



Warringah Council

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Shaylin Moodliar
Address / Property Description: Lot 161 DP 854859, 2B Lancaster Crescent Collaroy NSW 2097

Proposal: Construction of a new garage, retaining wall and associated landscaping works.
Development Application No: DA2009/0020
Plans Reference: DA01-DA09 Revision A (dated 30 November 2008)
Applicant: Frits Mare
Owner: Jacqueline Stedman
Application Lodged: 9 January 2009
Amended Plans: There are no amended plans

Locality: D5 Long Reef
Category: Category 2 - other buildings, works places or land uses that are not prohibited or in Category 1 or 3.
Clause 20 Variations: YES (Front and side setback) - supported
Land and Environment Court Action: NO
Referred to IHAP: NO
Referred to ADP: NO

SUMMARY

Submissions: 19/01/2009 to 03/02/2009 (Notification Period) – Nil
Outside Notification Period - Nil
Submission Issues: Nil
Assessment Issues: non-compliances with the front and side boundary, bulk and scale, streetscape and character,
Recommendation: Approval, subject to conditions.
Attachments: Plans, reports and submissions

LOCALITY PLAN (not to scale)



Subject Site: Lot 161 DP 854859, 2B Lancaster Crescent Collaroy NSW 2097

Notified Residences: Under the provisions of the applicable Development Control Plan the subject application has been notified to the adjoining property owners and occupiers. As such, there were **11** notification letters sent.

The properties notified were consistent with the notification list and notification plan.

SITE PHOTOS



Figure 2. Existing front view of No. 2B Lancaster Crescent. Photo taken 10 March 2009



Figure 3. Proposed location of new garage to No. 2B Lancaster Crescent. Photo taken 10 March 2009

SITE DESCRIPTION

The subject site is described as Lot 161 DP 854859, commonly known as No. 2B Lancaster Crescent Collaroy, with vehicle access via Lancaster Crescent. The site is generally an irregularly five-sided square in shape with a site area of approximately 638sqm in size. The site has a northeastern front boundary measuring 27.925m, a southern side boundary measuring 32.185m, a western rear boundary measuring 18.275m and a northwestern side boundary measuring 26.16m.

Topographically the site is located mid-slope on the western side of Lancaster Crescent with a steep 11.8m fall (or 36% gradient slope) from the rear to front of the property. The natural contours have been modified for stone retaining walls, raised garden beds and the existing dwelling. Apart from the 36% gradient slope of the subject site and a small natural rock outcrop in the rear yard, there are no other unique site constraints within the subject site.



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The subject site currently contains a one-and-two storey detached weatherboard dwelling with provisions for a single (1) carparking space within the existing front setback. The site is adjoined to the south by two storey detached brick dwelling (No. 2 Lancaster Crescent), to the northwest by a two-storey detached weatherboard dwelling (No. 5 Bedford Crescent) and to the west by single-storey brick residence dwelling (No. 16 Suffolk Avenue).

RELEVANT BACKGROUND

There is no relevant site history that would affect the assessment of this development application.

PROPOSAL IN DETAIL

The applicant seeks Council consent for the:

- Excavation into the slope of the site to allow the construction of a new double garage
- New landscaped planter boxes on top of the new garage and along new landscaped stairs
- New landscape stairs connecting to existing stairs
- New rendered concrete front fence
- New 5.6 metre long retaining wall to replace existing stone retaining wall along the northwestern side boundary

AMENDMENTS TO THE PLAN

There are no amended plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) SEPP No. 55 – Remediation of Land
- d) SEPP BASIX
- e) SEPP Infrastructure
- f) Warringah Local Environment Plan 2000
- g) Section 94A Development Contributions Plan
- h) Warringah Development Control Plan
- i) Draft Environmental Planning Instruments

REFERRALS

Landscape Assessment

15 January 2009 - Council's Landscape Assessment Officer has reviewed the development and has raised no issues to the proposal, subject to conditions.

Development Engineering

4 February 2009 - Council's Development Engineer has reviewed the proposal, and apart from the requested change in the garage floor level to RL 48.35, has raised no further objections to the proposal, subject to conditions.



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NOTIFICATION & SUBMISSIONS RECEIVED

The application was notified between 19 January 2009 and 3 March 2009 for a notification period of 14 days to 11 adjoining and nearby properties. No submissions were received in response to the application.

