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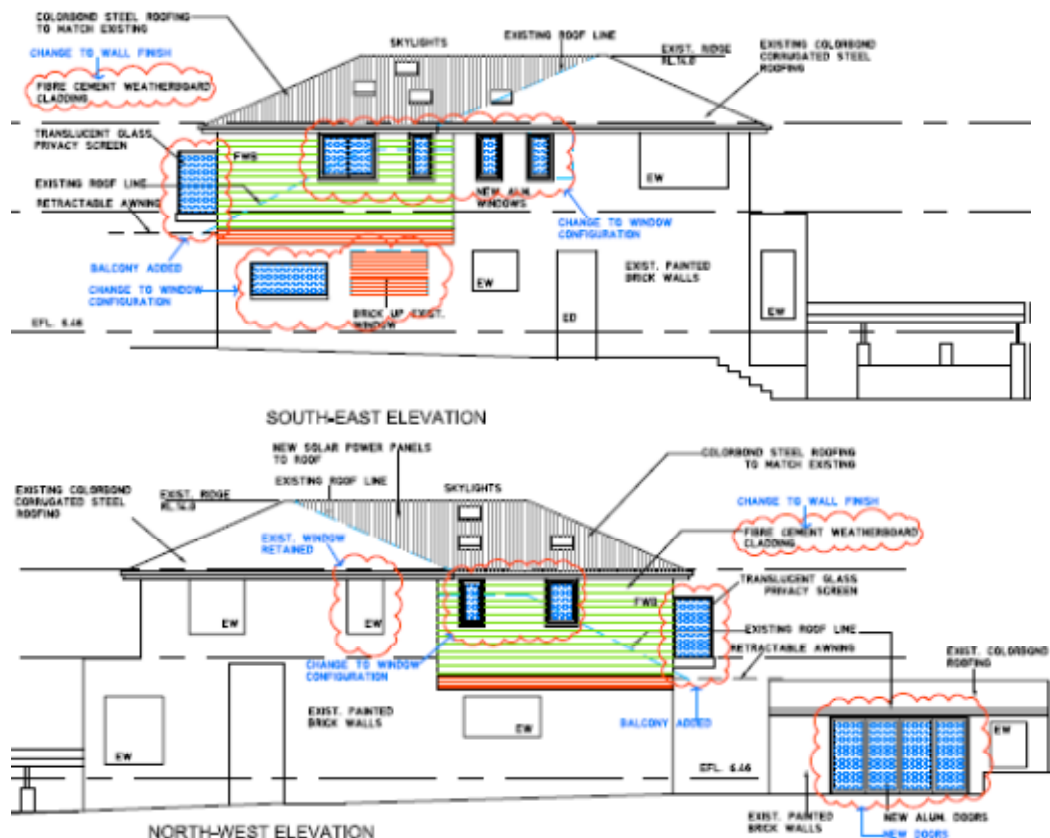
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STATEMENT OF ENVIRONMENTAL EFFECTS – 23 KOOLOORA AVENUE FRESHWATER - SECTION 96(1A) MODIFICATIONS TO CONSENT No. 2004/1118 comprising minor modifications to current consent including internal rearrangements on ground floor and first floor with balcony at rear, deletion of enclosed front balcony, deletion of bay window on first floor main bedroom, conversion of rear annex utility room to outdoor kitchen/playroom, skylights, roof solar panels and landscaping. Property No. 23 Kooloora Avenue Freshwater being Lot 18 in DP 7022. OWNER: Mr. and Mrs. Horn-Smith.

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Proposed modifications

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1.0. Introduction and Documents

1.1. This Statement has been prepared to accompany a Section 96 application to modify current development consent No. 2004/1118 issued by Warringah Council in September 2004 for alterations and additions including carport, second storey addition at rear and internal alterations. Construction Certificate CC2004/118/CC1 was subsequently issued in May 2005 and construction commenced but is incomplete. The property was recently purchased by Mr. and Mrs. Horn-Smith and they wish to modify the consent to combat the negative impacts of the multi-level dwelling now under construction adjoining at No. 25 Kooloora Avenue and also to meet their own specific needs. The proposed modifications are considered to be minor in nature.

1.2. The property survey plan and Site and Locality Analysis plans submitted with the development application remain relevant to this application to modify the current consent. Council should refer to those documents and the development consent issued.

