



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/1130

Assessment Officer: Michael Edwards

Property Address: Lot 26, Sec X, DP 3300074, No. 74 Blandford Street COLLAROY PLATEAU

Proposal Description: Conversion of an existing open carport to a new bedroom & ensuite & creation of new open carparking spaces on driveway,

Plan Reference: 09045 Sheets 1 – 4, dated 3/8/2009, prepared by BMACO Design Studio

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 2 – Issues Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 3 – Site Inspection Analysis	☒ Yes ☐ No	☒ Yes ☐ No
Section 4 – Application Determination	☒ Yes ☐ No	☒ Yes ☐ No

Estimated Cost of Works: \$47,999

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Submissions Received?

☐ Yes ☒ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

No. of Submissions: No submissions

Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

RELEVANT BACKGROUND

There is no background information relevant to the assessment of this application.

PROPOSED DEVELOPMENT

The application seeks Council's consent for the conversion of the existing double carport to a bedroom with ensuite. The provision of two vehicle spaces will be provided in the hardstand area within the front building setback area. In this regard, the proposal also includes the widening of the existing driveway at the front property boundary.

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D4 Collaroy Plateau

Development Definition: ☒ Housing ☐ Ancillary Development to Housing ☐ Other

Category of Development: ☒ Category 1 ☐ Category 2 ☐ Category 3



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Desired Future Character:

'The Collaroy Plateau 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 continue to 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.

The properties north and east of Edgecliff Boulevard form part of the crests and sideslopes of the Collaroy escarpment. Development in this part of the locality must integrate with the landscape and topography and minimise its visual impact on long distance views of the escarpment. Rock outcrops and indigenous tree canopy will be integrated with new development where possible. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Buildings are not to be erected on areas shown cross-hatched on the map due to the land's steep slope, instability and visual sensitivity.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.'

☐ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☐ Yes ☒ No

☒ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: ☒ 8.5m ☐ 11.0m	☒ Existing and unchanged Proposed:m Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m	☒ Existing and unchanged Proposed:m Complies: ☒ Yes ☐ No
Front Setback: Applicable: ☐ Yes ☐ No	☐ Existing and unchanged Proposed: 7.1m to bedroom wall



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Requirement: ☐ 6.5m Is the Corner Allotment / Secondary Street Frontage control applicable?: ☐ Yes ☒ No Requirement: ☐ 3.5m	No alteration to existing carport roof Two car spaces within the front building setback. Complies: ☐ Yes ☒ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No
Housing Density: Applicable: ☐ Yes ☒ No Requirement: ☐ 1 dwelling per 450sqm ☐ 1 dwelling per 600sqm	☒ Existing and unchanged Proposed:dwelling / persqm Complies: ☐ Yes ☐ No
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% ☐ 50%	☒ Existing and unchanged Proposed:.....% (.....sqm) Complies: ☒ Yes ☐ No The works are confined to the existing hard-surfaced area and do not result in any reduction to the soft landscaped areas.
Rear Setback: Applicable: ☐ Yes ☒ No Requirement: ☐ 6.0m Outbuildings: Requirement: ☐ 50% of rear setback	☒ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No Outbuildings: ☐ Existing and unchanged Proposed:% Complies: ☐ Yes ☐ No
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: ☒ 4m / 45 degrees ☐ 5m / 45 degrees	Boundary: ☒ Nth ☐ Sth ☐ Est ☐ Wst ☒ Existing and unchanged or Fully within Envelope: ☐ Yes ☐ No



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	Minor Breach: ☐ Yes ☐ No Complies: ☒ Yes ☐ No Boundary: ☐ Nth ☒ Sth ☐ Est ☐ Wst ☒ Existing and unchanged or Fully within Envelope: ☐ Yes ☐ No Minor Breach: ☐ Yes ☐ No Complies: ☒ Yes ☐ No
Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m	Boundary ☒ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed:m Complies: ☐ Yes ☐ No Boundary ☐ Nth ☒ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed:m Complies: ☐ Yes ☐ No

General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent would ensure the use of materials with a medium to dark colour so as to reduce excessive solar reflections and glare.
CL39 Local retail centres Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL41 Brothels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL42 Construction Sites Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent would ensure the appropriate management of the site during construction works.
CL43 Noise Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL44 Pollutants Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL45 Hazardous Uses Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land Applicable: ☒ Yes ☐ No	Complies: Based on the previous land uses if the site likely to be contaminated? ☐ Yes ☒ No Is the site suitable for the proposed land use? ☒ Yes ☐ No
CL49 Remediation of Contaminated Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL49a Acid Sulfate Soils Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL50 Safety & Security Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL51 Front Fences and Walls Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☐ Yes , subject to condition ☒ No The subject site currently provides a front boundary fence of approximately 1200mm in height. The application proposes the replacement of the gates over the driveway with a sliding gate. Notwithstanding, no elevation details



