 metres
- Rear – 41.605 metres
- Northern boundary – 64.05 metres.
- Southern boundary – 91.81 metres.



3.3. The land is a corner allotment located on the corner of Oxford Falls Road and Wearden Street with the primary streetfront being to Oxford Falls Road with a site area of 3244m². The land is trapezoid shape with the street frontage cut back on an angle. The width of the allotment between the two parallel side boundaries is 41.605 metres with the angled frontage being 50.05 metres. There are no public views through the site.

3.4. Allotments within the locality vary considerably in areas and dimensions with the following table indicating comparisons with other properties in the immediate locality.

Property Number	1 hectare – 1 hectare = 10,000m ²
1100	2.13 hectares
1107	3263m²
1108	1726m²
1109	4976m ²
1110	2.17 hectares
1111	2.85 hectares
1113	3.37 hectares
1125	6526m ²
1336	3.82 hectares
1494	1.75 hectares
1884	5046m ²

The subject site is one of the mid-size allotments in the immediate locality in area and dimensions but is larger than the immediate adjoining allotment to the south (No. 1108) and of a size appropriate to this development proposal. - refer also to clause 6.3.1.

3.5. A natural water course crosses through the land in the rear south west corner. The land subject to a Riparian Zone Buffer and easements to drain water as shown on the Survey Report. The land is relatively flat across the site with a fall from east to west towards the creek at the rear of approximately 3 to 5 metres – southern boundary falls from RL81.5 to RL76.49.

3.6. An existing shed/chicken coup is located on the edge of the Riparian buffer zone and next to a large vehicle garage. The existing garage is to be extended and integrated with the new dwelling design. The other small shed is to remain. Garaging is required for the owner's car collection.

3.7. This site is located in the local government area of Northern Beaches Council, formerly Warringah Council. The current Local Environmental Plan for the former Warringah Shire is the Warringah Local Environmental Plan 2011 with a corresponding Development Control Plan 2011. However, that WLEP does not apply to this locality. The locality land zone is unusual in that it remains zoned within a surpassed Local Environmental Plan and as such is designated the status of a Deferred Matter – Warringah Local Environmental Plan 2000 –

- Warringah Local Environmental Plan (WLEP) 2000 - Locality B2 Oxford Falls Valley – Desired Future Character; and specific controls. (Note: "A few facts as they relate to the subject land" in clause 6.2 of this report); and an older Development Control Plan -
- Warringah Development Control Plan 24th June 2008

3.8. The site is within a primarily semi-rural residential area of large allotments with a range of single storey and double storey dwellings, workers cottages, horse stables, work/out-sheds and related facilities. In addition, nearby, there is a large Tennis and Motel/Function Centre/Children's Medical Centre located to the south, a large private school to the north and a large religious order nearby. There is a wide variety of building styles, and in our opinion, no single dominant architectural style.

3.9. The site has no apparent topographical restrictions or physical constraints other than the creek at the rear and the Riparian Buffer Zone which is not impacted by the proposed development.

3.10. History. The Northern Beaches Council DA web site states the following applications and consents for the subject property:

- Development Application DA2017/1053
Alterations and Additions to dwelling house, secondary dwelling, and swimming pool (Submitted: 26/10/2017). Consent issued 10 January 2018. This consent remains current.
- Converted Fujitsu BA5002/3567
New N DATE TYPE NOTE 15/06/1995 Final Inspected by: Notes: SATISFACTORY 01/07/1994
Frame Inspected by: Notes: SATISFACTORY 07/04/1994 1st Floor Slab Inspected by: NF Notes: SATISF (Submitted: 11/11/1993)

4.0. Proposal and Architects Design Statement

4.1. The proposed development retains the existing two-storey dwelling with substantial alterations and additions including ground floor and first floor additions, reconfiguration of internal layout, vehicle garaging, swimming pool, gazebo, wastewater system, landscaping, and driveway access. Refer to the DA drawings prepared by Walter Barda Design Architects, and generally described, as follows -

- Ground floor – Entry Foyer, Study, Entertainment area, Bedroom, Bathrooms, Storage, Drying court, TV room, Kitchen and Butler’s pantry, laundry/utilities, Library, Great room, Sunroom, and triple garage.
- First floor – Bedrooms, Bathrooms, Art studio, Family room and terraces
- External Works – Pool, Gazebo/BBQ area, terraces, Landscaping, and new driveway off Oxford Falls Road

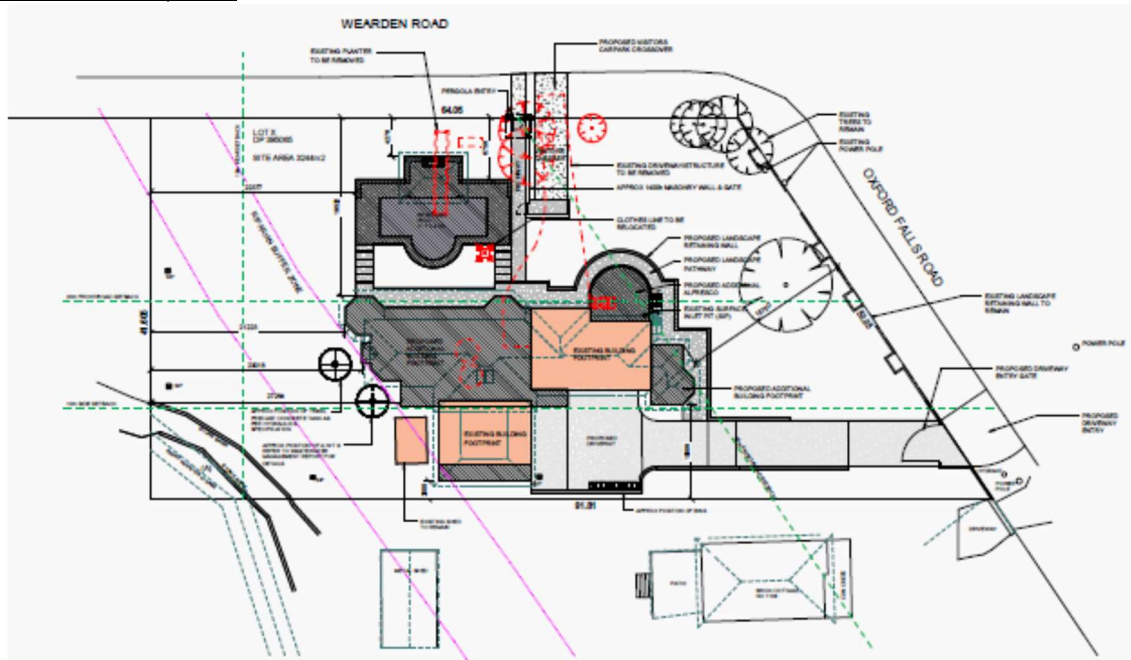
The property is located on the corner of Oxford Falls Road (being the principal street address) and Wearden Road, the secondary street address. The development is architecturally designed to address both street frontages with the primary address to Oxford Falls Road. The proposal will provide modern living for a large family, and garaging to accommodate the family and the owner’s interests in classic cars.