1.3. The proposed modifications are of a minor nature and do not change the footprint or building envelope beyond that of the current consent. The modifications are highlighted in coloured “Clouds” as detailed in the architectural drawings and in clauses 5.0 and 6 of this report. Drawings and documents accompanying the S96 application are:

Document	Doc. Ref.	Prepared By	Date
Floor Plans; Legend and calculation data	78615.01	HSA Architects	Nov. 15
Elevations and Sections	78615.02	HSA Architects	Nov. 15
Notification drawing		HAS Architects	Nov. 15
BASIX Certificate	Cert.A235558	Building Sustainability Assess.	19.11.15
Statement of Environmental Effects		Colco Consulting Pty Ltd	24.11. 15

1.4. This Statement assesses compliance with relevant planning controls and objectives and identifies impacts of the proposed development on adjoining properties and locality. This report should be read in conjunction with the supporting material and the current development consent. We consider this report provides Council with a reasoned basis upon which to assess the proposed application.

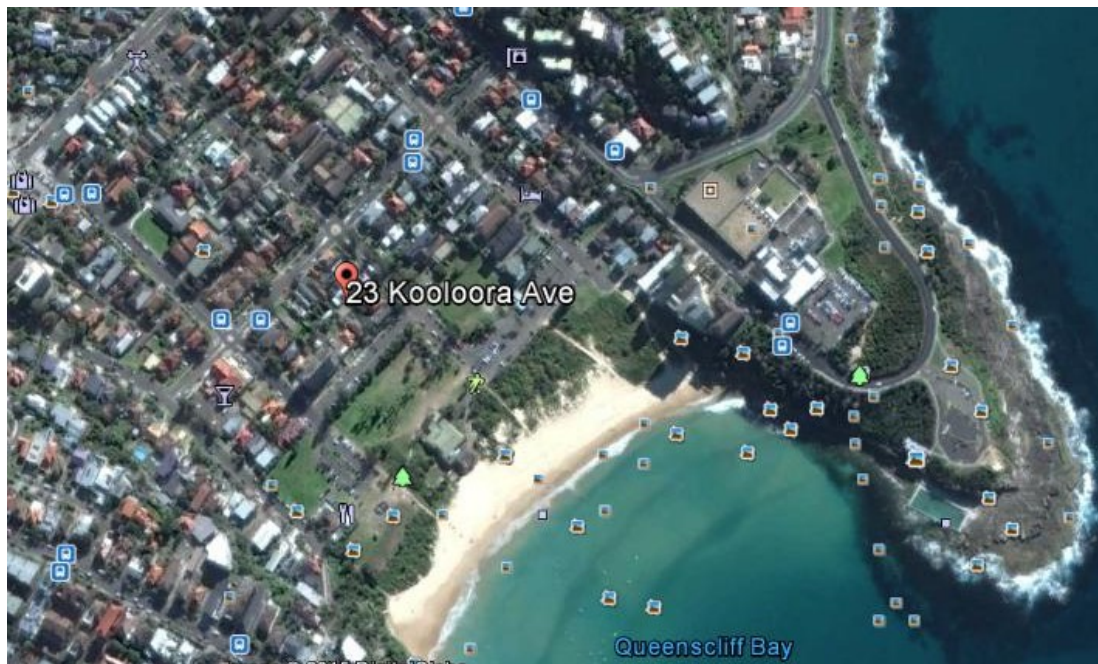
2.0. Property Description

The property is legally described as lot 18 DP 7022 and is known as No. 23 Kooloora Avenue Freshwater upon which is erected a single dwelling.

3.0. Site Analysis and Surrounding Locality

3.1. The land is rectangular in shape with dimensions 11.58m/11.58m by 32.53/32.53m with an area of 376.69m². The land terrain is flat throughout the site. The property is located on the southern side of Kooloora Avenue between Gore Street and Charles Street with Albert Street further west and Freshwater Beach further to the east. See Google aerial photo below.

3.2. Locality details were outlined in the documents submitted with the original development application. We do not repeat that information which Council retains on file with the consent.



