

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed New Dwelling

**13 Morgan Road
BELROSE**

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Statement of Environmental Effects

Proposed New Dwelling

Lot 170, DP 752038, 13 Morgan Road, Belrose

Prepared on behalf of

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By

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1.0 INTRODUCTION AND BACKGROUND

This document forms a component of a development application proposing the demolition of the existing dwelling house and the construction of a new dwelling house with integrated garage accommodation and swimming pool on the subject allotment. The application also proposes the implementation of an enhanced site landscape regime and the upgrading of the existing on-site wastewater system.

The project Architect has responded to the client brief to design a multi-generational pavilion style dwelling house of exceptional design quality reflecting an Australian rural architectural style consistent with the non-urban context and landscape in which it is to be located. Particular attention has been given to ensuring the maintenance of appropriate residential amenity to adjoining properties in particular the property immediately to the west of the subject site Lot 169, DP 752038 Morgan Road.

In the development of the scheme, consideration has also been given to the minutes arising from formal pre-DA discussions with Council (PLM2021/0055) with the final design detailing representing a considered and resolved response to the issues raised.

This Statement demonstrates that the replacement dwelling will not alter the existing character of the locality in that it will be complimentary to and compatible with the adjoining and nearby land uses. The proposed development will minimise adverse environmental impacts with the development continuing to sit within a bushland setting. Council can be satisfied that the proposal represents a low intensity, low impact use, consistent with the typical residential use anticipated by the Desired Future Character Statement as described for the B2 Oxford Falls Valley Locality. This report assesses the performance of the development against the following statutory planning documents:

- The Environmental Planning and Assessment Act 1979 (as amended);
- State Environmental Planning Policy No.55 – Remediation of Land;
- Warringah Local Environmental Plan 2000 including the B2 Oxford Falls locality statement and the General Principles of Development Control.

This submission is to be read in conjunction with the following documentation:

- Architectural plans prepared by Preston Peterson Architects,
- Survey plan prepared by New Way Surveying,
- View Analysis prepared by Preston Peterson Architects,
- Landscape Plan prepared by Paul Bangay,
- Waterways Impact Statement prepared by NB Consulting Engineers,
- Arborist Advice prepared by Koala Arbor,
- Bushfire Assessment Report and Bushfire Risk Assessment Certificate prepared by Sydney Bushfire Consultants,
- Stormwater Management Plans prepared by NB Consulting Engineers,
- Soil and Water Management Plan prepared by NB Consulting Engineers,
- Geotechnical Assessment prepared by White Geotechnical Group,
- Waste Management Plan Preston Peterson Architects,
- Wastewater Management Plan prepared by Strategic Environmental & Engineering Consulting, and
- BASIX Certificate.

Whilst the application relies on a Clause 20 WLEP 2000 variation request in support of a variation to the building height, front setback and rear setback standards, strict compliance has been found to be unreasonable and unnecessary given the resulting developments consistency with the desired future character of the locality, the general principles of development control and the relevant State Environmental Planning Policies.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Environmental Planning and Assessment Act 1979 (the Act). It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The subject property is legally described as Lot 170, DP 752038, No. 13 Morgan Road, Belrose. The site has splayed frontage and address to Morgan Road of 103.38 metres, variable depth of between 185.83 and 201.43 metres, rear boundary dimension of 100.665 metres and an area of 1.994ha. The site rises approximately 8 metres in elevation from its front boundary before levelling off along its south-eastern boundary and rising again towards the northern corner of the property.

The property is currently occupied by a single storey residence and swimming pool located in the northern corner of the site with integrated garage accommodation accessed via a sealed driveway from Morgan Road. A roofed dressage arena, stables, 8 paddocks and informally landscaped gardens occupy the balance of the property. The built form and topographical characteristics of the site are depicted on the survey extract at Figure 1 below, the aerial location/ context photograph at Figure 2 and the site photographs at Figures 3 and 4 over page.