MEDIATION

Mediation was not requested for this development application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	Refer to discussions on Environmental Planning Instruments as contained in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Refer to discussions on Draft Environmental Planning Instruments as contained in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan is applicable to this application and the relevant provisions are considered in this report.
Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to impose a condition requiring compliance with the Building Code of Australia.</p> <p>Clause 92 of the EPA Regulations 2000 requires Consent Authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>.</p>
Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.</p>
Section 79C (1) (c) – The suitability of the site for the development	<p>The proposed development is sited within an established residential locality, maintaining the existing residential use of the site.</p> <p>The proposed development maintains a compatible land-use for the site and is not considered to result in any adverse impacts on the adjoining properties or on the locality. It is considered that the subject site is suitable for the proposed works.</p>
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	In regards to public submissions refer to the discussion on "Notification & Submissions" within this report.
Section 79C (1) (e) – The public interest	The wider public interest is served by the continued maintenance of the site, and its ability to provide an appropriate land-use within this locality.



State Environmental Planning Policies

SEPP Infrastructure - Clause 45

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

SEPP No. 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP - Building Sustainability Index: BASIX 2004 (SEPP BSI)

In accordance with Schedule 1 of the Regulations and SEPP BSI a BASIX Report was submitted in support of the application demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets. In this regard, the subject application is considered to satisfy the provisions of the Regulations and the SEPP BSI.

Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies applicable to this application.

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the D5 Long Reef Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

The Long Reef locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.



Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

Development on the site of the “Old Collaroy Hospital” located on land known as Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645 will continue to be used only for health related uses. The northern portion of this site, adjacent to Birdwood Avenue, will be dedicated for the purposes of public open space. Any future development of the old Collaroy Hospital Site will be sympathetic to the pattern, scale and landscape character of the street and surrounding development. In addition any development of the site will address the heritage significance of the existing building known as the “Beach House” located at the corner of Beach Road and Brissenden Avenue.

The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved. Buildings on prominent hillsides or hill tops must be designed to integrate with the natural landscape and topography and minimise their visual impact when viewed from afar.

The existing bushland on the Salvation Army site will be preserved. Building and development along the beachfront will address the current and future hazards of wave impact and coastal erosion.

The locality will continue to be served by a local retail centre in the area shown on the map. Buildings greater than 2 storeys in height within this centre are to be designed so that the massing is substantially reduced on the top floors thereby reducing the visual bulk of the development and enabling views between buildings. Future development in the local retail centre will also be in accordance with the general principles of development control provided in clause 39.

The proposed development is identified as Category 2 (other buildings, works places or land uses that are not prohibited or in Category 1 or 3) development, pursuant to Clause 6 of Warringah LEP 2000 and defined as other buildings.

Notwithstanding, as the proposal involves variations to Built Form Controls, Clause 20 of WLEP 2000 requires a higher consistency test of the development against the Desired Future Character Statement (DFC).

Accordingly, it is considered that the proposal is consistent with the DFC for the following reasons:

- The proposed works maintain the detached style character of the existing dwelling. It is considered that the proposed works provide a complementary land use to the existing residential use. As such, the proposal is considered to satisfy this requirement.
- The bulk and scale of the proposal is considered to be consistent with that of the surrounding residential dwellings and the envisaged development for the locality. The proposed new garage within the front building setback is



consistent with adjoining properties. The streetscape will be characterised by landscaped planter boxes which is, in regard to the site topography, consistent with the adjoining properties. Further, the proposed works provide consistency with the visual pattern and predominant scale of development within the streetscape. No subdivision works are proposed as part of this application. As such, the proposal is considered to satisfy this requirement.

- The subject site is not unduly constrained by significant environmental features, except for a small natural rock outcrop in the rear yard. The proposed works will preserve this natural rock outcrop. The subject site is located within a well-established residential area interspersed with native and exotic plantings. The proposed development will require the removal of some vegetation on the site as a result of excavation and engineering construction of the new garage and retaining wall, which has been assessed as not being significant species. Council's Landscape Assessment Officer has reviewed the development and has raised no issues to the proposal, subject to conditions. Further, the subject site is designed to integrate with the natural landscape and topography. As such, the proposal satisfies this requirement.
- The proposed works are for private residential use and are not associated with the surrounding local retail centres, bushland on the Salvation Army site, the old Collaroy Hospital site, or the buildings along the beachfront. As such, the proposal is not considered subject to this requirement.

Built Form Controls for Locality D5 Long Reef

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Building Height Metres	8.5metres	6.25m (retaining wall height behind the proposed garage)	Complies	YES
Building Height: Natural ground to upper ceiling (metres)	7.2metres	N/A	No Comment	N/A
Front Setback	6.5metres	Nil	See Clause 20 variation below.	NO
Housing Density	1per/600sqm	1per/638sqm	Existing and unchanged	YES
Landscaping	40% of site (255 sqm)	Existing and Proposed: 16% of site (133.5 sqm)	Existing and unchanged	No change
Rear Setback	6metres	N/A	Existing and unchanged	No change
Side Boundary Envelope	4metres/45 degrees	4metres/45 degrees	Complies	YES
Side Setbacks	900mm	Northwest: Nil South: 900mm	See Clause 20 variation below.	NO

Clause 20 Variation

Pursuant to Clause 20 of WLEP 2000, consent may be granted to proposed development notwithstanding that the development does not comply with one or more of the abovementioned development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant Statement Environmental Planning Policies.



Does the Proposal Qualify for a Clause 20 Variation?

In determining whether the proposal qualifies for a Clause 20 variation under WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20 (refer to General Principles table in the Assessment Report for a detailed assessment of compliance with the General Principles.)

(ii) Desired Future Character of the Locality

The subject site is located within the D5 Long Reef Locality, which, in the locality of the subject site, is characterised by residential uses. The proposal is considered to be consistent with the Desired Future Character of the locality as it maintains a residential character in conjunction with the proposal having a similar bulk, scale and form of adjoining and surrounding development, further, maintaining the existing landscaped setting of the locality. As such, the proposal is considered to satisfy this component of Clause 20. (Refer to discussion in assessment report on consistency with the DFC).

(iii) Relevant State Environmental Planning Policies

The provisions of the relevant State Environmental Planning Policies have been considered in the assessment of the application and considered satisfactory. Accordingly, the proposal satisfies this criterion of Clause 20.

Description of variations sought and reasons provided:

Side Setback

Required: The subject site falls within the D5 Long Reef Locality and as such is subject to the Side Setback Control of 0.9metres.

Proposed: The proposed retaining wall on the north-western side boundary will have a nil setback.

Response: In assessing this non-compliant element of the proposal, it is necessary to consider the intent of the Side Setback control, as assessed below:

Objective 1: *Ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment: The bulk of the proposed development is within the permissible building envelope and incorporates a design that provides visual relief and visual interest. The bulk of the proposed retaining wall is considered to integrate with the site topography and does not result in any significant element that contributes to an unreasonable sense of visual dominance or building bulk.

Objective 2: Preserve the amenity of the surrounding land.

Comment: It is considered that the non-compliance to the side setback will not contribute to the level of overshadowing to the adjoining dwellings. The site is located within an established residential neighbourhood, and there is no significant view corridor currently obtained from the subject site. Accordingly, it is considered that the breach to the north-western Side Setback Built Form Control will not result in any significant impact to view sharing and is not considered likely to be visually intrusive to any surrounding area. Furthermore, it is considered that the proposed works will not result in any unreasonable impact to privacy, both visual and acoustic, as currently enjoyed by the adjoining occupants.

Objective 3: Ensure that development responds to site topography.

Comment: The proposed works are contained over the existing building footprint and does not result in any substantial alteration to the natural landform. The subject site is considered to be topographically constrained, with a 36% gradient slope towards the front of the site. Excavation works are required for the construction of the new garage, and it is considered that the proposed works are predominantly commensurate with the site topography.

Objective 4: Provide separation between buildings.

Comment: The proposed development maintains the existing side setback from that of the lower ground floor on the northwest elevation. The proposed works provide adequate provision for landscaped and private open space, and provide adequate separation between dwellings with a definitive visual relief to the built form. The non-compliance to the side boundary is considered satisfactory, as these elements maintain a satisfactory sense of openness and separation between dwellings. Accordingly, it is considered that the existing and proposed dwelling provides adequate separation between buildings.

Objective 5: Provide opportunities for landscaping.

Comment: There is no alteration to the existing provision of soft landscaping as the proposed works are predominantly over the existing building footprint. Notwithstanding, assessed on its merits, it is considered that the existing provision of landscaped open space provides an adequately sized area for the establishment of landscaping works, commensurate with the height and scale of the proposed development.

Objective 6: Create a sense of openness.

Comment: The proposed works provide adequate provision for landscaped and private open space, and provide adequate separation between dwellings with a definitive visual relief to the built form. It is considered that the proposal predominantly maintains the existing pattern of development within the established streetscape with regard to bulk and scale. As such, there will be no significant cumulative impact to the bulk and scale when viewed from the streetscape, therefore maintaining a sense of openness to the subject site.



Front Setback

Required: The subject site falls within the D5 Long Reef Locality and as such is subject to the Front Setback Control of 6.5metres.

Proposed: The proposed new garage will have a nil front setback to Lancaster Crescent.

Response: In assessing this non-compliant element of the proposal, it is necessary to consider the intent of the Front Setback control, as assessed below:

Objective 1: Create a sense of openness.

Comment: The proposed works provide adequate provision for landscaped and private open space, and provide adequate separation between dwellings with a definitive visual relief to the built form. It is considered that the proposal predominantly maintains the existing pattern of development within the established streetscape with regard to bulk and scale. As the subject site is topographically constrained by a 36% gradient slope from the rear to the front of the allotment, it is considered that the proposal maintains the existing pattern of carparking structures within the established streetscape. As such, there will be no significant cumulative impact to the bulk and scale when viewed from the streetscape, therefore maintaining a sense of openness to the subject site.

Objective 2: Provide opportunities for landscaping.

Comment: There is no alteration to the existing provision of soft landscaping as the proposed works are entirely over the existing building footprint. Notwithstanding, assessed on its merits, it is considered that the existing provision of landscaped open space provides an adequately sized area for the establishment of landscaping works, commensurate with the height and scale of the proposed development.

Objective 3: Minimise the impact of development on the streetscape

Comment: The proposed works are contained over the existing building footprint and does not result in any substantial alteration to the natural landform. As the subject site is topographically constrained by a 36% gradient slope from the rear to the front of the allotment, it is considered that the proposal maintains the existing pattern of carparking structures within the established streetscape. Excavation works are required for the construction of the new garage, and it is considered that the proposed works are predominantly commensurate with the site topography. As such, there will be no significant cumulative impact on the existing streetscape, therefore the proposed development is considered to minimise the impact on the streetscape through landscaped planter boxes to the subject site.

Objective 4: Maintain the visual continuity and pattern of buildings, front gardens and landscape elements

Comment: As the subject site is topographically constrained by a 36% gradient slope from the rear to the front of the allotment, it is considered that the proposal maintains the existing pattern of carparking structures within the established streetscape. The proposed development within the front setback is similar to that of adjoining properties, whereby, the topography of the site restricts carparking structures to be



located within the front setback. As such the proposed development has limited opportunities to provide a 6.5 metre front setback, and the proposed new garage maintains the visual continuity and pattern of buildings and landscape elements to the adjoining neighbours.

Objective 5: *The provision for corner allotments relates to street corners*

Comment: The subject site is not located on a corner allotment, therefore, this objective does not apply to the development application.

Clause 20 Variation – Supported

Having regard to the above, it is considered that the proposal, notwithstanding the numerical variation to the Side and Front Setback control for the locality, is consistent with the Desired Future Character statement for the D5 Long Reef Locality.

The proposed works are not considered to become visually dominant by virtue of its height and bulk, and preserves the amenity of the surrounding land. In addition, the works are considered to respond to site topography, providing separation between buildings, opportunities for landscaping and maintains a sense of openness. The numerical non-compliance does not pose any adverse affect on the amenity of the adjoining properties and will remain consistent with the surrounding streetscape.

Accordingly, variation to the Built Form Control is supported under Clause 20 of WLEP 2000.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	The Development does not result in overspill or glare from artificial illumination, or sun reflection, and does not unreasonably diminish the amenity of the locality. The development is satisfactory in addressing the General Principle.	YES
CL39 Local retail centres	NO	No Comment	N/A
CL40 Housing for Older People and People with Disabilities	NO	No Comment	N/A
CL41 Brothels	NO	No Comment	N/A
CL42 Construction Sites	YES	The proposed construction site will not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment and is satisfactory in addressing the General Principle. Appropriate standard conditions would adequately address the construction requirements associated with the building works proposed on the site.	YES, subject to conditions
CL43 Noise	YES	With regard to Clause 43 <i>Noise</i> of the WLEP 2000, the proposed development does not result in noise emission which would unreasonably diminish the amenity of the area and the proposed development will neither enhance nor reduce the existing noise generating activities, and furthermore, the proposed development is designed to	YES



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General Principles	Applies	Comments	Complies
		mitigate the effect of that noise.	
CL44 Pollutants	YES	The subject site has only previously been used for residential purposes and as such is unlikely to contain any pollutants; therefore the provisions of this principle have been satisfactorily addressed.	YES
CL45 Hazardous Uses	NO	No Comment	N/A
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	NO	No Comment	N/A
CL48 Potentially Contaminated Land	YES	The site has historically been used for residential purposes, there is no evidence to suggest that the site is contaminated.	YES
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulfate Soils	NO	No Comment	N/A
CL50 Safety & Security	YES	The proposal will not be detrimental to the safety and security of the locality.	YES
CL51 Front Fences and Walls	YES	With regard to Clause 51 <i>Front Fences and Walls</i> of the WLEP 2000, the proposed development would not unreasonably diminish the amenity of the area and the proposed development will neither enhance nor reduce the existing traffic noise, and furthermore, the proposed development is designed through landscaped planter boxes to be compatible with the existing Lancaster Crescent streetscape character.	YES
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	NO	No Comment	N/A
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	YES	The site is satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. The development meets the requirements of Clause 54 of WLEP2000.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	YES	<p>Apart from the existing natural rock outcrop in the rear yard, there are no other unique or significant environmental features located on the subject site such as, remnant bushland or natural watercourses.</p> <p>Council records do not indicate that the subject site contains any threatened flora or habitat for fauna species and as such, the proposed development is considered satisfactory in addressing the objectives of this General Principle.</p>	YES
CL57 Development on Sloping Land	YES	The proposal is designed to minimise disturbance of the site and respond to the topography by stepping down the slope and minimising cut/fill.	YES
CL58 Protection of Existing Flora	YES	The Development is sited and designed to minimize the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species and is satisfactory in addressing the General Principle.	YES
CL59 Koala Habitat Protection	NO	No Comment	N/A
CL60 Watercourses & Aquatic Habitats	NO	No Comment	N/A
CL61 Views	YES	The subject site is located within an established residential locality and as such, there are no significant	YES



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General Principles	Applies	Comments	Complies
		<p>view corridors obtained from, or across the subject site, which would be unreasonably impacted by the proposed development.</p> <p>Accordingly, it is considered that the development is satisfactory in addressing the objectives of this General Principle.</p>	
CL62 Access to sunlight	YES	<p>The provisions of Clause 62 provides that development is not to unreasonably reduce sunlight to surrounding properties specifically sunlight, to at least 50% of the principal private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.</p> <p>This is achieved by the proposal due primarily to the orientation of the subject site which is predominantly east-west. Accordingly, it is considered that the property to the south (No. 2 Lancaster Crescent) will retain more than 50% of sunlight for periods greater than 2 hours. Furthermore, it must be noted that the proposal is below the maximum height limits, reducing the amount of possible overshadowing that would otherwise be possible. Therefore, it is considered that reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle.</p>	YES
CL63 Landscaped Open Space	NO	No comment	N/A
CL63A Rear Building Setback	NO	No comment	N/A
CL64 Private open space	NO	No comment	N/A
CL65 Privacy	YES	<p>This General Principle seeks to ensure that development does not cause unreasonable direct overlooking of habitable rooms and principle private open spaces of other dwellings.</p> <p>Accordingly, the proposal is considered satisfactory in addressing the objectives of this General Principle.</p>	YES
CL66 Building bulk	YES	<p>The development is considered to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and does not visually dominate the street or surrounding spaces. The development is consistent with the predominant pattern and scale of development in the immediate locality.</p> <p>Furthermore the proposal maintains the visual continuity and pattern of buildings and does not result in any adverse impacts to adjoining properties.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES
CL67 Roofs	YES	<p>The proposed roof form integrates with the design of the building and is consistent with other surrounding modern developments within the streetscape.</p> <p>It is considered that the roof form provides visual interest by articulating elements, integrating with the architectural design of the dwelling and with the roof forms of the existing adjoining dwellings.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions



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General Principles	Applies	Comments	Complies
CL68 Conservation of Energy and Water	YES	<p>The development incorporates features into the design that are consistent with energy and water use conservation, to provide a more favourable environmentally sustainable development.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions.
CL69 Accessibility – Public and Semi-Public Buildings	NO	No Comment	N/A
CL70 Site facilities	YES	<p>The site contains adequate space for general waste and recycling storage and open air clothes drying facilities which will be suitably screened from the street and is therefore considered acceptable in this regard.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions
CL71 Parking facilities (visual impact)	YES	<p>The site currently provides for a hard car-standing area. This element is incorporated into the design of the alterations and additions and does not result in any alteration to the existing carparking facilities.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions
CL72 Traffic access & safety	YES	<p>The site is located on a local road network. Accordingly, the traffic using this part of Lancaster Crescent would be generally small volumes of local traffic. The proposed works will not change the existing traffic access and safety.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions
CL73 On-site Loading and Unloading	NO	No Comment	N/A
CL74 Provision of Carparking	YES	<p>Two (2) car spaces will be provided in the proposed development, satisfying the parking requirements of Schedule 17 of the Warringah LEP 2000.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions
CL75 Design of Carparking Areas	YES	<p>The proposed works have been designed to provide safe manoeuvring opportunities for vehicles on-site and satisfying the requirements of this general principle.</p> <p>As such, no further consideration of the merit of the proposal is required under this General Principle.</p>	YES, subject to conditions
CL76 Management of Stormwater	YES	<p>The proposed works are fully contained over the existing building footprint. As such, there is no significant increase to the net impervious surface area from the proposed alterations and additions. Accordingly, On-site Stormwater Detention (OSD) is not required.</p> <p>The subject site maintains an adequate provision of landscaped open space so as to allow for the infiltration of stormwater runoff.</p> <p>Accordingly, the proposal is considered to satisfy the intent of this General Principle.</p>	YES, subject to conditions
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	YES	<p>Development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion.</p>	YES, subject to conditions



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General Principles	Applies	Comments	Complies
		Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site is considered satisfactory to meet the requirements of Clause 78 of WLEP 2000. Accordingly, the proposal is considered to satisfy the intent of this General Principle.	
CL79 Heritage Control	YES	A site inspection and desktop GIS study revealed that the site has no local or state heritage significance, nor is located in a heritage conservation area. Accordingly, with regard to the intent of this General Principle, no further consideration of the merit of the proposal is required.	YES
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No Comment	N/A
CL81 Notice to Heritage Council	NO	Repealed	N/A
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	NO	No Comment	N/A

SCHEDULES

A detailed assessment with regard to the provisions of the relevant Schedules of Warringah Local Environmental Plan 2000 is as follows:

Schedule 8 - Site analysis

A Site Analysis plan was submitted as part of this application and is considered satisfactory in addressing the requirements of this Schedule.

Schedule 17 - Carparking Provision

Two (2) car parking spaces of satisfactory dimensions are proposed within the existing housing arrangement, satisfying the requirements of Schedule 17.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments applicable to this development application.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

The development application was lodged on 9 January 2009 as such is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The Section 94A Contribution is calculated in the table below:



Warringah Council

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	103,290.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$465	6923
S94A Planning and Administration	0.05%	\$52	6924
Total	0.5%	\$517	

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Warringah Local Environmental Plan 2000 and the relevant codes and policies of Council.

The proposal is considered to be consistent with the desired future character of this locality given the consistency with the existing landscaped setting, visual pattern and predominant scale of detached housing within the existing established streetscape. Notwithstanding the numerical non-compliance to Front Building and Side Setback Built Form Controls, the proposal is considered to meet the requirements of the Built Form Controls, and, furthermore satisfactorily addresses the General Principles of Development Control, therefore is considered an acceptable development in this regard.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval, subject to conditions.

RECOMMENDATION (APPROVAL)

A. That the Development Application No: DA2009/0020 for the construction of a new garage, retaining wall and associated landscaping works, at Lot 161 DP 854859, 2B Lancaster Crescent Collaroy NSW 2097, be approved subject to the attached Notice of Determination.

B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

Date: 7 April 2009

Shaylin Moodliar, Development Assessment Officer

Date: 7 April 2009

Nick England, Acting Team Leader, Development Assessment