4.2. Architects Design Statement – Walter Barda

“The residential style of the project draws on a body of built work by Walter Barda Design, referencing traditional, pavilion forms and rooflines .A high level of detail is expected for the external facades , displaying articulated treatment of window openings, modulation of external cladding to enhance the proportions of the building .The existing face brick and tiled dwelling will be completely enveloped by the proposed schedule of finishes, resulting in a two-tone ,painted timber appearance .External landscaping includes generous architectural garden structures such as pergolas and a pool cabana , providing functional, secure outdoor spaces and indoor to outdoor connectivity, appropriate to the semi-rural setting.”

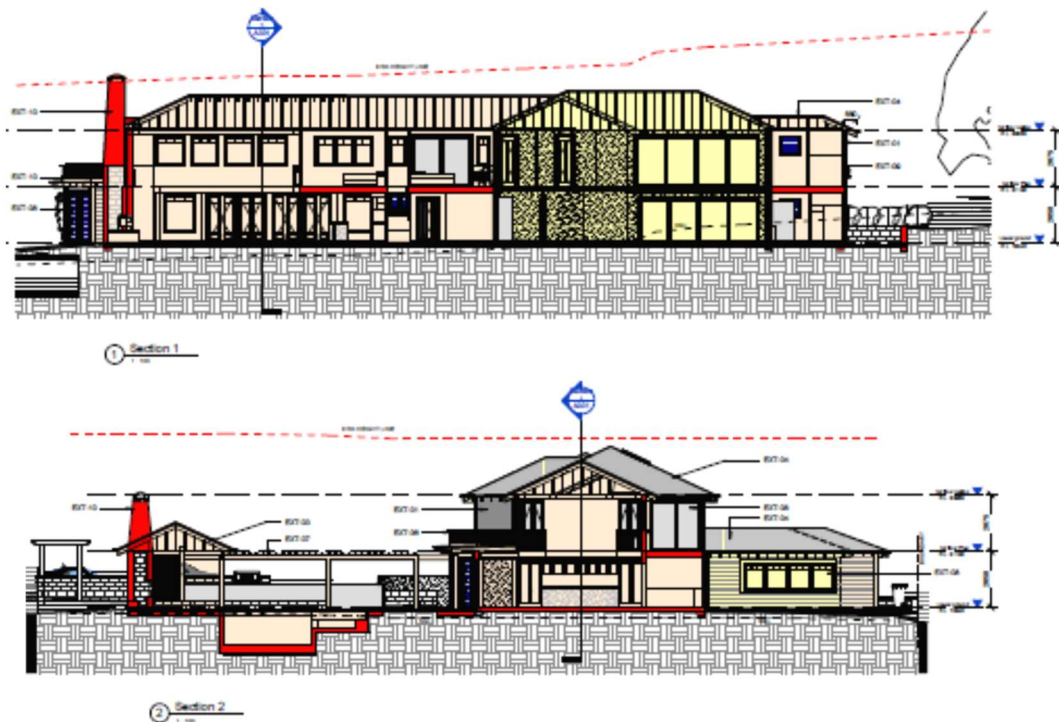
Comment: The design is high quality architecture.

4.3. Site Plan – Proposed



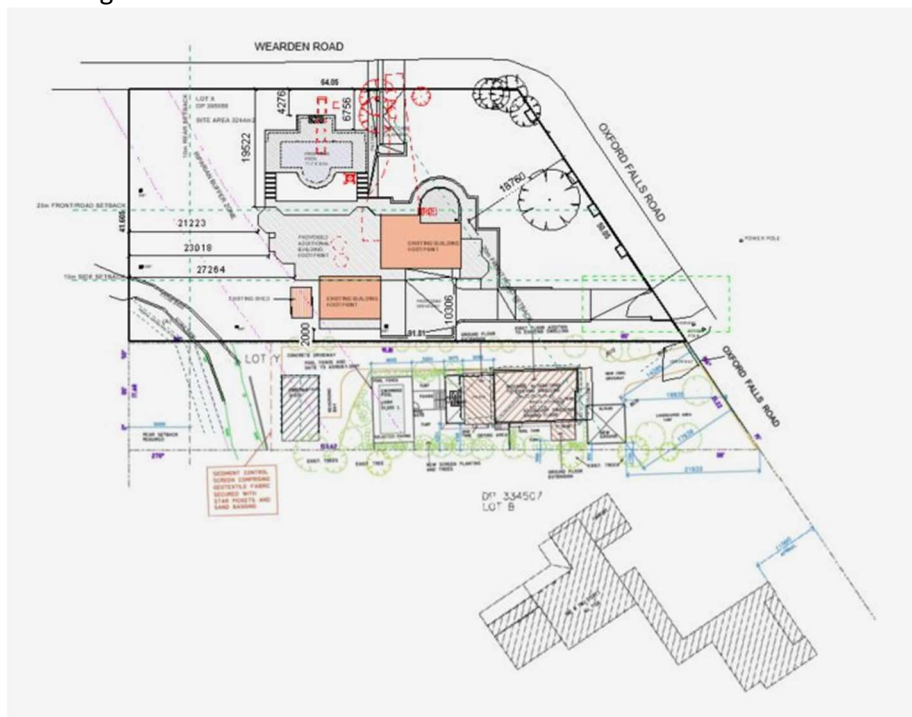
The proposal incorporates the existing two-storey dwelling and garage with additions primarily towards the rear of the land and a pool and gazebo/BBQ area located to the north towards Wearden Road being a secondary streetfront. The design makes excellent use of existing structures and the layout of the land with no negative impact on neighbours, the creek at the rear, or the environment.