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	were submitted with the application to identify the finished height of the fence and sliding gate.
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL53 Signs Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL54 Provision and Location of Utility Services Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL55 Site Consolidation in 'Medium Density Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL56 Retaining Unique Environmental Features on Site Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL57 Development on Sloping Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL58 Protection of Existing Flora Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL59 Koala Habitat Protection Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL60 Watercourses & Aquatic Habitats Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL61 Views Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL63 Landscaped Open Space	Complies:



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Applicable: ☒ Yes ☐ No	☒ Yes ☐ Yes , subject to condition ☐ No The extension of the driveway and carport conversion are confined to the existing hard-surfaced area of the site. In this regard, there is no alteration to the quality or functionality of the existing provision of Landscaped Open Space.
CL63A Rear Building Setback Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL64 Private open space Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL66 Building bulk Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The conversion of the carport to a habitable room does not increase the finished height of the dwelling, maintaining the existing single storey character.
CL67 Roofs Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed works include the extension of the roof form over the existing carport in the north-eastern corner so as to provide all weather access to the front door of the dwelling. The extensions to the roof form maintain the existing roof pitch and form.
CL68 Conservation of Energy and Water Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL70 Site facilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL71 Parking facilities (visual impact) Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☐ Yes , subject to condition ☒ No The proposed conversion from a carport to a habitable room forces the provision of carparking within the front building setback area, moving from a complying situation to a non-complying and non-desirable situation. While there are no structures proposed to the hardstand carparking area, were Council to grant its consent to the proposed development, the provision of carparking in this



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	location, creates a situation that has the potential to later seek the construction of a carport or garage structure to an area that Council has essentially deemed appropriate for carparking. The provision of carparking within the front building setback area is not consistent with the established pattern of development within the street. While the applicant has provided justification by referring to other similar examples within the street, a review of these examples indicate that the sites were constrained due to the location of the existing dwelling, restricting the location of carparking elsewhere on-site, or, there is formal carparking behind the front building setback with casual parking within the front building setback area. The development in this instance proposes the permanent provision of carparking within the front building setback area. Such location obscures views of the street from the subject site and adjoining allotments and results in an undesirable precedent, reducing the sense of openness and landscaped settings within the front building setback area. In this regard, the parking facilities contribute to a sense of visual dominance being located right on the front property boundary.
CL72 Traffic access & safety Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development maintains provision for one (1) vehicle crossing which is afforded direct access to Blandford Street. While pedestrian and vehicular access is combined, the volume and frequency of vehicular movements is minimal and will not unreasonably compromise pedestrian safety.
CL73 On-site Loading and Unloading Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL74 Provision of Carparking Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development, although resulting in an undesirable situation with regards to the provision of car parking, the accommodation for two (2) vehicles is maintained on-site.
CL75 Design of Carparking Areas Applicable: ☐ Yes ☐ No	Complies: ☐ Yes ☐ Yes , subject to condition ☒ No The proposed provision of carparking within the front building setback area, being right on the front property boundary, is readily apparent when viewed from the street. Good urban design would seek to screen the carparking from public view and utilise landscaping as a screening device. The proposal also necessitates the widening of the existing driveway to provide for the functional manoeuvring of vehicles. This further reduces the sense of a landscaped setting to the site which creates a sense of dominance by the carparking facilities.
CL76 Management of Stormwater Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL77 Landfill	Complies:



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Applicable: ☐ Yes ☒ No	☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent would ensure the appropriate management of the site to prevent erosion and sedimentation.
CL79 Heritage Control Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL81 Notice to Heritage Council Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL82 Development in the Vicinity of Heritage Items Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL83 Development of Known or Potential Archaeological Sites Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:

Schedule 5 State policies Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 6 Preservation of bushland Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 7 Matters for consideration in a subdivision of land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 8 Site analysis Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



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Schedule 9 Notification requirements for remediation work Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 10 Traffic generating development Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 11 Koala feed tree species and plans of management Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 12 Requirements for complying development Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 14 Guiding principles for development near Middle Harbour Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 15 Statement of environmental effects Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 17 Carparking provision Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☐ Yes ☒ No

SEPP Basix: Applicable?

☐ Yes ☒ No

If yes: Has the applicant provided Basix Certification?

☐ Yes ☒ No

SEPP 55 Applicable?

☒ Yes ☐ No



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Based on the previous land uses if the site likely to be contaminated?