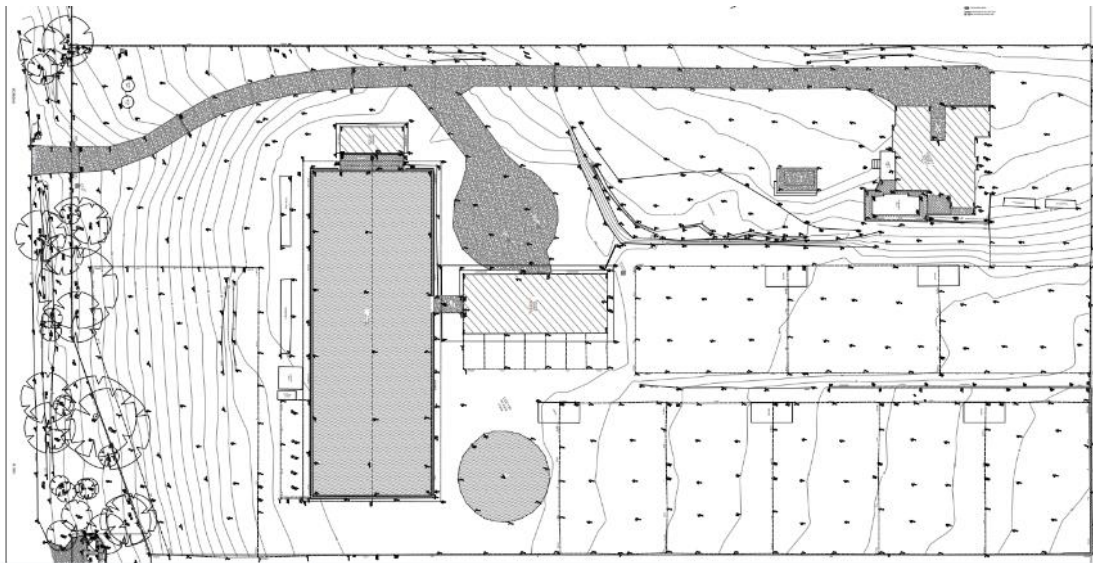


Figure 1 - Survey extract showing topographic and built form characteristics of the site



Figure 2 - Aerial location/ context photograph



Figure 3 – Existing dwelling house



Figure 4 - Subject property as viewed from Morgan Road

The adjoining property to the north-west is occupied by a detached dwelling house with swimming pool and tennis court located on non-urban land. The land generally to the north and east of the subject site is Crown Land.

3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of the existing dwelling house and the construction of a new dwelling house with integrated garage accommodation and swimming pool on the subject allotment. The proposed works are depicted on Architectural plans DEM01, DA01, DA02.1, DA02.2, DA03 to DA07 and EXF01 prepared by Preston Peterson. Specifically, the development provides for the following floor plan outcomes:

Ground Floor Plan - Central Pavilion

- Formal entry leading to an open plan kitchen living and dining room,
- Laundry,
- Guest bedroom,
- Study, and
- Powder room.

All living rooms open onto a perimeter verandah with pergola structures providing a sense of enclosure and sun protection to these externalised spaces.

Internalised glazed links are provided to the proposed north and south pavilions.

Ground Floor Plan - Northern Pavilion

- Games room with wet bar,
- Storage, and
- Internally and externally accessed bathroom.

The games room opens onto a perimeter verandah with an inground swimming pool with wet edge beyond.

Ground Floor Plan - Southern Pavilion

- Secondary living space with internal access to the balance of dwelling,
- Bedroom and ensuite,
- Mudroom,
- Storage,
- Three (3) car garage, and
- External access to a home office above.

All living rooms open onto a perimeter verandah with pergola structures providing a sense of enclosure and sun protection to these externalised spaces.

First Floor Plan - Central Pavilion

- Three (3) bedrooms all with ensuite,
- Library, and
- Study

First Floor Plan - Southern Pavilion

- Home office and associated amenities, and
- Utility room with wet bar

The utility room opens onto a roof garden terrace.

The application also proposes the implementation of an extensive integrated landscape regime as depicted on the accompanying plans prepared by Paul Bangay with the proposed landscaping significantly enhancing the landscape quality of the site and softening and screening the built form. The accompanying arborist advice prepared by Koala Arbor confirms that the proposed works do not require the removal of any significant trees or vegetation.

The acceptability of the proposed excavation is detailed in the accompanying report prepared by White Geotechnical Group with the proposed stormwater regime and its associated impacts detailed in the accompanying Stormwater Management Plans, Soil and Water Management Plan and Waterways Impact Statement prepared by NB Consulting Engineers. A series of absorption beds are located towards the front of the property associated with the upgraded wastewater treatment and disposal system as detailed in the accompanying report prepared by Strategic Environmental & Engineering Consulting.