4.4. Overall heights: The overall height of the building and wall/ceiling height are below the planning controls as indicated in the following Section drawing – red line indicating the height control.



4.5. Front Setback and Secondary street setback. The site is located on the corner of Oxford Falls Road and Wearden Road. Oxford Falls Road is the primary streetfront and Wearden Road a secondary frontage. It is proposed that the primary vehicle access be from Oxford Falls Road with a new street crossing providing access to the vehicle garage. The existing access from Wearden Road is being retained to provide on-site visitor parking away from Oxford Falls Road.

The primary streetfront setback addresses Oxford Falls Road with a proposed minimum front setback at being 18.760 metres compared with 14.285 metres approved for the adjoining development consent No.2017/0386 for Alterations and Additions to a dwelling house attached secondary dwelling, swimming pool and garage for adjoining property No. 1108 Oxford falls Road (not yet constructed) and significantly more favourably to the setback of structures on property No. 1109 Oxford Falls Road further south where the setback is 11 metres approximately. Refer to drawing No. A 103 and extract details below showing the setbacks.



4.6. Calculations: The architect's calculations are included on drawing No. A203 – Summary:

Site Area	3244m ²
Gross Floor area and Floor Space Ratio (FSR)	531m ² (0.16:1)
Proposed Deep Soil landscaping	2125m ² (65.50%)
Hard Landscape	520m ² (16.02%)
Total of all floor areas including garage, verandah, balconies	848m ²

5.0. Planning Controls - Relevant

The following controls and design standards apply or may apply to the property:

- Environmental Planning and Assessment Act - Section 4.15.
- Warringah Local Environmental Plan (WLEP) 2000 - Locality B2 Oxford Falls Valley – Desired Future Character; and specific controls. (* See note below)
- Warringah Development Control Plan 24th June 2008
- Planning for Bushfire Protection 2006/ Rural Fires Act 1997.
- Building Sustainability Index (BASIX) – (To meet at least the minimum environmental target standards required for Water; Thermal comfort and Energy efficiency).
- Threatened Species Conservation (TSC) Act 1995
- Water Management Act 2000

(*) Note: the Warringah Local Environmental Plan 2000 has been replaced by WLEP 2011; however, the site and locality are excluded from the newer LEP and the site and locality remain classified as a "Deferred Matter" and WLEP 2000 remains the applicable planning instrument to the subject site as does the related Development Control Plan 2000.

6.0. Environmental Effects Assessment – Statutory Planning and Assessment Tables

6.1. Environmental Planning and Assessment Act 1979 No 203 - Section 4.15 Evaluation

Section 4.15 of the EP&A Act details the relevant matters that a consent authority is to consider in determining a development application in summary as follows:

- (a) The provisions of:
1. Any environmental planning instrument, and
 2. Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.
 3. Any development control plan, and
 4. Any planning agreement entered into under Section 7.4, or any such draft planning agreement that a developer has offered to enter into under section 7.4, and
 5. The regulations (to the extent they prescribe matters etc) that apply to the land to which the development application relates
 6. Any coastal zone management plan within the meaning of the Coastal Protection Act 1979 that apply to the land.
- (b) The likely impacts of that development on the natural and built environments and social and economic impacts in the locality.
- (c) The suitability of the site for development.
- (d) Any submission made in accordance with the Act or regulations.
- (e) The public interest.

Clause 4.15 section (2) relates to Compliance with non-discretionary development standards; (3) Instrument or regulation contains non-discretionary development standards, (3A) Development Control Plans not to require more onerous standards with respect to a development.

6.1.1. Environmental Planning and Assessment Act Section 4.15 – Assessment Table

EP&A ACT 1979 SECTION 4.15 EVALUATION		
Planning Control	Instrument/Control	Comment
Any environmental planning instrument.	Warringah Local Environmental Plan 2000 (WLEP) – Deferred Matter – Locality B2 Oxford Falls	<ol style="list-style-type: none"> 1. The land is within a former LEP which has not been included in the newer WLEP 2011. The site remains as a Deferred Matter within the former WLEP 2000. 2. Proposed development is permissible, complies with the Locality B2 Oxford Falls classification and is in accord with the WLEP objectives and numerical controls as they are reasonably applied to this site. 3. There are no apparent unsuitable site issues, and the proposal is in keeping with adjoining development and along the street and locality. 4. Planning controls are assessed in accompanying tables. 5. The site is suitable for the development.
Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.	None applicable	The site remains as a Deferred Matter within the former WLEP 2000 and considerations are ongoing with regard to future land zoning and inclusion in the WLEP 2011.
Any development control plan	Warringah Development Control Plan 2(DCP)	Assessed within accompanying WDCP table. Refer also to notes above relating to Deferred Matter.
Any planning agreement that has been entered into under Section 7.4	None applicable	No planning agreement has been entered into that we are aware.
The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	None applicable	The regulations have been considered.
Any Coastal Zone Management Plan	Not applicable	Not affected by a gazetted coastal management plan.
The likely impacts of the development including environmental impacts on both the natural and built environments and social and economic impacts in the locality	EP&A Act and Warringah LEP 2011	<ol style="list-style-type: none"> 1. The proposal is sympathetic to the site and locality. 2. The proposal will not adversely impact the locality and indeed will lead to a significant visual and environmental improvement in harmony with the Locality Statement for the B2 Oxford Falls Locality. 3. No negative impacts on the streetscape. 4. The site is suitable for the development and the proposal is compatible with the surrounding land uses and will not adversely impact the visual or acoustic amenity. No social or economic impacts.
Suitability of Site for the development		<ol style="list-style-type: none"> 1. Proposed use is permissible with consent and are an extension of existing residential use. 2. The site is reasonably level across the site with a slope towards the rear boundary and creek water course. Site is considered suitable. 3. The proposal will not have any detrimental effect on the character of the locality, social impacts; nor economic impact. The use does not change, and the proposal will result in a new dwelling with facilities appropriate to living requirements of a modern family. 4. Provision is made for sensible off-street parking including visitor parking off the secondary street frontage in Wearden Road. No increase in transport demand or on-street parking. 5. The streetscape will be improved. Both to the primary frontage on Oxford Falls Road and to the secondary street Wearden Road. 6. The site is suitable for redevelopment as proposed.
Any submission made in accordance with the Act or Regulations.		Council will consider any submissions received following notification (if required).
Bushfire Protection	Clause 4.14 of the EP&A Act	<ol style="list-style-type: none"> 1. The proposal is located opposite a bushfire prone land of category 1 bushfire vegetation. 2. A Bushfire Assessment Report has been prepared by BPAD Bushfire Planning Design dated 29 June 2020 and is submitted with the development application documents. The Report determines BAL Rating of BAL-19 and BAL-12.5 and includes recommendations. 3. The proposal is an extension of existing uses on the land and permissible under the WLEP and will be constructed to comply with the recommendations of the BPAD report.
Integrated Development	Section 91	We are advised that the proposal is not integrated development requiring RFS consent. Refer to BPAD Bushfire Planning Design bushfire assessment report dated 29 June 2020 submitted with the development application documents.
The public interest.		1. The proposed works are permissible and consistent with the locality controls as they are reasonably applied to this site.

