

NOTICE OF DETERMINATION

Application Number:	DA2009/1130
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APPLICATION DETAILS

Applicant Name and Address:	Bmaco Design Studio PO Box 139 Ettalong Beach NSW 2257
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Land to be developed (Address):	Lot 26, Sec X, DP 33000, No.74 Blandford Street COLLARROY PLATEAU
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Proposed Development:	Conversion of an existing open carport to a new bedroom & ensuite & creation of new open carparking spaces on driveway
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APPLICATION REFUSED

Made on (Date):	16 October 2009
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Reasons for Refusal:

1. Pursuant to Section 79(C)(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and Clause 12(3)(a) of the Warringah Local Environmental Plan 2000, the proposal is not consistent with the Desired Future Character Statement for the D4 Collaroy Plateau Locality statement within Warringah Local Environmental Plan 2000, in that;

The provision of carparking within the front building setback area does not maintain consistency in the provision of carparking within the street, providing an inconsistent visual pattern, reducing the sense of a landscaped front garden, sense of openness and setting an undesirable precedent.
2. Pursuant to Section 79C(1)(a) and (b), of the Environmental Planning and Assessment Act, 1979 and Clause 12 (2)(b) of Warringah Local Environmental Plan 2000, the proposed development does not comply with the Front Building Setback Built Form Control for the D4 Collaroy Plateau Locality in that carparking is proposed within the front building setback area.
3. Pursuant to Section 79(C)(1)(a), (b) and (c) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) of Warringah Local Environmental Plan 2000, the proposed development is inconsistent with the following General Principles of Development Control:



- a) Clause 51 – *Front Fences and Walls*. The application does not contain sufficient information to allow a detailed merit assessment to determine how the proposal is consistent with the requirements of this General Principle.
 - b) Clause 71 – *Parking Facilities (Visual Impact)*. The provision of carparking within the front building setback does not provide a pattern of development consistent within the established streetscape.
 - c) Clause 75 – *Design of Carparking Areas*. The provision of carparking within the front building setback area becomes visually apparent and reduces the sense of openness and landscaping, creating a sense of visual dominance.
5. Insufficient information has been submitted in relation to the front boundary fence to properly consider the development application against the provisions of Section 79(C) of the Environmental Planning and Assessment Act, 1979, Clause 54 of the Environmental Planning and Assessment Regulation 2000 and Clause 51 of Warringah Local Environmental Plan 2000.

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority

Signature
Name _____
 Michael Edwards
 Development Assessment Officer

Date 16 October 2009