The development has been designed to be safe from fire hazard as detailed within the accompanying Bushfire Assessment Report and Bushfire Risk Assessment Certificate prepared by Sydney Bushfire Consultants.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* (as amended). Those matters which are required to be addressed are outlined, and any steps to mitigate potential adverse environmental impacts are discussed below.

4.2 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given that the site has historically been used for non-urban residential purposes with the proposed new dwelling generally located in the area of the site occupied by the existing dwelling house.

Given the above factors no further investigation of land contamination is warranted at this time. The site is suitable in its present state for the continuation of the existing residential use of the land. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.3 Warringah Local Environment Plan 2000

4.3.1 Locality and Desired Future Character

The subject site is located in the B2 Oxford Falls Locality pursuant to the provisions of Warringah Local Environmental Plan 2000 (WLEP). Housing are a Category 2 development in the B2 locality.

The Desired Future Character Statement (“DFC”) for the B2 locality states:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway. The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

In accordance with clause 12(3)(b) the consent authority must be satisfied the development is consistent with the desired future character described in the relevant locality statement. Accordingly, the proposal's consistency with the desired future character statement is addressed below.

The development is considered to be consistent with and retain the existing character of the locality for the following reasons:

- The existing locality is characterised by low density non-urban residential uses with senior's housing in retirement villages located at the top of the escarpment adjacent to Forest Way. In this regard, the replacement of the existing dwelling house on the site does not alter the existing character of the locality.
- The development complies with the relevant built form controls in terms of setbacks and landscaped area with a variation sought in relation to building height to facilitate the use of a characteristically pitched hip roof form over proposed central pavilion. Having regard to the size of the property and the proposed dwellings location relative to the street and surrounding development the building height variation will not give rise to any adverse streetscape or residential amenity impacts and to that extent will be consistent with the desired future character statement and general principles of development control.
- The proposed dwelling is located on the previously disturbed areas of the site and does not require the removal of any significant trees or vegetation.
- The landscape plan provides the plantings which will enhance the existing natural environment and ensures the dwelling will sit within a landscaped setting. A variety of landscaping treatments are proposed and identified on the plant schedule provided.
- The pavilion style buildings reduce the visual bulk of the development.

- New landscaping within the property is to use a minimum of 50% locally occurring native plants and species commensurate with the existing vegetation on site.
- The breaking of dwelling into 3 linked pavilions allows it to follow the sites natural contours. This provides for the least amount of impact in relation to excavation require and disturbance to the environment.
- The development will result in minimal disturbance to natural vegetation and landforms with the building designed to incorporate or be sympathetic to environmental features such as rock outcrops.
- The finishes and materials of the development, shown on the Schedule of External Finishes submitted with the application, will ensure that the proposed dwelling blends with the colours and materials of the natural environment and with existing development within the site's visual catchment.
- The construction of the development will be managed to minimise erosion and sedimentation and in accordance with the Soil and Water Management Plan prepared by NB Consulting.
- Accordingly, the development will be consistent with this requirement of the desired future character statement.
- We have formed the opinion that the part 1 and 2 storey dwelling use proposed will not impact upon the locality or existing streetscape in terms of built form or landscape outcomes and is appropriately described as a low intensity and low impact use consistent with the existing and desired future character ("DFC") for the B2 Oxford Falls Locality.

4.3.2 Development Standards / General Principles of Development Control

4.3.2.1 Development Standards

Housing Density

The maximum housing density is 1 dwelling per 20 ha of site area, except:

- a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha

The development satisfies this clause and is on a parcel of land greater than 2 ha. Only 1 replacement dwelling is proposed on the site.

Building Height – Clause 20 Variation

Pursuant to this development standard buildings are not to exceed 8.5 metres in height measured to the topmost point of the building or 7.2 metres in height to the underside of the ceiling on the upper most floor.

The proposed dwelling is part 1 - 2 storeys in height with a maximum building height at the ridge of the central pavilion of 11.05 metres representing a non-compliance of 2.55 metres or 30%. The extent of overall building height variation is depicted in Figures 5 and 6 over page. The balance of the development, including the northern and southern pavilions, sit comfortably below the 8.5 metre height standard.