		2. The development will result in a significantly improved streetscape and will not be contrary to the public interest.
<p><u>ASSESSMENT CONCLUSION – EP&A ACT</u></p> <p>1. The proposed use is permissible, complies with the land zone/Deferred Matter and B2 Oxford Falls Locality Statement - and suitable for the site with no adverse environmental impacts.</p> <p>2. The proposal is in accordance with the Warringah LEP planning controls and applicable development control plan and objectives – below the height control and with setbacks similar to and/or greater than other developments adjoining and further south in Oxford Falls Road.</p> <p>3. The proposal complies with the requirements of the Environmental Planning and Assessment Act Section 4.15 Evaluation; and is considered appropriate for the land and locality. The proposal complies with the requirements of the Environmental Planning and Assessment Act Section 4.15 Evaluation; and is considered appropriate for the land and locality.</p>		

6.2. WLEP 2000 Desired Future Character B2 Oxford Falls Locality Assessment Table (See also clause 11.0 Low Intensity and Low Impact Test). (Deferred Matter within the former WLEP 2000). *Note: The LEP for the former area of Warringah Council is now the Warringah LEP 2011 and the related DCP, WDCP 2011. The subject site remains as a Deferred Matter.*

6.2.1. Locality B2 Oxford Falls – Desired Future Character. Council's locality Statement for the area proposes in summary:

1. Present Character will remain unchanged except in circumstances specifically addressed as follows.
2. Future development will be limited to new detached style housing conforming to the housing density standards set out and low intensity, low impact uses.
3. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.
4. Natural landscape will be protected and where possible enhanced with buildings located and grouped in areas that minimise disturbance of vegetation and landforms.
5. A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway.
6. Fencing is not to detract from the landscaped vista of the streetscape.
7. Development will not create a siltation or pollution of Narrabeen Lagoon and its catchment.
8. Ensure that ecological values of natural watercourses are maintained.

6.2.2. Assessment Table – WLEP 2000 Desired Future Character B2 Oxford Falls Locality - Category One use (Residential housing).

Character	Objective	Assessment comment
1. Present Character	<p>Will remain unchanged except in circumstances specifically addressed in LEP and referred to in the table - in summary:</p> <ol style="list-style-type: none"> 1. New detached style housing. 2. Low intensity and low impact uses. 3. No new development on ridgetops. 4. The natural landscape including landforms and vegetation will be protected and where possible, enhanced. 5. Building to be located and grouped in areas that will minimise disturbance of vegetation and landforms. 6. Buildings designed to blend with the colours and textures of the natural landscape. 7. Fencing is not to distract from the landscape vista of the streetscape. 8. Ecological values of natural watercourses will be maintained. 	<ol style="list-style-type: none"> 1. The proposal is permissible with consent and represents an extension of existing uses. A swimming pool is proposed along with significant landscaped open space. 2. The site is an established residential semi-rural with an established two-storey dwelling and a current consent to further develop the existing dwelling. 3. The proposal is low density residential and will not change the character of the locality. 4. Refer to clause 11.0 for Low Intensity and Low Impact Test.

2.1. Future development detached housing	Limited to new detached housing conforming to the housing density standards set out and low intensity, low impact uses.	1. As outlined in clause 6.3 of this Statement – there are special circumstances relating to this allotment due to the area and width of the allotment subdivided many years prior to the planning controls. Accordingly, the site is exempt from the density numerical standard, and also to the setback numerical controls.
2.2. Low impact uses	Uses to be low intensity and low impact.	1. “Intensity” is intended to identify the nature of a proposal in terms of size and scale and the extent of the activities associated with the proposal; “Impact” is intended to identify the likely future consequences of proposed development in terms of surroundings and can relate to visual, noise, traffic, vegetation, streetscape, privacy, solar access. 2. The proposal will continue to be a residential dwelling in a larger format and is considered to have minimum impact on the locality and unlikely to change the amenity of the locality. 3. Refer to clause 11.0 Low Intensity and Low Impact Test.
3. New development on ridge tops.	No new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.	The property is not located on a ridge top.
4. Natural landscape will be protected and where possible enhanced	Natural landscape will be protected and where possible enhanced with buildings located and grouped in areas that minimise disturbance of vegetation and landforms.	1. The development includes significant plantings and landscape work. 2. There will be no loss of natural landscape resulting from the proposal.
5. Dense bushland buffer	A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway.	The site is not located on or near Forest Way or Wakehurst Parkway and can have no impact. The site has obviously been cleared of any natural bushland many years ago.
6. Fencing and Streetscape	Fencing is not to detract from the landscaped vista of the streetscape.	Fencing will be enhanced and form an integrated part of the landscaping.
7. Impact on Narrabeen Lagoon	Development will not create a siltation or pollution of Narrabeen Lagoon and its catchment.	1. All existing stormwater is drained to the natural creek which runs through the land and in which we are advised is the accepted normal practice for all local properties accessing this natural water course. 2. We are advised that the premises are connected to an approved “Envirocycle” on-site sewage system – “A system designed to recycle domestic and commercial wastewater from the bathroom, kitchen, and laundry and treat it in an underground tank constructed of concrete to a purity approved by relevant health authorities throughout Australia.” A new replacement system is proposed as outlined in the DA documents from Enviro Engineers Australia. 3. Treated water is reused to water the grounds.
8. Ecological Values of Natural Watercourses	Ensure that ecological values of natural watercourses are maintained.	1. The existing water course is well defined and well maintained in a manner that effectively controls potential erosion and siltation. The ecological value of the watercourse is maintained and in keeping with the situation on neighbouring properties. 2. The on-site wastewater treatment system is approved and treated water is reused to water the grounds.
<p><u>ASSESSMENT CONCLUSION - WLEP 2000 Desired Future Character B2 Oxford Falls Locality</u></p> <p>The proposed development achieves the B2 Oxford Falls Locality desired future objectives and is a suitable development for the site and locality.</p>		