Google photo

4.0. Existing Site Improvements

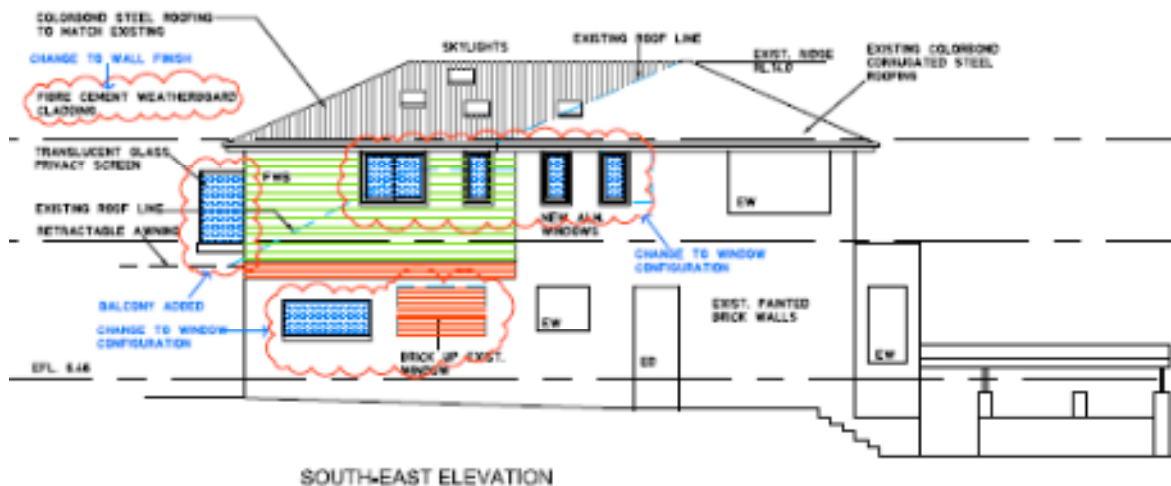
4.1. Existing improvements comprise a two storey dwelling with double carport annex/utility room at the rear - under construction in accordance with development consent No. 2004/1118 and landscaping.

5.0. Proposed - Section 96 Modifications to Consent No. 2004/1118 and Schedule

5.1. The proposed modifications have minimal impact on the external appearance of the development. Removal of the bay window on the south-east elevation and rearrangement of windows are a direct result of the impact of the new multi-storey house currently under construction next door at 25 Kooloorra Avenue. The modifications also include landscaping of the rear yard area which is presently landscaped in an attractive low-walled garden setting with paved courtyard. It is proposed that the rear yard landscaping be retained as existing with minor modification only.

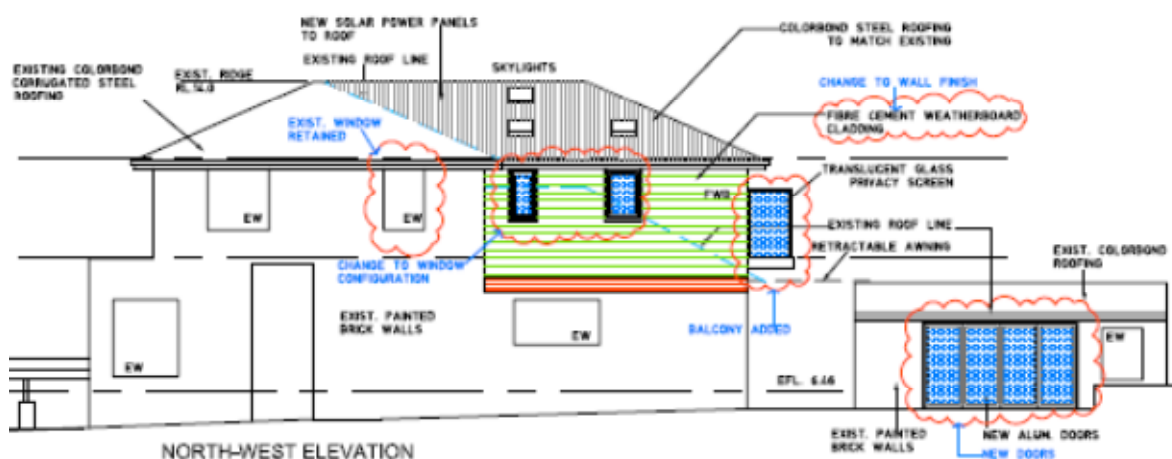
The proposed changes are shown coloured in the Section 96 drawings with modification shown in “clouds” described below.