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

☐ Yes ☒ No

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: ☐ Yes ☒ No	
Clause 92 (Demolition of Structures) Applicable: ☐ Yes ☒ No	Addressed via condition? ☐ Yes ☐ No
Clause 92 (Government Coastal Policy) Applicable: ☐ Yes ☒ No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? ☐ Yes ☐ No
Clause 93 & 94 (Fire Safety) Applicable: ☐ Yes ☒ No	Addressed via condition? ☐ Yes ☐ No
Clause 94 (Upgrade of Building for Disability Access) Applicable: ☐ Yes ☒ No	Addressed via condition? ☐ Yes ☐ No
Clause 98 (BCA) Applicable: ☒ Yes ☐ No	Addressed via condition? ☐ Yes ☐ No



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REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory
Landscape Assessment	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Bushland Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Energy Australia	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- | | |
|---|---|
| ☒ EPA Act 1979 | ☒ SEPP No. 55 – Remediation of Land |
| ☒ EPA Regulations 2000 | ☐ SEPP No. 71 – Coastal Protection |
| ☐ Disability Discrimination Act 1992 | ☐ SEPP BASIX |
| ☒ Local Government Act 1993 | ☒ SEPP Infrastructure |
| ☐ Roads Act 1993 | ☒ WLEP 2000 |
| ☐ Rural Fires Act 1997 | ☒ WDCP |
| ☐ RFI Act 1948 | ☐ S94 Development Contributions Plan |
| ☐ Water Management Act 2000 | ☐ S94A Development Contributions Plan |
| ☐ Water Act 1912 | ☐ NSW Coastal Policy (cl 92 EPA Regulation) |
| ☐ Swimming Pools Act 1992; | ☐ Other |

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	☒ Yes ☐ No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	☒ Yes ☐ No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	☒ Yes ☐ No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	☐ Yes ☐ No ☒ N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	☒ Yes ☐ No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	☐ Yes ☒ No The proposed development results in environmental impact on the natural and built environment whereby the development is considered to result in an undesirable planning precedent within the established streetscape.
Section 79C (1) (c) – It the site suitable for the development?	☐ Yes ☒ No The inability to satisfy the Desired Future Character together with inconsistencies with the General Principles of Development Control, demonstrate that the development is unsuitable for the subject site.
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	☒ Yes ☐ No



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Section 79C (1) (e) – Is the proposal in the public interest?	☐ Yes ☒ No The inability to satisfy the Desired Future Character together with inconsistencies with the General Principles of Development Control, demonstrate that the development is unsuitable for the subject site and is not in the public interest.
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SECTION 2 – ISSUES

WLEP 2000

DESIRED FUTURE CHARACTER

'The Collaroy Plateau 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 continue to 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.

The properties north and east of Edgecliff Boulevard form part of the crests and sideslopes of the Collaroy escarpment. Development in this part of the locality must integrate with the landscape and topography and minimise its visual impact on long distance views of the escarpment. Rock outcrops and indigenous tree canopy will be integrated with new development where possible. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Buildings are not to be erected on areas shown cross-hatched on the map due to the land's steep slope, instability and visual sensitivity.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.'

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Front Building Setback Built Form Control, as such pursuant to Clause 20(1) a higher test is required

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- The proposed development retains the detached style housing character within a landscaped setting.

Notwithstanding, the proposed development is considered to fail the applicable DFC statement for the reasons detailed hereunder:

- The established streetscape comprises landscaped front gardens with consistent front building setbacks. The provision of carparking is generally provided behind the front building setback or front building line, with the exception of a handful of properties where the provision of carparking is within the front building setback area. These examples are considered the result of existing site constraints where there is no provision for on-site carparking, providing limited alternatives for the location of carparking. The existing provision of



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carparking on the subject site complies numerically, is behind the front building setback and integrated into the dwelling.

The proposed development, although numerically complying with the setback to the new building works, the provision of carparking within the front building setback area does not maintain the 'status quo' within the streetscape, providing an inconsistent visual pattern, reducing the sense of a landscaped front garden, sense of openness and setting an undesirable precedent.

It is an undesirable planning outcome and poor planning practice to convert a numerically complying and appropriate situation to a non-complying and inappropriate one.

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Front Building Setback Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Front Building Setback Built Form Control

Requirement:

Development is to maintain a 6.5m front building setback. The front building setback area is to be landscaped and free of any structures and carparking.

Area of inconsistency with control:

The proposed conversion of the carport to a habitable room results in the provision of carparking within the front building setback area.

Merit Consideration of Non-compliance:

Clause 20(1) stipulates:

"Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy."