6.3. **Warringah LEP 2000 – Built Form Controls Assessment Table**

6.3.1. **A few comparative facts as they relate to the subject land and relevance of some Built form controls:**


The planning controls are relatively confusing as they fall under the old WLEP 2000 and not the current WLEP 2011; and some specific controls such as Housing density (1 dwelling per 20 hectares); Side boundary setbacks (10 metres) and Front boundary setbacks (20 metres) are designed to relate to large and wide allotments on the basis that the housing density for each allotment is 1 dwelling per 20 hectares. However, many of the existing allotments in this area are considerably smaller than 20 hectares proposed in the WLEP 2000 and were in existence prior to the Gazettal of the plan and are exempt from the strict application of the numerical controls.

Many of the allotments in the immediate locality are relatively narrow in width with long time existing dwellings and structures. Accordingly, these numerical controls cannot be applied existing sites including the subject site. The owners have reasonable rights to develop their property for the allowable land uses as the allotment and structures were in existence prior to these controls being introduced on an existing site of less than 2 hectares. The subject property compared with others in the locality along the western side of Oxford Falls Road is set out in the following table repeated from clause 3.4 of this report:

Street Number Oxford Falls Road	1 hectare – 1 hectare = 10,000m ²
1100	2.13 hectares
1107	3263m²
1108	1726m²
1109	4976m ²
1110	2.17 hectares
1111	2.85 hectares
1113	3.37 hectares
1125	6526m ²
1336	3.82 hectares
1494	1.75 hectares
1884	5046m ²

6.3.2. WLEP 2000 - Built Form Controls Assessment Table

Planning Control	Required	Proposed	Com ply	Comment
Housing Density (Applicants Site area 2.175 hectares)	1 dwelling per 20 ha	Additions to existing single dwelling plus facilities on an existing site.	YES	The allotment is an early subdivision and the WLEP control does not apply.
Building Height Overall	8.5 m	Variable at 8.1 metres above ground level existing with the chimney metal cap slightly breaching.	YES	The proposal site below the height control with a minor breach of the chimney metal cap which is permissible.
Building Wall Height – Natural ground to upper ceiling - Metres	7.2 m	Variable – 6.083m to 6.6 metres approximately.	YES	
Front Setback (*Oxford Falls Road)	20m	Varies with minimum of 18.760m at 90 degrees to the angled front boundary.	YES *	1. This is a corner allotment with a riparian buffer zone across the lower part of the Lot. The principal streetfront and property address is to Oxford Falls Road. The development is designed to principally front Oxford Falls Road including vehicle access to onsite parking with secondary property access and visitor parking located off the secondary streetfront in Wearden Road. 2. Proposed front setback is comparable to existing and approved setbacks on the adjoining and other properties to the south. 3. There are no negative environmental impacts resulting from the proposed setbacks. (*) Deemed to comply. Note comments in clause 4.5 and comparison with building setbacks on properties adjoining to the south – Nos. 1108 and 1109 Oxford Falls Road..
Secondary Streetfront (Wearden Road)		Varies over a small distance from 4.276m to 6.756m over a short distance with most of the development setback approximately 18 metres	YES *	1. This is a corner allotment with a riparian buffer zone across the lower part of the Lot. The principal streetfront and property address is to Oxford Falls Road. The development is designed to principally front Oxford Falls Road including vehicle access to onsite parking. 2. It is considered the proposed location of the swimming pool and gazebo structure together with visitor parking is ideally located in the secondary street frontage of Wearden Road.

				<p>3. The architect's design is a credible solution to locating these facilities in the context of the site and locality.</p> <p>4. Built structures on land opposite in Wearden Road are built along or close to the Wearden Road boundary.</p> <p>5. (*) The proposal is deemed to comply on merit.</p>
Rear and Side setback	10m	<p>1. Rear – varying from 21.223m to 27.264m.</p> <p>2. Southern side - Variable: From 10.306m to 2m over a relatively small wall length when compared with the dept of the land along the southern boundary.</p>	YES *	<p>1. The rear setback complies</p> <p>2. The 10m southern side boundary setback cannot be applied to this existing allotment for the reasons outlined in clause 4.5 and 6.3.1 of this report.</p> <p>3. The proposed side setbacks vary considerably and mostly in excess of 8.5m and generally comply with the exception of the garage which is located 2m from the southern side boundary where the adjoining dwelling and proposed alterations and additions to that dwelling under development consent DA 2017/0386 (see setbacks below**) and are well distanced away from the northern side boundary. The architect's landscape plan proposes dense landscaping between the garage and the boundary – refer to Landscape plan A104 and extract below.</p> <ul style="list-style-type: none"> The architect has provided dense planting between the garage and the side boundary. We have discussed this with the neighbour at No. 1108 and they raise no objection. <p>4. It is considered there is adequate spatial separation to the adjoining property and landscaping to ensure consistency with this Warringah development control. The proposal is considered fully acceptable with the proposed supporting landscaping along the side boundary.</p> <p>(**) The current development consent on the adjoining property No. 1108 has the following approved side boundary setbacks: Garage – 0.950m to 1.15m Granny flat addition – 1.5m Existing dwelling – 4.145-4.3m Pool to water edge – 3.0m.</p> <p>3. (*) The proposal is deemed to comply on merit.</p>
				
Landscaped Open Space	30% of site area	Deep soil landscaping – 2010m2 (65.50%) of site area.	YES	Refer to Landscape plan A104 and calculations on drawing A203.

ASSESSMENT CONCLUSION - WLEP 2000 Built Form Controls

The proposed development achieves the Built Form Controls on merit and achieves the B2 Oxford Falls Locality desired future objectives. The proposed development can be supported.

6.3.3. Warringah LEP 2000 – General Principles of Development Control Assessment Table

DIVISION 1 GENERAL	Requirement	Com ply	Comment
38 Glare and reflection	External materials should be selected to match the environment or screened by dense vegetation so that they do not cause severe adverse levels of glare and reflection.	YES	
39 - 42 Not applicable		N/A	
DIVISION 2 HEALTH AND SAFETY			
43 Noise	Development to demonstrate measures to ensure noise impacts are minimised for neighbouring dwellings.	YES	The proposal is an extension of existing residential use and generation of noise will accord with normal domestic situation and not exceed an ambient background noise exceeding 5 dB(A).
44 Pollutants		YES	No change to existing; no pollutants emanating on site.
45 Hazardous uses		YES	No hazardous uses on site.
46 Radiation emission levels		YES	No radiation emissions emanating on site.
47 Flood affected land	The land is impacted by a natural water course/creek which crosses the land towards the rear. A 3.5m wide easement for drainage exists towards the rear of the allotment outside the location of the Middle Creek water course.	YES	1. An inspection of the water course on this property and adjoining properties indicates that it is well defined and that a significant area of immediate land is available to carry overflow flood waters in a heavy storm. 2. The floor level of the existing dwelling and proposed additions are outside and well above potential flood areas as confirmed by reviewing the surveyed RLs 3. It is <u>concluded</u> that the proposed additions cannot interfere with the flow of flood waters and it is considered that neither a flood study nor Flood Risk Assessment is warranted.
48 Potential contaminated land	No evidence of potential contaminated land; and no requirement to undertake excavations.	N/A	It is considered that SEPP No.55-Remediation of Land and the Contaminated Land Management Act 1997 does not apply to this application: 1. There is no evidence of contamination. 2. Proposed uses are of a residential and semi-rural nature. 2. There are no structures proposed that require significant excavations.
49 Remediation of contaminated land		N/A	Ditto
49A Acid sulphate soils		N/A	There are no structures that require significant excavations.
DIVISION 3 PUBLIC DOMAIN			
50 Safety and security		YES	There are no apparent safety issues. The development will enhance the area with good surveillance.
51 Front fences and walls		YES	The proposed fencing is designed as an integral part of the architectural design and landscaping concept.
52 Development near parks, bushland reserves and other public spaces	Development to be consistent with the general principles in relation to the "adjacent" public reserve	YES	There is no public reserve immediately adjacent to the subject land. However, there is a public reserve Oxford Falls Park located as the crows flies approx. distance to the north/west of 500 metres. That reserve also houses a public functions facility. This proposal is consistent.
53 Signs		N/A	
DIVISION 4 SITE PLANNING AND BUILDING DESIGN			
54 Provision and location of utility services		YES	All services are currently available. The creek located across the rear corner of the land will not be affected.

55 Site consolidation in medium density areas		N/A	
56 Retaining distinctive environmental features on sites		YES	There are few natural environmental features on the site.
57 Development on sloping land		N/A	This is not a significantly sloping allotment.
58 Protection of existing flora		YES	The land is already modified and cleared in times past. The proposal includes planting of additional native plants including Lilli Pilli trees.
59 Koala habitat protection	Sites larger than 1 hectare triggers requirements for the "test of significance" of threatened species". TSC Act 1995	N/A	
60 Watercourses and aquatic habitat		YES	There is no change to the existing watercourse which is well defined and maintained.
61 Views		YES	No change to existing structures and no impact on views.
62 Access to sunlight		YES	Refer to shadow diagrams submitted.
63 Landscaped Open space	30% of site area	YES	Significantly exceeded.
63A Rear building setback		YES	The significant rear setback varies from 21.223m to 27.264m and contains the riparian setback from the creek. Refer to drawings A103.
64 Private open space		YES	
65 Privacy		YES	
66 Building bulk	Visual bulk of any structures to be addressed in the context of visual impact on the street and surrounding land	YES	The bulk of the structures the subject of this application is not excessive in the context of the street and surrounding properties. The architect has given special attention to utilising the existing structure with additions sympathetic to the site and locality and the features available with this corner allotment.
67 Roofs	Non reflective	YES	
68 Conservation of energy and water	NatHERS/BASIX Principles	YES	A Building Sustainability Index (BASIX) certificate/assessment is submitted with targets achieved. A NatHERS Certificate is also submitted achieving a Star rating of 5.3.
69 Accessibility-premises available to the public	Disabled access in any new building is to be consistent with the provisions of the Building Code of Australia, the Disability Discrimination Act 1997, and the Australian Standard 1428.2.	N/A	
70 Site facilities	Adequacy of existing wastewater treatment is to be addressed.	YES	Proposed to replace existing approved an licensed wastewater system with a new treatment and water re-use installation as submitted with the development application documents..
DIVISION 5 TRAFFIC, ACCESS AND CARPARKING			
71. Not applicable		N/A	
72 Traffic access and safety		YES	No change to existing.
73 On-site loading and unloading		N/A	
74 Provision of car parking		YES	The architect has sensibly separated the vehicle access and on-site parking with a separate access for visitors by designing the main vehicle entrance and driveway to the garage area from Oxford Falls Road with a second entry for visitor parking off Wearden Road. The garaging exceeds the minimum required and is provided to meet vehicle needs of a large family and providing for the owner's car collection.
75 Design of car parking areas		YES	As above.
DIVISION 6 SOIL AND WATER MANAGEMENT			
76 Management of stormwater		YES	All roof water disposed to the creek at the rear in accord with the stormwater concept management plan submitted.
77 Landfill		N/A	
78 Erosion and sedimentation		N/A	

CONCLUSION - Warringah LEP 2000 – General Principles of Development Control

The proposed development is permissible under the WLEP and the general principles of development control and is considered:

- To be compatible with the WLEP; existing and changing street pattern and locality.
- Does not result in any negative amenity impacts.
- The pool and facilities and on-site parking are appropriately located, respond to the corner allotment with principal and secondary street frontages the slope of the land.
- To display no negative/minimal environmental impacts.