5.1.1 Modifications South-East Elevation



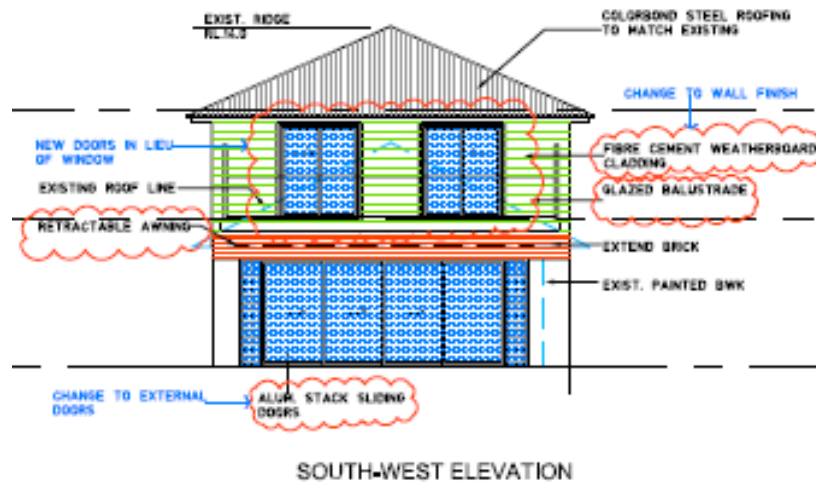
Modifications South-East Elevation		
Modification	Description and reason	Impact
Roof	Redesigned to eliminate the Bay window on the south east elevation and hip and installation of skylights. Reason- to address the negative impact of the new multi-storey house currently under construction next door at 25 Koolloora Avenue.	No negative impact; and improves the amenity for the occupants of No. 23 Koolloora Avenue.
First Floor-Windows	Bay window eliminated. Windows redesigned and relocated.	Ditto
First Floor-Balcony	New balcony across rear off relocated bedrooms. Reason – the necessity to remove the bay window to the main bedroom necessitated relocation of the bedroom to the rear. Sliding doors now open onto a balcony.	Ditto
Ground Floor-windows	Window bricked up and new window further south.	Ditto
First Floor-Wall	Fibre cement weatherboard cladding. Reason: choice of materials.	No negative impact.

5.1.2. Modifications North-West Elevation



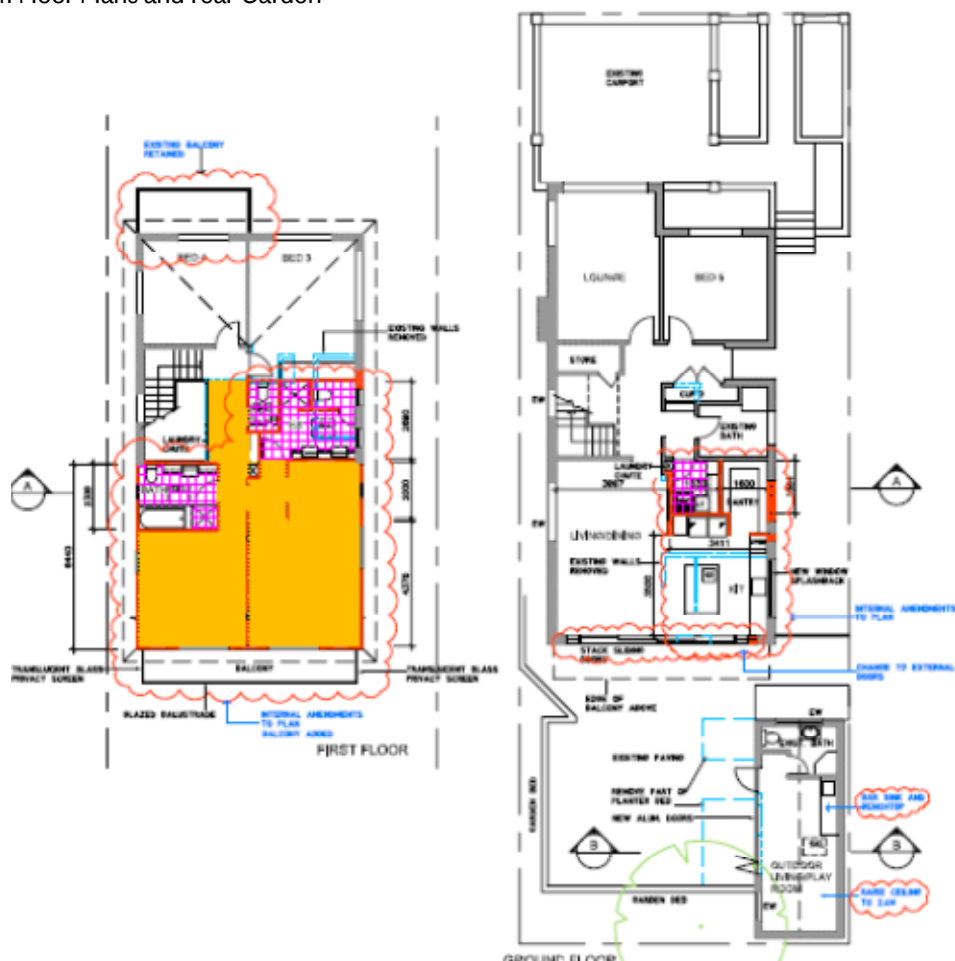
Modifications North-West Elevation		
Modification	Description and reason	Impact
Roof and skylights	Installation of skylights. Reason: bring natural light into the house. Proposed installation of solar panels-Reason: environmental but not required in BASIX Certificate.	No negative impact; and improves the amenity for the occupants.
First Floor-Windows	Modified windows and location. Reason: to suit interior rearrangements.	Ditto
First Floor-Balcony	New balcony across rear off relocated bedrooms. Reason: as above	Ditto
First Floor-Wall	Fibre cement weatherboard cladding. Reason: choice of materials.	Ditto
Ground floor-rear annex-utility room.	Doors and windows changed and redesigned in order to open up the room for use as an outdoor kitchen and playroom. Reason: Owners living preference and provide play area for children.	Ditto