It is important to note that the extent of non-compliance is limited to the non-habitable central pavilion roof form.

Similarly, the eastern edge of the central pavilion exceeds the 7.2 metre wall height standard by a maximum of 1.5 metres with the balance of the development, including the northern and southern pavilions, comply with the 7.2 metre maximum wall height standard.

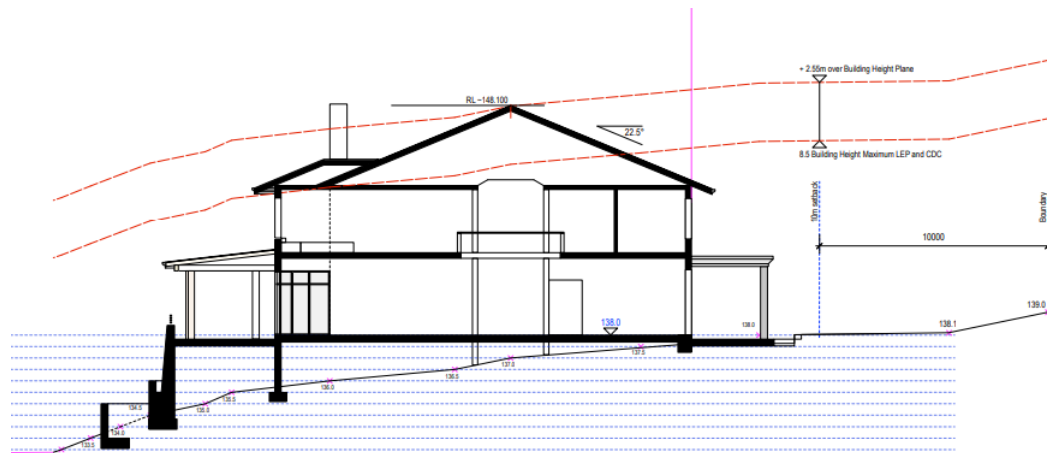


Figure 5 - Section extract showing extent of 8.5 metre building height breach

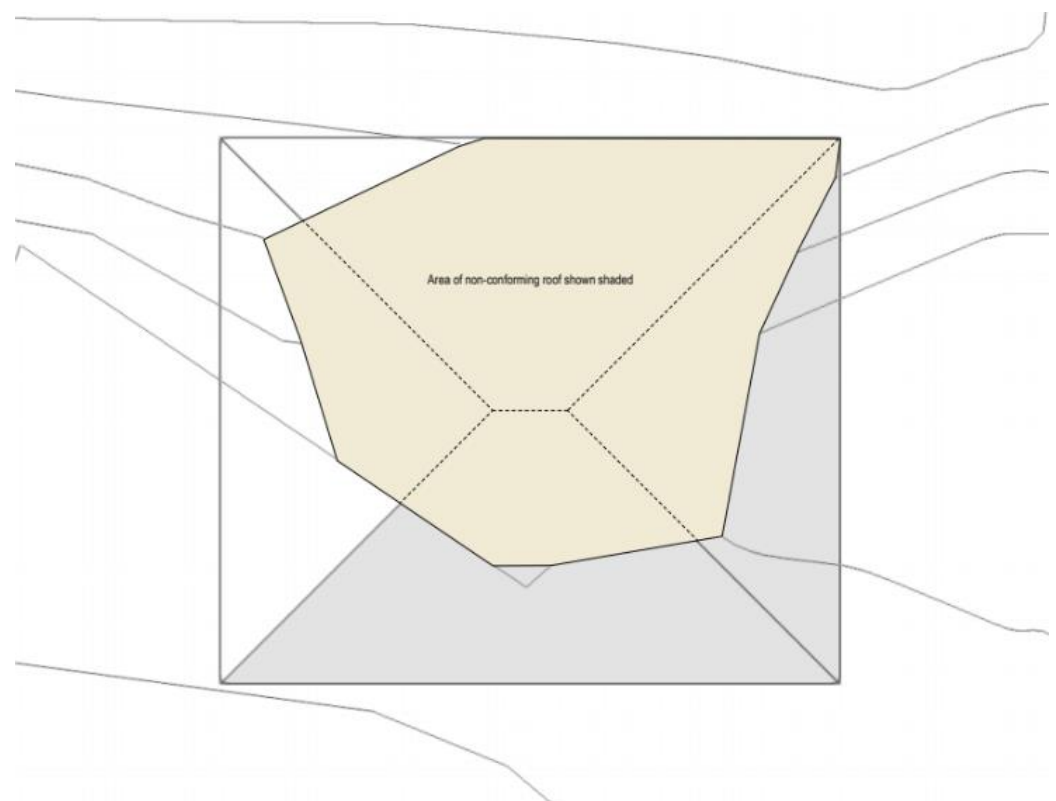


Figure 6 - plan extract showing area of 8.5 metre height building breach

Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed to the 8.5 metre overall building height and 7.2 metre wall height standards are considered acceptable for the following reasons:

- The non-compliant building height elements are located approximately 84 metres from the nearest residential receiver being the property to the west Lot 169 Morgan Road. Given such spatial separation the non-compliant building height elements will not give rise to unacceptably amenity impacts on surrounding development in relation to privacy and solar access as detailed on the accompanying shadow diagrams.
- The non-compliant building height elements will not give rise to unacceptable visual impacts or view loss as demonstrated on the view analysis diagram at Figure 7 below.



Figure 7 - Montage showing view sharing outcome maintained from the upper balcony of the western neighbour

- A complying area of landscaped open space is provided on the site and accordingly a sense of openness is maintained despite the non-compliance.
- The non-compliant roof and wall elements are located approximately 160 metres from Morgan Road and due to the topography of the site will not be discernible in a streetscape context.
- The non-compliant roof and wall elements will not give rise to any adverse amenity or streetscape consequences and do not contravene any general principles of development control.

- The non-compliant building height elements will not contravene any state planning policies.

The resulting development, notwithstanding the building height breaching elements, is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy. As such strict compliance is both unreasonable and unnecessary under such circumstances.

Front Building Setback – Clause 20 variation

Pursuant to this standard the minimum front building setback to all roads is 20 metres. All proposed works, with the exception of the proposed below ground rainwater tank which is setback 10 metres from the Morgan Road frontage, are located well in excess of 20 metres from the front property boundary with the proposed dwelling located approximately 160 metres from Morgan Road. Although the rainwater tank is located below ground and will not be discernible as viewed from the street it does represent a technical non-compliance with the standard.

Again, Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed to the 20 metre front building setback standard is considered acceptable for the following reasons:

- The non-compliant rainwater tank is located below ground and to that extent will not give rise to any adverse streetscape or residential amenity impacts.
- The balance of the front setback area is available for landscaping as detailed on the accompanying landscape plan.
- The rainwater tank does not require the removal of any trees, significant vegetation or natural features.

- A complying area of landscaped open space is provided on the site and accordingly a sense of openness is maintained despite the non-compliance.
- The non-compliant water tank will not give rise to any adverse amenity or streetscape consequences and do not contravene any general principles of development control.
- The non-compliant rainwater tank will not contravene any state planning policies.

The resulting development, notwithstanding the front building setback breaching rainwater tank, is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy. As such strict compliance is both unreasonable and unnecessary under such circumstances.

Side and Rear Building Setback

Pursuant to this provision development is to maintain a minimum 10 metre setback to the side and rear boundaries. The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

The large size of the block ensures that the dwelling complies with the side and rear setback controls it being noted that driveways are allowable encroachments within the side and rear boundary setbacks. The northern portion of the proposed swimming pool and adjacent access stairs do however encroach within the prescribed 10 metre rear setback by up to 6 metres.

Again, Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed to the 10 metre rear setback standard is considered acceptable for the following reasons:

- The non-compliant swimming pool and access stair structures are located approximately 190 metres from the front boundary of the property and to that extent will not be discernible in a streetscape context.
- The non-compliant swimming pool and access stair structures are located approximately 107 metres from the nearest residential receiver being the property to the west Lot 169 Morgan Road. Given the height of these structures relative to existing ground level, and the spatial separation maintained to surrounding development, the non-compliant swimming pool and access stair structures will not give rise to any adverse residential amenity impacts.
- The balance of the rear setback area is available for landscaping as detailed on the accompanying landscape plan.
- The non-compliant rear boundary setback structures do not require the removal of any trees, significant vegetation or natural features.
- A complying area of landscaped open space is provided on the site and accordingly a sense of openness is maintained despite the non-compliance.
- The non-compliant rear boundary setback structures will not give rise to any adverse amenity or streetscape consequences and do not contravene any general principles of development control.
- The non-compliant swimming pool and access stair structures will not contravene any state planning policies.

The resulting development, notwithstanding the rear boundary setback breaching swimming pool and access stair structures, is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy. As such strict compliance is both unreasonable and unnecessary under such circumstances.

Landscaped Open Space

The minimum area of landscaped open space is 30 per cent of the site area. To measure an area of landscaped open space –

- (a) impervious surfaces such as driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks and the like and any areas with a width or length of less than 2 metres are excluded from the landscaped open space area, and*
- (b) the water surface of swimming pools and impervious surfaces that occur naturally such as rock outcrops are included in the landscaped open space area, and*
- (c) landscaped open space must be at ground level, and*
- (d) the minimum soil depth of land that can be included as landscaped open space is 1 metre.*

The size of the block of land ensures this control is satisfied with 32% of the site being retained as landscaped open space and enhanced with landscaping treatments identified on the landscape plan.

4.3.2.2 General Principles of Development Control

The following general principles of development control apply to the proposed development on this particular site. Only the applicable General Principles have been addressed and as identified in the Council pre-DA meeting minutes (PLM2018/0158).

Clause 38 - Glare and reflection

Pursuant to the clause 38 WLEP 2000 development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.

The proposed development incorporates materials and finishes which will minimise reflection. It is considered that appropriate measures have been incorporated into the design of the development to address the general principle with regards to glare and reflection. A schedule of materials and finished accompanies this application (plan a5101(c)).

Clause 42 - Construction sites

Pursuant to clause 42 construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.

The construction will not unreasonably impact on the local environment and all appropriate measures and construction working hours will be implemented.

Clause 43 - Noise

Pursuant to clause 43 development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.

It is considered that the proposed use represents a low intensity, low impact use, consistent with the primary residential uses anticipated by the Desired Future Character Statement as described in the B2 Oxford Falls Locality Statement.

Clause 44 - Pollutants

No development is to be carried out which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the use from existing or likely future development on other land in the locality), would result in the emission of atmospheric (including odours), liquid or other pollutants which would unreasonably diminish the amenity of adjacent properties, the locality or waterways.

A Waterways Impact Statement has been prepared and accompanies this application. A detailed erosion and sediment control plan has been prepared and will mitigate any potential adverse risk to the downslope water bodies.

Clause 48 – Potentially contaminated land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given that the site has historically been used for non-urban residential purposes with the proposed new dwelling generally located in the area of the site occupied by the existing dwelling house.

Given the above factors no further investigation of land contamination is warranted at this time. The site is suitable in its present state for the continuation of the existing residential use of the land. Therefore, pursuant to the provisions of SEPP 55 and clause 48 of WLEP 2000, Council can consent to the carrying out of development on the land.

Clause 49 – Remediation of contaminated land

As outlined above no contaminated land remediation is required.

Clause 49A - Acid sulfate soils

Council record indicate that the land is not affected by acid sulfate soils.

Clause 50 - Safety and Security

Pursuant to clause 50 development is to maintain and where possible enhance the safety and security of the locality. In particular:

- buildings are to overlook streets as well as public and communal places to allow casual surveillance,
- service areas and access ways are to be either secured or allow casual surveillance,
- there is to be adequate lighting of entrances and pedestrian areas,
- after hours land use activities are to be located along primary pedestrian routes,

- public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and
- entrances to buildings are to be from public streets wherever possible.

The dwelling provides for acceptable levels of safety and security in regard to casual surveillance. The driveway entrance will be appropriately lit to provide adequate night-time safety.

Clause 51 - Front Fences and walls

Fences, including side fences, located within the street setback area (as identified in the Locality Statement) are to be compatible with the existing streetscape character unless the applicable Locality Statement provides otherwise.

Fences are to be constructed so as to allow for casual surveillance except on main roads where it can be demonstrated that a solid fence is consistent with the existing streetscape and is required to mitigate traffic noise. Where solid fences are required, they are to be articulated to provide visual interest or set back to allow for landscaping to adequately soften and screen the appearance of such fences.