7.0. Planning for Bushfire Protection 2006 and Rural Fires Act 1997 – Refer to the Bushfire Assessment Report submitted from Bushfire Planning and Design.

A bushfire prone area is an area of land that can support a bush fire or is likely to be subject to bush fire attack. Bush fire prone areas are identified on a bush fire prone lands map which have been prepared for most councils across NSW. The map identifies bush fire hazards and associated buffer zones within a local government area. Any areas coloured yellow, red, or orange on a bush fire prone land map are considered to be bush fire prone.	<p>1. The structures and proposed uses are located a significant distance from the bush fire zone; are an extension of existing uses on the land and are permissible under the WLEP.</p> <p>2. The structures are constructed of inflammable materials.</p> <p>3. The structures and uses in this application are not matters of substance requiring the submission of a Bushfire Compliance Report or referral to the RFS.</p>
The subject land is designated bush fire prone land in the LEP	The proposal does not invoke integrated development criteria as it does not relate to a proposed subdivision. In our opinion, the proposal is not Integrated Development under the Act.

8.0. Threatened Species Conservation (TSC) Act 1995

<p>The objects of this Act are:</p> <p>(a) to conserve biological diversity and promote ecologically sustainable development, and</p> <p>(b) to prevent the extinction and promote the recovery of threatened species, populations, and ecological communities, and</p> <p>(c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and</p> <p>(d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations, and ecological communities, and</p> <p>(e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and</p> <p>(f) To encourage the conservation of threatened species, populations, and ecological communities by the adoption of measures involving co-operative management.</p>	N/A The application does not involve the loss of vegetation of habitat for such species.	<p>The land is potential habitat for threatened species. However, there is little natural vegetation on the land and the land has been modified and cleared by past owners over a period of many years.</p> <p>As the proposal does not involve the loss of vegetation of habitat for such species, then no test is required.</p>
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9.0. Water Management Act 2000

Works within 40 metres of a waterway	May require an activity approval issued by the NSW Dept of Environment and Climate Change and Water.	N/A	All works outside the 40 metre zone requirements are at RLs above potential flood levels. Refer to detailed survey drawing.
Section 89 – Water use approvals	May authorise the taking of water from a water source at a particular source.	N/A	A natural water course flows through part of the property. There is no change to the existing situation.
Section 90 – Water management works	May authorise approvals for water supply, drainage work and flood work.	N/A	A natural water course flows through part of the property and there exists a constructed floodway. There is no change to the existing situation and no proposal to undertake drainage or flood work.

Section 91 – Activity approvals	May provide for controlled activity approvals and aquifer interference	N/A	A natural water course flows through part of the property; there is no change to the existing situation and no proposal for a controlled activity or interference to the aquifer.
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10.0. Building Sustainability Index (BASIX) and NatHERS

A BASIX assessment is required to be undertaken for all proposed residential development to ensure that a proposal meets at least the minimum environmental target standards required for Water; Thermal comfort and Energy efficiency. A BASIX assessment and report and NatHERS Assessment have been obtained and submitted with the application. Compliance is obtained.

11.0. Low Intensity and Low Impact Test

11.1. “**Intensity**” is intended to identify the nature of a proposal in terms of size and scale and the extent of the activities associated with the proposal.

“**Impact**” is intended to identify the likely future consequences of proposed development in terms of surroundings and can relate to visual, noise, traffic, vegetation, streetscape, privacy, solar access. The overall intent is that the impact of development proposed would be minimal and unlikely to significantly change the amenity of the locality. When applying these test criteria we examine the current uses and the proposed uses and assess the degree of change proposed – structures, size and scale of changes proposed; amplification of existing uses which in this proposal include residential accommodation, associated facilities and public dining and functions. We examine these below.

11.2. The proposal -The existing structures are residential and rural-residential in nature. The proposed alterations and additions as described in paragraph 4.0 will retain the current residential and rural residential uses as a family home with a pool and landscaping as proposed.

11.3. Low Intensity and Low Impact - **Conclusion**

1. Low Intensity

The proposed alterations and additions will increase the scale of the dwelling but wholly within the context of a family dwelling. There is no change to existing use. **The property will remain Low Intensity.**

2. Low Impact

The proposal will not change the use of the property and it will remain a family dwelling as described in the WLEP 2000 Dictionary. The alterations and additions are sympathetic to the existing property and development in the locality and there is no change to the current intensity and impact. **The proposal is Low Impact.**

12.0. Schedule 15, clause 15, SEE Assessment Summary

Issue		Response
1	Summary of Statement of Environmental Effects	1. Contents of the SEE report are stated on Page 1. 2. The assessments against the various planning criteria are contained in the Tables in this report. 3. The conclusion in brief is that there are no adverse environmental impacts and that the application should be approved.
2	Indication of how the development is consistent with desired future character etc	1. This issue is addressed in 6.0 Assessment Tables; and the Low Intensity and Low Impact Test criteria assessed in 11.0. 2. The property will remain low intensity and low impact and complies with the “Low Intensity and Low Impact Test” for the locality.
3	Statement of objectives of the proposed development	The objectives of the proposal are - To obtain development consent to undertake alterations and additions to the existing dwelling as described in clause 4.0 of this assessment for the purpose of ensuring that the dwelling and site are suitably upgraded to meet the needs of a modern family.
4	Analysis of feasible alternatives	Various design concepts were prepared and considered during the design process. The owners concluded that it was essential the existing dwelling remain in its present location due to planning controls, sensible use of the land area and construction costs. It was concluded that the proposal offers the best combination of design and living needs relative to the planning controls and objectives and the needs of the owner's family.

5	Analysis of the development and environment likely to be affected.	The assessments against the various planning criteria are contained in the Tables within this report.
6	Reasons justifying the carrying out of the development	The reasons justifying this development are stated within this Statement of Environmental Effects. In summary: This larger family need to increase the accommodation to meet the needs of a growing and extended family.
7	Measures proposed to mitigate any adverse effects of the development on the environment	It is concluded that there are no adverse effects of the development. The proposal to carry out additional landscaping including additional native plants and trees will improve the environment.
8	List of any approvals required before the development can be carried out	In our opinion they only approval required is a development consent under the provisions of the Environmental Planning and Assessment Act.