5.1.3. Modifications South-West Elevation



Modifications South-West Elevation		
Modification	Description and reason	Impact
Roof	Redesigned to eliminate the Bay window on the south east elevation and hip; Installation of skylights. Reason- to address the negative impact of the new multi-storey house currently under construction next door at 25 Kooloora Avenue.	No negative impact; and improves the amenity for the occupants of No. 23 Kooloora Avenue.
First Floor-- Windows	Windows replaced with sliding doors to open onto balcony. Reason: to suit interior rearrangement of bedrooms.	No negative impact; and improves the amenity for the occupants.
First Floor- Balcony	New balcony across rear off relocated bedrooms. Reason: to suit rearrangement of bedrooms.	Ditto
Ground Floor rear doors	Replaced with widened stacker doors.	Ditto

5.1.4. Floor Plans and rear Garden



Modifications to Floor Plans and Rear Garden Landscaping		
Modification	Description and reason	Impact
First Floor-internal layout	Re-arrangement of bathrooms and bedrooms. Reason: to address the negative impacts of the adjoining new dwelling at No. 25 and to suit the new owners requirements.	No negative impact; and improves the amenity for the occupants of No. 23 Koolooro Avenue.
First Floor-Balcony	Addition of balcony across the rear.	No negative impact; and improves the amenity for the occupants.
Ground Floor-internal rearrangement	Re-arrangement of bathroom, laundry, pantry and kitchen.	Ditto
Rear garden landscaping	Proposed retention of existing low-walled landscaped garden and paved courtyard. See photo below.	Ditto



Proposed retention of rear garden landscaping with small modification to accommodate new doors to annex outdoor kitchen and utility room.

5.2. Conclusion: The proposed modifications are mostly internal with little change to the external appearance of the building - being changes to windows and a minimal change in the roof design. The proposed modifications are considered to result in no negative impact and considerable improvement to amenity for the occupants of No. 23 Koolooro Avenue. See Merit assessment and justification statement for rear landscaping in clause 7.0.

6.0. Environmental Effects Assessment – Statutory Planning

6.1. Planning Controls Assessment Tables

6.1.1. Environmental Planning and Assessment Act 1979 as amended

1. Section 96(1A) – provides for modifications by a consent authority for development consent granted by the consent authority. Specifically states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) It is satisfied that the proposed modification is of minimal environmental impact, and

(b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

2. Substantially the same development – this s 96(1A) application seeks the approval of relatively minor modifications and alterations to the current development consent No. 2004/1118. The proposed modifications will result in minimal change with no negative environmental impact. It is considered to be substantially the same development as approved in the current consent.

6.1.2. Section 79C

Section 79C 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 planning instrument and any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.
2. Any development control plan.
3. Any planning agreement entered into under Section 93F or any such draft planning agreement.
4. The regulations (to the extent they prescribe matters etc) that apply to the land to which the development application relates:

(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.