The existing front fencing is retained.

Clause 52 – Development near parks, bushland reserves and other public open spaces

Given that the proposed dwelling and replaces an existing dwelling generally in the location proposed, the development will not be perceived as inappropriate or jarring as viewed from any available public viewpoint. The additional landscaping proposed will soften and screen the development and ensure that it will be complementary to the landscape and not visually dominant when viewed from any public domain.

Clause 54 – Provision and location of utility services

Clause 54 requires that utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and satisfactory management of sewage and drainage. In this regard we confirm the following:

Water - The site is serviced with town water.

Sewerage - The development relies on an upgrade to the existing on-site wastewater treatment system as detailed within the accompanying Wastewater Management Plan prepared by Strategic Environmental & Engineering Consulting.

Electricity - Electricity supply is available.

Telephone - Telephone services are available.

Clause 56 - Retaining distinctive environmental features on sites

Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land. In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops and remnant bushland.

The majority of the site will retain its distinct natural features including rock outcrops. It is considered that by locating the proposed dwelling generally in the location of the existing dwelling that the development has been designed to result in the least amount of impact to the environmental value of the local area.

Clause 57 - Development on sloping land

On sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope.

In particular:

- the amount of fill is not to exceed more than 1 metre in depth, and
- fill is not to spread beyond the footprint of the building, and
- excavation of the landform is to be minimised.

The geotechnical stability of sloping land to support development is to be demonstrated.

A geotechnical report has been prepared by White Geotechnical Group. It provides recommendations to be adhered to during the construction of the dwelling.

Clause 58 - Protection of existing flora

Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.

The accompanying arborist advice prepared by Koala Arbor confirms that the proposed works do not require the removal of any significant trees or vegetation. The application also proposes the implementation of an extensive integrated landscape regime as depicted on the accompanying plans prepared by Paul Bangay with the proposed landscaping significantly enhancing the landscape quality of the site and softening and screening the built form.

Clause 59 - Koala habitat protection

The site does not contain any trees suitable for koala habitat.

Clause 61 - Views

The proposed development will not result in any significant view loss impacts for neighbouring residential developments.

As previously indicated, the proposed development will maintain a view sharing outcome with the only immediately adjoining property to the west of the site Lot 169, DP 752038 Morgan Road. The view sharing outcome is depicted in Figure 8 over page.



Figure 8 - Montage showing view sharing outcome maintained from the upper balcony of the western neighbour

The development is consistent with principals of view sharing outlined in the planning principal *Tenacity vs Warringah Council*.

Clause 62 - Access to Sunlight

Pursuant to clause 62 requires that development is not to unreasonably reduce sunlight to surrounding properties.

The shadow diagrams provided in the architectural drawings demonstrate that no shadows will be cast over adjoining buildings or adjacent private open space areas.

Clause 65 - Privacy

Given the significant spatial separation between the proposed development and adjoining properties it is considered that there will be no risk to visual or acoustic privacy associated with the new dwelling.

Clause 63 - Landscape open space

Landscaped open space is to be of such dimensions and slope and of such characteristics that it will:

- enable the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality, and
- enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale, and
- enhance privacy between dwellings, and

- accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants, and
- provide space for service functions, including clothes drying, and
- facilitate water management including on-site detention and the infiltration of stormwater, and
- incorporate the establishment of any plant species nominated in the relevant Locality Statement, and
- enable the establishment of indigenous vegetation and habitat for native fauna, and
- conserve significant features of the site.

A detailed landscape plan and plant schedule has been prepared. The landscaping treatments proposed to surround the new dwelling will maintain and enhance the natural existing bushland setting. A range of native species have been proposed with landscaped open space exceeding the minimum 30% site area standard.

Clause 66 - Building bulk

The proposed building is 1 and 2 storey in height and maintains significant spatial separation to the street and the nearest residential receivers. The generous setbacks allow for landscaping treatments which will ensure the dwelling is appropriately screened and softened as viewed from outside the site.

The design of the dwelling has been appropriately articulated into 3 pavilions and utilises a range of materials and finishes. This creates a visually interesting dwelling with no continuous solid walls which would increase the risk of visual bulk. The proposed development will not give rise to any adverse visual impacts. In forming such opinion, we rely on the montage images at Figure 7.

Clause 67 - Roofs

Pursuant to clause 67 roofs are to compliment the local skyline. The proposed roof forms have been architecturally designed in a contemporary style that complements the non-urban skyline through the provision of a conventionally pitched hip roof form. The roof form will not be perceived as inappropriate or jarring in such context.

Clause 68 - Conservation of energy and water

A BASIX certificate is provided.

Clause 70 - Site Facilities

The development site contains suitable areas to accommodate required site facilities without giving rise to adverse streetscape or residential amenity impacts.

Clause 71 - Parking Facilities (Visual Impact)

Clause 71 requires parking facilities to be sited and designed so as not to dominate the street frontage or other public spaces.

The development provides integrated garage accommodation for 3 vehicles. The garage is integrated into the dwelling and will not be discernible as viewed from the street.

Clause 75 – Design of carparking areas

Clause 75 requires that the design of car parking areas is to be provided in accordance with the most recent “Guide to Traffic Generating Developments” (NSW Roads and Maritime Service) and applicable Australian Standards.

In accordance with Schedule 17 of WLEP, 2 car parking space is required per dwelling. A 3 car garage is proposed compliant with this control. The design of the driveway ensures that cars can enter and exit in a safe manner.

Clause 76 - Management of stormwater

Detailed stormwater management plan, including driveway drainage and erosion and sediment control plans, have been designed by NB Consulting Engineers.

Clause 78 - Erosion and sedimentation

Soil and Water management plans have been prepared by NB Consulting Engineers.

Clause 83 - Development of known or potential archaeological site

The subject site is not identified as containing known or potential archaeological relics.

4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The developments performance when assessed against the applicable statutory planning controls has been comprehensively addressed within this statement.

Whilst the application relies on a Clause 20 WLEP 2000 variation request in support of a variation to the building height, front setback and rear setback standards, strict compliance has been found to be unreasonable and unnecessary given the resulting developments consistency with the desired future character of the locality, the general principles of development control and the relevant State Environmental Planning Policies.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
 - *the character and amenity of the locality and streetscape?*
 - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
 - *the previous and existing land uses and activities in the locality?*

The contention of this development application is that the proposed use is consistent with the existing character of the locality. The built form is generally consistent with the relevant built form controls that apply to the site and therefore the scale, bulk and height of the development is considered to be appropriate in the locality.

ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

It is considered that the development provides adequate car parking facilities.

Public domain

The proposed development will have no additional impact on the public domain (ie roads, parks etc.).

Utilities

Utility services will be provided to the development in compliance with Sydney Water and Subsequent Local Government Act.

Waste collection

Normal residential waste collection applies to this development.

Natural hazards

The site is bushfire prone and is a sloping site. These matters have been addressed in detail in the report.

Economic impact in the locality

The development will generate employment during construction and post occupation. A positive economic impact will result from the proposed development.

Site design and internal design

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*

- *likely compliance with the Building Code of Australia?*

The proposal will comply with the relevant BCA standards pertaining to residential dwellings.

Construction

- i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints.

Are the site attributes conducive to development?

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

Any submissions received in accordance with this Act or the regulations.

It is envisaged that Council will appropriately consider any submissions received.

The public interest.

It is considered that the development is sensitive both to the natural and built environments and is consistent with the general principles, desired future character and built form controls. The development would not be contrary to the public interest.

5.0 CONCLUSION

The proposed Category 2 development involving the construction of a new single residential dwelling has been found to be consistent with the desired future character of the B2 Oxford Falls locality and is appropriately described as a low intensity and low impact use.

The development will not alter the character of the existing locality in that the use is consistent with the low density non-urban character of the area. The built form of the development is consistent with the relevant built form controls and results in a minimal environmental impact. Having regard to the detailing of the application as contained within this statement we have formed the opinion that the site is suitable for the development as proposed.

Whilst the application relies on a Clause 20 WLEP 2000 variation request in support of a variation to the building height, front setback and rear setback standards, strict compliance has been found to be unreasonable and unnecessary given the resulting developments consistency with the desired future character of the locality, the general principles of development control and the relevant State Environmental Planning Policies.

The proposed development succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended and it is therefore my opinion that the application should be granted development consent.

Boston Blyth Fleming Pty Limited



Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director