13.0. Conclusion

13.1. The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the Warringah LEP 2000 and Warringah DCP 2000 planning controls and others as applicable. Many specific numerical controls such as Housing density (1 dwelling per 20 hectares); Side boundary setbacks (10 metres) and Front boundary setbacks (20 metres) are designed to relate to large and wide allotments on the basis that the housing density for each allotment under the WLEP is fixed at 1 dwelling per 20 hectares. Many of the existing allotments in this area, including the subject property, are considerably smaller than 20 hectares proposed in the WLEP 2000, and **were in existence prior to the Gazettal of the plan and are therefore exempt from the application of the numerical controls.**

The subject property has a site area is 3244m² and the width of the allotment being 41.605 metres between the side boundaries. Accordingly, the numerical controls cannot be applied to the subject site; and the owners are entitled to develop their property for allowable land uses on the basis that:

- The allotment and dwelling structures were in existence prior to the WLEP 2000 and WDCP 2000 controls being introduced and as such are recognised in those documents.
- It is an existing site of less than 2 hectares.
- It is physically impossible to comply with the WLEP 2000 locality setbacks and the application must be assessed in accordance with the planning objectives and the WLEP 2000 Locality B2 Oxford Falls – Desired Future Character Statement allowing for the older existing subdivision and buildings.

13.2. This report demonstrates the proposal is a positive improvement to the site and locality and that the Category One use will not give rise to any unacceptable environmental impacts, residential amenity impacts or streetscape consequences. The development proposal should be supported on merit.

13.3. The proposal complies with the relevant planning controls and the WLEP 2000 planning objectives as they apply to this property. In our opinion the proposal complies with the Objectives of the WDLEP 2000 and WDCP 2000 as they are relevant to the subject land and the development proposal is a suitable and appropriate form of development for the site and the locality. The application should be approved on merit with appropriate relevant consent conditions.

Colco Consulting Pty Ltd

17 September 2020

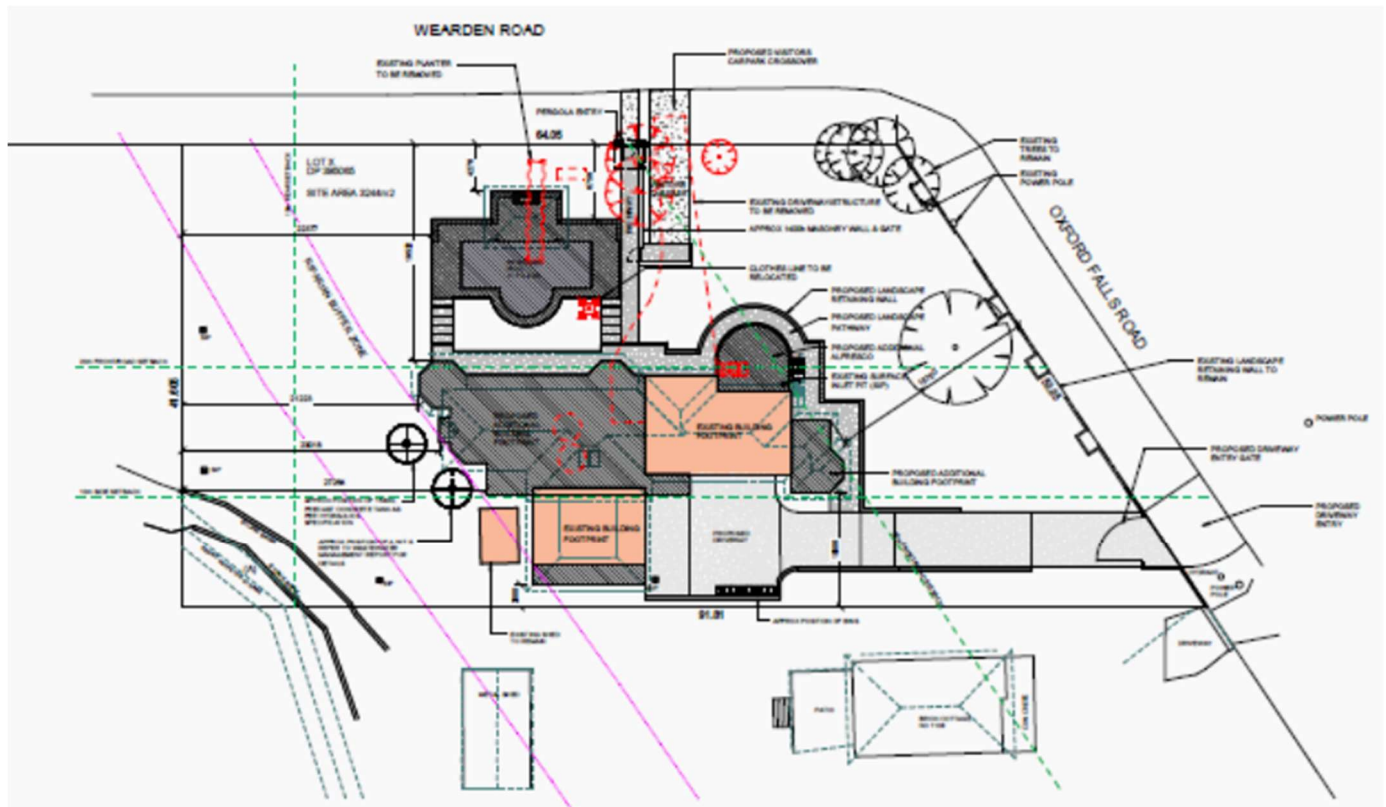
Wayne Collins

Director:

Attachments:

1. Site Plan Proposed.
2. 3D Drawing and Perspectives

Attachment 1 – Site Plan



Attachment 2 – 3D Diagram and Perspectives



TOURSOUNOGLOU RESIDENCE

1107 OXFORD FALLS ROAD.
OXFORD FALLS



PROPOSED ALTERATIONS &
ADDITIONS TO EXISTING RESIDENCE