6.1.3. Environmental Planning and Assessment Act Section 79C Assessment Table

<u>Planning Control</u>	<u>Zoning/Control</u>	<u>Proposed</u>	<u>Comment</u>
Any Planning Agreement	Section 79C(1)(a)(iia)	Modifications to current consent No. 2004/1118.	No planning agreement has been entered into.
Modifications to a consent	Section 96- to be essentially the same development	Ditto	It is considered the proposed modifications comprise substantially the same development as the original consent No. 2004/1118.
The Regulations	Section 79C(1)(a)(iv)		The regulations have been considered.
Any Coastal Zone Management Plan	Section 79C(1)(a)(v)		Not affected by a gazetted coastal management plan.
Likely Impacts of the development	Section 79C(1)(b)	Modifications to current consent No. 2004/1118.	The impacts of the proposed development are minimal and considered to be acceptable.
Suitability of Site	Section 79C(1)(c)	Modifications to current consent No. 2004/1118.	Considered suitable for the development.
ASSESSMENT CONCLUSION – EP & A Act The proposed Modifications to consent No. 2004/1118 do not materially affect the consent and it remains essentially the same development and less extensive. The modifications comply with relevant EP & A controls and objectives applicable to the site. The proposed modifications are permissible; of minimal nature and considered to be compatible with no negative environmental impacts.			

6.2. Local Planning Controls

The following planning controls apply to this application - Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDCP 2011)

6.2.1. Warringah Local Environmental Plan (WLEP) 2011 –Assessment Table - Critical LEP Controls

<u>Planning Control</u>	<u>Zoning/Control</u>	<u>Proposed</u>	<u>Comply</u>	<u>Comment</u>
Warringah Local Environmental Plan 2011	Zone R2 Low Density Residential. The Zone permits dwelling houses and includes residential garaging, carports, swimming pools and other structures - with consent.	Modifications to current consent No. 2004/1118.	YES	

WLEP 2011 R2 Zone Objectives -(Clause 2.3(2))	1. To provide for the housing needs of the community within a low density residential environment. 2. To enable other land uses that provides facilities or services to meet the day to day needs of residents. 3. To ensure that the low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.	No change to current consent No. 2004/1118	YES	
Height of Buildings - (Clause 4.3(2))	Not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height for this land is 8.5 metres	No change to maximum height approved under current consent No. 2004/1118	YES	
Preservation of trees or Vegetation – (Clause 5.9)	Preserve the amenity of the area including biodiversity values through the preservation of trees and other vegetation.	No change to current consent No. 2004/1118.	YES	
Earthworks (Clause 6.2)	Likely detrimental effects of earthworks on existing and likely amenity of the site and adjoining properties; likelihood of disturbing relics; and potential to adversely impact on any watercourses and environmentally sensitive area.	No change to current consent No. 2004/1118.	YES	
Sloping Land/Landslip/Geotech (Clause 6.4)	Land Slip Risk Map – Area D	No change to current consent No. 2004/1118.	YES	.
ASSESSMENT CONCLUSION - WARRINGAH LEP 2012 The proposed Modifications to consent No. 2004/1118 do not materially affect the consent and it remains the same development and less extensive. The modifications comply with relevant WLEP planning controls and objectives applicable to the site; are permissible; of minimal nature and considered: • Compatible with the WLEP; existing street pattern and locality; and • Displays no negative environmental impacts.				

6.2.2. Warringah Development Control Plan (WDCP) Assessment Table - Relevant Controls.

WDCP	Control Standard	Proposed	Comply	Comment
Site Area (m2) and Density	1 dwelling per 600m2 excluding existing allotments.	No change to current consent No. 2004/1118.	YES	
Land Use Zoning/Category	Residential R2	Residential R2 Single dwelling.	YES	
PART B-BUILT FORM CONTROLS				
B1 Wall Heights	Maximum 7.2 metres	No change to current consent No. 2004/1118.	YES	
B2- Number of Storeys	In accord with DCP map.	No change to current consent No. 2004/1118.	YES	
B3-Side Boundary Envelope and Side Setback	Building envelope determined at 45 degrees from 4 metres above boundary - minimum side setback of 0.9m.	Minor change to current consent No. 2004/1118.	YES	Deletion of the first floor bay window increases the side setback.
B4-Site Coverage		Not applicable	N/A	
B5-Side Boundary	0.9 metres for R2 land zone	No change to current	YES	Deletion of the first floor