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The development does not satisfy Clauses 51 Front Fences and Walls, 71 Parking Facilities (visual impact), and 75 Design of Carparking Areas of the General Principles of Development Control and accordingly, fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "General Principles of Development Control" in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal does not satisfy the Locality's Desired Future Character Statement and accordingly, fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "Desired Future Character" in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

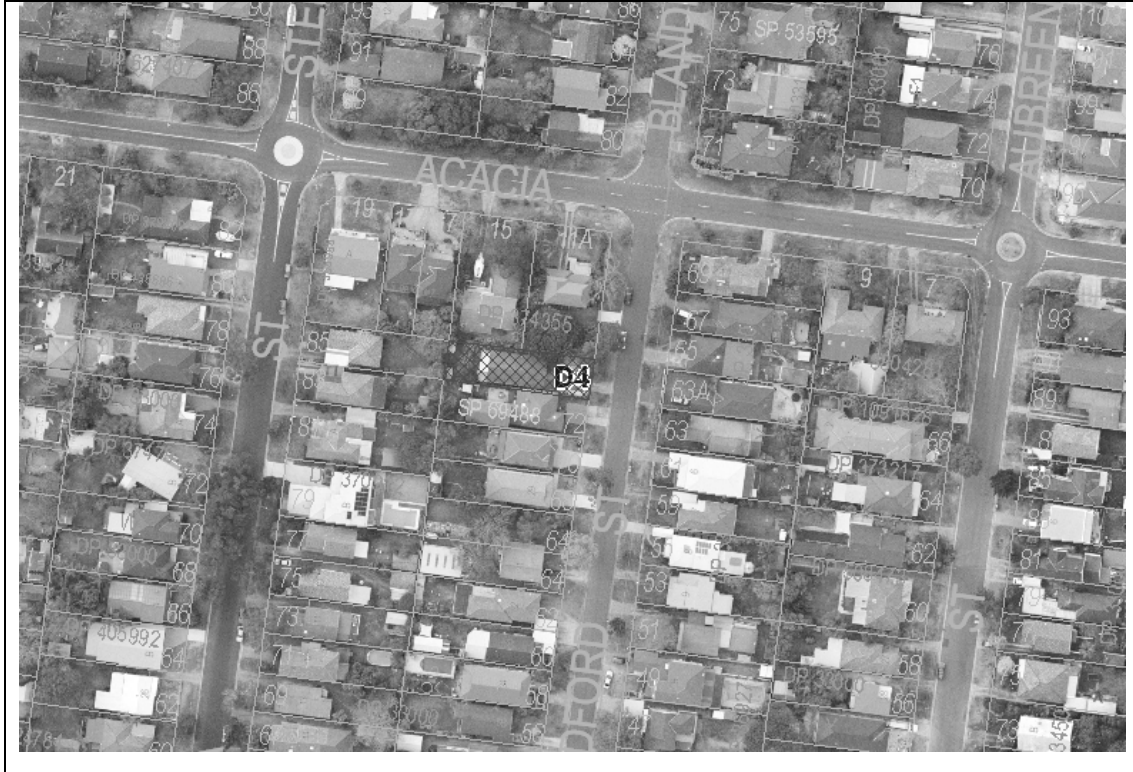
The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).



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As detailed above, the proposed development does not satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Front Building Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is not supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 422.8sqm

Detail existing onsite structures:

- ☐ None
- ☒ Dwelling
- ☐ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☒ Other: Attached double carport

Site Features:

- ☐ None
- ☒ Trees
- ☒ Under Storey Vegetation
- ☐ Rock Outcrops

- ☐ Caves
- ☐ Overhangs
- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

- ☐ North / South
- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East



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View of:

Ocean / Waterways

☐ Yes ☐ No

Headland

☐ Yes ☐ No

District Views

☐ Yes ☐ No

Bushland

☐ Yes ☐ No

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☐ Yes ☒ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

☐ Yes ☒ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

Is the site owned or is the DA made by the "Crown"?

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☒ Yes ☐ No

Does the proposal impact upon any easements / Rights of Way?

☐ Yes ☒ No

It is acknowledged that an easement runs along the southern boundary of the subject site to permit the eave overhang and portion of the adjoining dwelling constructed within the confines of the subject site. Although a portion of the proposed driveway extension falls within the easement, the development does not result in any unreasonable impact on the functionality or suitability of the easement or the structures contained within the easement.



Warringah Council

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	☒ Yes ☐ No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	☐ Yes ☒ No If yes provide detail:

Signed _____ Date 8 October 2009

Michael Edwards, Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- ☐ Satisfactory
☒ Unsatisfactory

Recommendation:

That Council as the consent authority

- ☐ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation
- ☐ **GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
 - (b) limit the deferred commencement condition time frame to 3 years;
 - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
 - (d) the consent lapsing within three (3) from operation



Warringah Council



REFUSE development consent to the development application subject to:

- (a) the reasons detailed within the associated notice of determination.

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

Signed

Date 8 October 2009

Michael Edwards, Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 8 October 2009

Steven Findlay, Team Leader, Development Assessment