Setbacks		consent No. 2004/1118.		bay window increases the side setback.
B6-Merit Assessment Side Boundary Setbacks		No change to current consent No. 2004/1118.	N/A	
B7-Front Setback	6.5 metres	No change to current consent No. 2004/1118.	YES	
B8- Merit Assessment Front Boundary Setback			N/A	
B9-Rear setback	6 metres; exceptions are made for swimming pools and outbuildings.	No change to current consent No. 2004/1118.	N/A	
B9-Rear Setback Objectives	Deep soil landscape areas; Development not visually dominant; Scale and bulk of structures is minimised; Adequate separation between buildings -solar access.	No change to current consent No. 2004/1118.	N/A	Retention of existing landscaping is proposed and considered appropriate.
PART C-SITING FACTORS				
C2-Traffic, Access and Safety			N/A	
C3-Parking	Not visual dominant & in accord with AS Code	No change to current consent No. 2004/1118.	YES	
C4- Stormwater	Compliance with Council's Stormwater Drainage Design Guidelines – Minor works. Impervious area greater than 50m2	No change to current consent No. 2004/1118.	YES	
C5-Erosion and Sediment control	Management of soil and water required	No change to current consent No. 2004/1118.	N/A	
C7-Excavation and Landfill	Site stability – Landslip Area designated part area B and part area D.	No change to current consent No. 2004/1118.	N/A	
C8-Demolition and Construction	Waste management control	No change to current consent No. 2004/1118.	N/A	
C9-Waste Management	On-site waste management and storage	No change to current consent No. 2004/1118.	YES	
PART D- DESIGN				
D1-Landscaped Open Space	Minimum 40% of site area =373m2x40%= 149.2m2 with minimum dimensions of 2mx2m.	Minimal change to consent No. 2004/1118.Consent plans provided for total paved area of 76.05m2 and soft landscaping of 108.36m2.	YES/NO	The proposal maintains the same landscaped area but with proposed retention of existing landscaping in the rear yard including paved courtyard. The proposal now includes additional above ground private open space balconies front and rear. (*) See merit assessment and justification statement clause 7.0.
D2- Private Open Space	60m2 per dwelling with 3 or more bedrooms accessible from a living area.	No change to current consent No. 2004/1118.	YES	

D5- Energy Usage, Efficiency, Sustainability	Compliance with BASIX requirements	Minimal change to consent and inclusion of all BASIX requirements and installation of solar panels.	YES	A revised Building Sustainability Index (BASIX) certificate assessment has been submitted.
D6-Access to Sunlight	Sunlight to at least 50% of private open space to adjoining properties not to be less than 2 hours between 9am and 3pm on the winter solstice.	No change to current consent No. 2004/1118.	YES	
D7-Views	View sharing to be maintained	No change to current consent No. 2004/1118.	N/A	
D8-Privacy	Development not to cause unreasonable overlooking of habitable rooms and principal private open space.	No change to current consent No. 2004/1118.	YES	The modifications do not compromise privacy of neighbouring dwellings.
D9-Building Bulk	Buildings/structures to have visual bulk and architectural scale consistent with locality	Minimal change to consent No. 2004/1118	YES	
D10 –Building Colours and external finishes.	Sympathetic to the surrounding natural and built environment.	Minimal change to consent No. 2004/1118.	YES	
D11-Roofs	Encourage innovative design solutions to improve the urban environment; compliment the urban skyline and conceal plant and equipment.	Minimal change to consent No. 2004/1118.	YES	
D12Glare and Reflection		No change to current consent No. 2004/1118.	YES	
D13-front Fences and Walls	Not exceeding 1.6 m.	No change to current consent No. 2004/1118.	YES	
D14-Site Facilities		No change.	YES	
D15-Side and Rear Fences	Maximum 1.8m above natural ground level and in accordance with the Dividing Fences Act	No change to current consent No. 2004/1118.	YES	
D16 –Swimming and Spa Pools	Located to preserve the natural environment, streetscape and residential amenity. Not located in the front building setback.	N/A	N/A	
D21-Utility Services	Appropriate utility services to be provided	No change to existing utility services.	YES	
D22-Conservation of Energy and Water	Compliance with BASIX requirements	Revised BASIX certificate provided.	YES	The proposal as modified meets the required BASIX standards.
PART E- NATURAL ENVIRONMENT				
E1-Private Property Tree Management	Any impact on trees to be supported by Arborist report	No change to current consent No. 2004/1118.	N/A	
E2-Prescribed Vegetation	Not identified		N/A	
E3-Threatened Species	Not identified		N/A	
E4-Wildlife Corridors	Not identified		N/A	
E5- Native Vegetation	Not identified		N/A	
E6-Retention of Unique Environmental Features	Not identified		N/A	

E7-Development Adjoining Public Open Space	Not identified		N/A	
E8-Waterways and Riparian Lands	Not identified		N/A	
E9-Coastline Hazards	Not identified		N/A	
E10-Landslip Risk	Land Slip Risk Map – Part Area B and part Area D.	No change to current consent No. 2004/1118.	YES	
E11- Flood Prone Land	Not identified		N/A	
ASSESSMENT CONCLUSION - WARRINGAH DCP 2012 The proposed Modifications to consent No. 2004/1118 do not materially affect the consent and it remains the same development. The modifications comply with relevant WDCP planning controls and objectives applicable to the site other than landscape paving; are permissible; of minimal nature and considered: • Less extensive the current building consent. • Compatible with the WLEP; existing street pattern and locality; and • Displays no negative environmental impacts.				

7.0. WDCP D1 – Landscaping (*) - Merit Assessment and Justification - Variation to DCP

7.1. The Warringah Development Control Plan provides for landscaping to be provided on the basis of a Minimum 40% of site area. This property has a site area of 373m and therefore the DCP numerical requirement is $373m \times 40\% = 149.2m^2$ with minimum dimensions of 2mx2m with the area being permeable. The consent plans provided for total paved area of 76.05m² and soft landscaping of 108.36m².

This S96 modification proposal maintains the same landscaped area as approved in the current consent but with proposed retention of existing low walled and heavily planted landscaping in the rear yard including the paved courtyard. See photo below:



The proposal complies with Council's development consent and other than for the paving. **We consider the paved courtyard is an integral feature in the landscaped garden and an important feature in enabling the occupants to enjoy outdoor living particularly as it opens from the Family living room area and opens out from the proposed outdoor kitchen and playroom; and provides a suitable play area for children.**

7.2. The WDCP – Part D Design – D1 Landscaped Open Space (clause D1) provides the Objectives, controls and requirements. The following table shows our assessment comment to relevant objectives.

WDCP Objectives	Comment
To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.	The existing open landscaped area in the rear of the allotment is well designed and established with a mixture of low lying shrubs, medium high shrubs and trees – all addressing and mitigating height, building bulk and scale of buildings. The proposal complies with the DCP objective.
To enhance privacy between buildings.	The existing landscaping enhances privacy and complies with the DCP objectives.
To accommodate appropriate outdoor recreational opportunities that meets the needs of the occupants.	The existing open landscaped area in the rear of the allotment is well designed and established with a mixture of low lying shrubs, medium high shrubs and trees and includes an attractive and user friendly low walled courtyard. The courtyard is at ground level and meets the needs of the occupants and their young family. The proposal complies with the DCP objective.
To provide for service functions, including clothes drying.	The existing open landscaped area in the rear of the allotment and along the side provides for service functions including clothes drying. The proposal complies with the DCP objective.
To facilitate water management, including on-site detention and infiltration of stormwater.	There is no change from existing in regards to rainwater – no additional roofed area and no additional impervious area. The development consent didn't require on-site detention and neither does the Section 96 proposal. The BASIX doesn't require special needs.

7.3. With regard to Landscaping we conclude that:

- The proposal is justified under the provisions of the WDCP for the reasons stated in the table.
- The site provides well designed and suitable open space and landscaping for the residents.
- The strict compliance with the non-statutory DCP control for impervious landscaping at the rear of the site is unnecessary; it would make no sense to require the existing paved courtyard area to be removed. Such a requirement would be harsh with no overall benefit to the locality and would penalise the occupants.
- **Retention of existing landscaping should be accepted along with the minor modification proposed to accommodate new doors to annex outdoor kitchen and playroom.**

8.0. Conclusion

The proposed Section 96 modifications to consent No. 2004/1118 have been assessed having regard to the provisions of Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the Warringah LEP and DCP planning controls as applicable. We conclude that:

1. The proposed Modifications do not materially affect the consent and it remains essentially the same development and is less extensive than the current building consent.
2. The modifications comply with relevant WLEP and WDCP planning controls and objectives applicable to the site as related to the current consent with the exception of the paved courtyard (existing) which is proposed to be retained with minor modification.
3. The proposed modifications are permissible in the Zone; Compatible with the planning controls and objectives; and displays no negative environmental impacts to the existing street pattern and locality.
4. The merit assessment for Landscaped open space paved courtyard should be accepted, the application approved and consent No. 2004/1118 amended accordingly.

Colco Consulting Pty Ltd

24 November 2015

Wayne Collins
Director

Attachment:

