

3.1	61 Lincoln Avenue Collaroy - Section 82A Review of Determination of DA2008/1577 to Regularise the Use of an Existing Residential Building as a Dual Occupancy
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SECTION 82A REVIEW OF DETERMINATION ASSESSMENT REPORT

Assessment Officer:	Mitchell Drake
Address / Property	Lot 52 in DP 242932, No. 61 Lincoln Avenue, Collaroy
Description:	Section 82A Review of Determination of DA2008/1577 to regularise the use of an existing residential building as a dual occupancy.
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Development Application No:	REV2009/0008
Application Lodged:	09 June 2009
Plans Reference:	DA 01, 02, 03 (Revision A), B1896/73 Sheets 1-5, 8-9.
Amended Plans:	Not Applicable
Applicant:	GAT & ASSOCIATES
Owner:	G Logarzo, C Logarzo

Locality:	E1 Dee Why North
Category:	Category 1 (Housing)
Draft WLEP 2009 Permissible or Prohibited Land use:	Dual Occupancy - Prohibited under Zone R2 Low Density Residential
Variations to Controls (Cl.20/Cl.18(3)):	Housing Density
Referred to ADP:	12 submissions (including 1 petition) in objection.

Referred to WDAP:	Not applicable
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Land and Environment Court Action:	Not applicable
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SUMMARY

Notification Period:	06 July 2009 – 21 July 2009
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Submissions:	12 submissions (including 1 petition) in objection.
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Submission Issues:	Notification procedure, structural stability, traffic and noise impacts, parking, breach of covenant, BASIX applicability, site access inadequate, bushfire prone land, private open space, solar access and BCA compliance, waste management, housing density, impact to property values, inconsistent with surrounding development, incorrect information within the Statement of Environmental Effects.
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Assessment Issues:	Housing density, Inadequate information, unsuitability, public interest, prohibited under draft WLEP 2009.
Recommendation:	Section 82A Confirmation of Refusal
Attachments:	Site and Elevations Plans

LOCALITY PLAN (not to scale)



Subject Site: Lot 52 in DP 242932, No. 61 Lincoln Avenue, Collaroy

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan.

As a result, the application was notified to 8 adjoining land owners and occupiers for a period of 14 calendar days commencing on 06 June 2009 and being finalised on 21 June 2009, furthermore, the application has been advertised within the Manly Daily on 04 June 2009 and a notice was placed upon the site.

SITE DESCRIPTION

The subject site is located on the southern side of Lincoln Avenue, between Suffolk Avenue to the east and Plateau Road to the west. The subject site is known as 61 Lincoln Avenue, Collaroy.

The site is a single allotment and is regular in shape, with a frontage to Lincoln Avenue of 19.505m and a site depth of 45.72m giving an overall area of 893.6sqm. The site features a slope of approximately 10m from north to south with no other topographical features.

Existing on the site is a four storey residential building which comprises a main dwelling and two (2) separate occupancies within the lower levels. The site is surrounded by single detached dwellings with indicative rear open space areas and landscaped front gardens.



Photo 1: Subject site – No. 61 Lincoln Avenue, Collaroy

SITE HISTORY/BACKGROUND

Council issued a “*Notice of Intention to Serve an Order*” on 27th May, 2008 and an “*Order*” served on 9th October, 2008, outlining the unauthorised use of the building as a “Dual Occupancy”.

In response, the owner lodged the following on 14 November 2008:

- Development Application DA2008/1577 to formalise the use of the site as a “Dual Occupancy” and
- Building Certificate application BC2008/0189 to formalise works carried out without development consent.

Development Application DA2008/1577 was refused after being reviewed by the Application Determination Panel (ADP) on 19 March 2009 for the following reasons:

- 1) Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the housing density provisions for the E1 – Dee Why North Locality under Warringah Local Environmental Plan 2000.
- 2) Inadequate information has been submitted to allow a complete and proper assessment of the application. In this regard, the architectural plans submitted in support of the development application are deficient in the following respects:
 - a) The application did not contain a “Site Plan” clearly indicating the location of the two dwellings, carparking and private open space areas relative to site boundaries, the public road and adjoining properties.
 - b) The floor plans of the dwellings do not clearly differentiate between the two dwellings and the respective floor space associated with each dwelling.
 - c) The plans do not clearly indicate the allocation of carparking for each dwelling.
 - d) The plans do not contain sectional details of the proposed second dwelling.
 - e) The plans are not dimensioned.
 - f) The plans are not properly labelled and do not clearly indicate the separate dwellings or there number.

Determination of the Building Certificate application BC2008/0189 was deferred until Determination of DA2008/1577 was issued. It is noted the assessment of BC2008/0189 has not been finalised and is pending the determination of this current Section 82A Review application REV2009/0008.

It is noted that original approval for the dwelling house (Building Approval B1896/73) issued in 1973 showed “*future floors and openings*” on drawings No. 4 and No. 5 where works were later undertaken to create the additional units to the Lower Ground Levels.

The works to create the separate occupancies on the lower levels were completed over 35 years ago and the site has been used as a dual occupancy in this fashion for a considerable length of time (greater than 20 years). The use of the lower ground level 2 was commenced in more recent times (less than 5 years).

It is also noted that the “*SPECIAL CONDITIONS OF APPROVAL*” included as part of B1896/73 stated:

- 3) Premises not to be used or adapted for use as a residential flat building, and
- 4) Future floor to lower ground level not approved herewith (separate application providing for internal stairway to be submitted.)”

A review of Council records indicates that the building at one time was separated into three (3) separate dwellings, constituting a residential flat building, and that at the time of the lodgement of the subject review the building is proposed to have two (2) separate dwellings. It is considered that the proposal is contrary to this existing condition of consent. Additionally, no application was made to construct the lower ground floor and therefore the Building Certificate lodged is to legalise works that were constructed contrary to an existing condition of consent.

An application made pursuant to Section 82A of the EP&A Act 1979 was lodged with Council on 09 June 2009 for Review of Determination of DA2008/1577 to regularise the use only of an existing residential building as a “Dual Occupancy”, which is the subject of this current assessment.

SECTION 82A REVIEW OF DETERMINATION

Section 82A of the Environmental Planning and Assessment Act, 1979 enables an applicant to request a review of determination of a development application. The following heads of consideration are discussed below:

1. If the consent authority is a council, an applicant may request the council to review a determination of the applicant’s application, other than:
 - (a) a determination to issue or refuse to issue a complying development certificate, or
 - (b) a determination in respect of designated development, or
 - (c) a determination in respect of integrated development, or
 - (d) a determination made by the council under section 116E in respect of an application by the Crown.”

Comment:

The proposed review of determination does not comprise any of the above types of determinations; therefore the Council has the ability to determine the subject review.

2. A request for a review may be made at any time, subject to subsection (2A).
 - (2A) A determination cannot be reviewed:
 - (a) after the time limited for making of an appeal under Section 97 expires, if no such appeal is made against the determination, or
 - (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.”

Comment:

The review has been made with the time frame specified under Section 97. The period for appeal expires on 19 March 2010.

- (3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).

Comment:

The review makes no amendments to the original application.

3. The council may review the determination if:
 - (a) it has notified the request for review in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and
 - (b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

- (c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.

Comment:

The application has been notified, in accordance with the provisions of Part 1 of the Warringah DCP. The submissions received following notification of the proposal have been considered in detail under 'Public Exhibition' within this report. No amendments have been made to the original proposal.

- (4A) As a consequence of its review, the council may confirm or change the determination. "

Comment:

The original determination has been reviewed and the reasons for refusal in the determination have been examined. The reasons for refusal are considered to remain significant and it is confirmed that they carry determining weight enough to refuse the application.

These are discussed in the table below:

Reason For Refusal	Comment
1) Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the housing density provisions for the E1 – Dee Why North Locality under Warringah Local Environmental Plan 2000.	<p>The proposal is the same as originally submitted under DA2008/1577, as such, remains non-compliant with the housing density built form control for the E1 - Dee Why north locality under WLEP 2000.</p> <p>Whilst a Clause 20 Variation has been sought for the non-compliance to the built form control, an assessment against Section 79C of the Environmental Planning and Assessment Act, 1979, 'Matters for Consideration' has identified inconsistencies of the proposal in relation to:</p> <ul style="list-style-type: none"> • Section 79C (1) (a) (i) – Provisions of any environmental planning instrument, • Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument, • Section 79C (1) (c) – The suitability of the site for the development, and • Section 79C (1) (e) – The public interest. <p>Accordingly, the proposed dual occupancy fails to satisfy the matters for consideration and therefore the proposal is inconsistent with the surrounding land uses within the locality. This is due to the departure from the broader planning controls and desired outcomes for the locality.</p>
2) Inadequate information has been submitted to allow a complete and proper assessment of the application. In this regard, the architectural plans submitted in support of the development application are deficient in the following respects:	<p>No changes to the originally submitted plans and documentation, other than a revised Statement of Environmental Effects which addresses the reasons for refusal of DA2008/1577 have been submitted. As such, the proposals documentation remains inadequate and the basis for this reason for refusal remains as follows:</p> <ul style="list-style-type: none"> • The application fails to provide a 'Site Plan' clearly indicating the location of the dwellings, carparking, private open spaces, and the site planning for the proposal relative to the site boundaries and surrounding development.
a) The application did not contain a "Site Plan" clearly indicating the location of the two dwellings, carparking and private open space areas relative to site boundaries, the public road and adjoining properties.	

<p>b) <i>The floor plans of the dwellings do not clearly differentiate between the two dwellings and the respective floorspace associated with each dwelling.</i></p> <p>c) <i>The plans do not clearly indicate the allocation of carparking for each dwelling.</i></p> <p>d) <i>The plans do not contain sectional details of the proposed second dwelling.</i></p> <p>e) <i>The plans are not dimensioned.</i></p> <p>f) <i>The plans are not properly labelled and clearly indicating the proposed development and the dwelling numbers.</i></p>	<ul style="list-style-type: none"> • The floor plans of the dwellings do not clearly differentiate between the two dwellings and the respective floor space associated with each dwelling. • An assessment of carparking pursuant to the relevant Australian Standards and Councils controls and policies indicates the submitted plans do not clearly indicate the dimensions of or the allocation of carparking for each dwelling and are thus deficient in support of the application. • The plans do not contain sectional details of the proposed second dwelling. • The plans are not dimensioned. • The plans are not properly labelled and clearly indicating the proposed development and the dwelling numbers.
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As a consequence of this review, it is recommended that council confirm the original determination for refusal of DA2008/1577.

PROPOSED DEVELOPMENT

The applicant seeks a review of the determination with respect to development application DA2008/1577 to regularise the use of an existing residential building as a dual occupancy.

The existing building currently contains three (3) dwellings, including:

- Ground and First Floor Levels contain the main residence
- Lower Ground Level 1 consists of 1 bedroom, kitchen, dining, lounge, laundry and bathroom – Flat 1
- Lower Ground Level 2 consists of 1 bedroom, a lounge/dining room and bathroom - Flat 2

The proposal seeks to regularise the use of the Lower Ground Level 1 which comprises “Flat 1” to be used as an additional residence. The Lower Ground Level 2 containing “Flat 2” is to be converted into a storage area for the main residence. The use of this area as storage is not subject to this assessment. It should be noted that the proposal with regards to existing “Flat 1”, does not satisfy the provisions contained within the WLEP 2000 to be considered as a “Granny Flat” as the definition of Granny Flat is reliant on the proposal having a Gross Floor Area of less than 60m².

The area identified as “Flat 1” has an area of 87.5m² and therefore results in a “Dual Occupancy” and must be assessed against the relevant Built Form Controls for dwellings.

AMENDMENTS TO THE SUBJECT APPLICATION

No amendments were received for this application.

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Warringah Local Environment Plan 2000
- Warringah Development Control Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 8 adjoining land owners and occupiers for a period of 14 calendar days commencing on 06/07/2009 and being finalised on 21/07/2009, furthermore, the application has been advertised within the Manly Daily on 04/07/2009 and a notice was placed upon the site.

As a result of the public exhibition process, eleven (11) submissions (including 1 petition with 117 signatories) have been received from:

Submission Received	Address
Signed petition	117 signatories raising objection to the proposal
Mr & Mrs Cetrangolo & Michelle Valentine	No. 59 Lincoln Avenue, Collaroy
James Kirby & Diane Therese Kirby	No. 57 Lincoln Avenue, Collaroy
Alan Bate & Rhonda Bate	No. 55 Lincoln Avenue, Collaroy
Della Curby & Harry Curby	No. 60 Lincoln Avenue, Collaroy
Guo Bang Weng	No. 52 Lincoln Avenue, Collaroy
Antonio Chiarelli	No. 14 Lincoln Avenue, Collaroy
Gina Teofilo	No. 1 Stella Street, Collaroy Plateau
Salvatore Teofilo & Albina Teofilo	No. 43 Toronto Avenue, Cromer
May Fei	No. 65 Lincoln Avenue, Collaroy
Carlo Rossi & Sue Rossi	No. 54 Lincoln Avenue, Collaroy
Cass Greco	No. 70 Lincoln Avenue, Collaroy

The following issues were raised in the submissions and each has been addressed below:

1. Notification procedure,
2. Structural stability,
3. Traffic and noise impacts,
4. Parking provision,
5. Breach of covenant restricting
6. use of property for rental purposes,
7. BASIX applicability,
8. Site access inadequate,
9. Bushfire prone land,
10. Private open space,
11. Solar access and BCA compliance,
12. Waste management,
13. Housing density,
14. Impact to property values,
15. Inconsistent with surrounding development,
16. Incorrect information within the Statement of Environmental Effects.

1. **Notification procedure:** Issues were raised in relation to notification of the proposed development.

Comments: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 24 June 2008). All processes have been carried out in accordance with the relevant legislation and policies. This issue does not carry a determining weight.

2. **Structural stability:** Issues were raised in relation to the structural stability of the existing building.

Comments: A previous site inspection was undertaken on 3 December 2008 with Councils Building and Compliance Department. The building is constructed with reinforced concrete slabs for the floor separation(s) and double brick with a cavity for walls. Should the application be deemed worthy of approval, a condition may be incorporated to ensure the structural stability of the building is certified by a Structural Engineer prior to the issue of a Building Certificate (as the works have already been constructed). These structural details would be required to be incorporated into the information provided for the Building Certificate Number BC2008/0189. It is considered that as the building certificate has not been issued and is being held in abeyance until such time as the determination for the subject review is made, and that the works are contrary to the original conditions with regards to BA1896/73 approved during 1973, that the objection carries a determining weight.

3. **Traffic and noise impacts:** Issues were raised in relation to the increased traffic and noise generated by the additional residences parking on Lincoln Avenue.

Comments: The proposal is seeking approval for the additional residence containing one bedroom and a lounge/dining, kitchen and bathroom. The continued residential use of the site is compatible with the residential nature of the locality. It is considered that the possible traffic impacts will not be detrimental to the locality and there is adequate provision for parking on-site to satisfy the requirements of WLEP 2000. This issue is considered to not carry a determining weight.

4. **Parking provision:** The previous issues had arisen from a number of vehicles associated with the subject site parking along Lincoln Avenue.

Comments: The current parking on the site allows for the provision of a double garage for the main residence and provision for two (2) parking spaces for the second occupancy. This complies with the requirements of WLEP 2000 which stipulates 2 car parking spaces per dwelling.

It should be noted however that the site plan supplied by the applicant is in Imperial measurements and it is therefore not possible, without accurate scales and metric conversions, to ascertain whether the parking dimensions and manoeuvring areas for the proposed "Dual Occupancy" are compliant with either AS2890.1: 2004 – Off-street car parking or the Warringah Local Environmental Plan 2000 General Principles, Clause 75 – Design of carparking, particularly as the proposal is for Dual occupancy and vehicles are required to enter and exist the site in a forward direction.



Photo 1:

Existing hardstand carparking area located at the front of the residence will allow for the provision of carparking spaces for two (2) vehicles for the second occupancy.

As there is inadequate information to assess the design, the parking and manoeuvring areas on site are considered unsatisfactory to service the Dual Occupancy. This issue is considered to carry a determining weight.

5. **Breach of covenant restricting use of property for rental purposes:** Concerns were raised as to whether the use of a dual occupancy may be in breach of a covenant restricting the use of the property for rental purposes.

Comments: Any breaches to existing contracts pertaining solely to the property are a legal matter which Council does not hold jurisdiction over. WLEP 2000 states that:

"Clause 32 What effect do covenants and similar instruments have on development permitted by this plan?"

Any agreement, covenant or similar instrument to the extent that it purports to restrict or prohibit development allowed by this plan, or the granting of a consent, does not apply. This does not affect the rights or interests of any public authority under any registered instrument."

Accordingly, the issue raised within this submission does not hold determining weight in assessment of the proposed development.

6. **BASIX applicability:** The submission raised concern of whether a BASIX Certificate was required to be submitted with the application.

Comments: A BASIX Certificate is not required to be submitted with the subject application as the works will not exceed \$50,000 in cost. This issue is thus resolved.

7. **Site access inadequate:** Issues were raised in relation to pedestrian access to and from the proposed additional residence.

Comments: The pedestrian access located on the western side of the building allows for adequate access to and from the site. The door for the proposed residence is located just below the ground floor level and it is not considered that access to and from the site would be hindered in any significant manner or cause any unreasonable amenity impacts to adjoining properties. This issue does not carry a determining weight.

8. **Bushfire Prone Land:** Concerns were raised from residents that the property is on bushfire prone land.

Comments: The site is not identified as being located on bushfire prone land. This issue is thus resolved.

9. **Private open space:** Concerns were raised in relation to the provision of area for private open space for the second occupancy.

Comments: A review of the submitted plans indicates that whilst there may be adequate area to provide private open space that complies with the relevant controls and policies, the proposal does not achieve compliance with the General Principles of Development Control in terms of be directly accessible from the living areas of the proposed dwellings or each private area being set apart clearly for private use.

Further assessment is provided within Part 4 – General Principles of Development Control, within this report. It is considered therefore that the issue has not been adequately resolved and that the objection carries a determining weight.

10. **Solar access and BCA compliance:** Issues were raised in relation to the lack of solar access to the Lower Ground Level 1 residence for the amenity of occupants of Flat 1.

Comments: The windows located on the southern elevation allow for an adequate provision of both light and ventilation in accordance with the Building Code of Australia. This issue does not carry a determining weight.



- 11. Waste management:** Issues were raised in relation to provisions for waste (rubbish) and recycling from the additional residence.

Comments: Should the application be deemed worthy of approval, a condition may be incorporated for the provision of an extra garbage service to be charged to the residence. This will ensure that adequate waste (rubbish) and recycling services are provided to the subject property. This issue does not carry a determining weight.

- 12. Housing Density:** Concern was raised in relation to the housing density non-compliance under WLEP 2000 for the E1 Dee Why North Locality.

Comments: A Clause 20 Variation to the Housing Density Built Form Control has been sought by the applicant with regards to the maximum housing density of 1 dwelling per 600sqm.

Whilst the existing building maintains the visual character and relates to the established pattern and predominant scale of existing detached style housing within the street specifically and the locality generally, the proposed housing density of 1 dwelling per 446.8sqm (893.6sqm total site area) can not be supported as the proposal fails to satisfy the provisions of Section 79C(1) Matters for consideration under the EP&A Act 1979.

In this regard, the Housing Density Built Form Control is required to be considered by Section 79(C) (1)(a)(i) as it is contained within the Warringah Local Environmental Plan 2000 which is the Environmental Planning Instrument against which the proposal is to be assessed. Ergo, the proposal fails to comply with this section of the Act. It is therefore considered that the numerical shortfall and the objection both carry a determining weight.

- 13. Impact to property values:** Concerns were raised in relation to impacts to property values.

Comments: Property value is not a consideration under WLEP 2000 or state planning controls. Therefore this issue is not a relevant consideration in the assessment of the proposed development.

- 14. Inconsistent with surrounding development:** Concern was raised as to the proposals consistency with surrounding development.

Comments: With regard to the Desired Future Character of the E1 Locality, the proposal is considered to be consistent in terms of built form character and maintenance of the detached dwelling style of development within the Locality.

In terms of the use of the dwelling as a dual occupancy the development is inconsistent with its immediate surrounds and the locality generally. The non-consistencies in terms of site density, parking provisions and parking space design, private open space, site facilities and services are all a direct result of the unapproved dual occupancy which, when considered holistically, are sufficient grounds to confirm the refusal of the original application.

This objection therefore carries determining weight enough to confirm the refusal.

- 15. Incorrect information within the Statement of Environmental Effects (SEE):** Concern was raised as to the accurateness of the information provided within the SEE.

Comments: The statement of environmental effects (SEE) submitted with the documentation is considered to satisfy the minimum requirements under the EP&A Regulations 2000. The proposal is not assessed solely against the information provided within the SEE, rather the application is considered against the provisions of the EP&A Act 1979 and relevant local and state planning controls. This issue does not carry a determining weight.

MEDIATION

No mediation was requested for this application.

LAND AND ENVIRONMENT COURT ACTION

No court action has been commenced for this application.

REFERRALS

No referrals are required for the assessment of this application

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPA ACT 1979)

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	<p>The proposed use achieves consistency with the following EPI's:</p> <ul style="list-style-type: none">• State Environmental Planning Policy No. 55 – Remediation of Land.• State Environmental Planning Policy (Infrastructure) 2007. <p>The proposed use fails to comply or achieve consistency with the following controls and provisions contained in WLEP 2000:</p> <ul style="list-style-type: none">• Housing Density Built Form Control (development standard) for the E1 Dee Why North Locality. <p>The proposed density is 1 dwelling per 446.8m².</p> <ul style="list-style-type: none">• General Principles of Development Control:• Clause 54 Provision and Location of Utility Services <p>The applicant has not provided evidence with regards to separate water and sewer services for each dwelling.</p> <ul style="list-style-type: none">• Clause 64 Private open space <p>The private open space areas are not separately set aside for private use for either dwelling.</p> <ul style="list-style-type: none">• Clause 70 Site Facilities <p>Separate facilities for each dwelling have not been provided.</p> <ul style="list-style-type: none">• Clause 74 Provision of Carparking <p>Inadequate information is available to assess the proposed parking areas on site.</p> <ul style="list-style-type: none">• Clause 75 Design of Carparking Areas <p>Inadequate information is available to assess the proposed Design of Carparking Areas on site.</p> <ul style="list-style-type: none">• Schedule 8 Site Analysis <p>The applicant has not provided a site analysis plan.</p> <ul style="list-style-type: none">• Schedule 17 Provision of Carparking <p>Inadequate information is available to assess the provision of parking areas on site.</p> <p>These inconsistencies and non-compliances carry determining weight enough to confirm the refusal of the original application.</p>

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	The proposal is defined as a “dual occupancy” under the provisions and definitions of the Draft WLEP 2009. Dual occupancies are prohibited development within Zone R2 Low Density Residential. Accordingly, this inconsistency has been included in the reasons for refusal.
Section 79C (1) (a)(iii) – Provisions of any development control plan	This application was notified in accordance with the Warringah Development Control Plan. Objections were received from 11 submissions and a single petition with 117 signatories. These submissions have been reviewed and considered under the heading of: “Public Exhibition” as part of this report.
Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	<p>Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Should this application be deemed worthy of approval, relevant conditions could adequately address the provisions.</p> <p>Clause 93 and 94 of the EPA Regulations 2000 requires the consent authority to consider the fire safety upgrade of development. Should this application be deemed worthy of approval, relevant conditions could adequately address the provisions.</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>The environmental impacts of the proposed development on the natural and built environment are considered unacceptable given that whilst the existing built form will remain unaltered, there is insufficient information to assess the design of vehicular and traffic manoeuvring and parking areas on site.</p> <p>This impact results from the proposed use as a dual occupancy, despite there being no disturbance to the natural or built elements of the site and surrounding locality.</p> <p>The proposed development will not have any detrimental social or economic impacts in the locality given 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 which is subject to a housing density control of 1 dwelling per 600sqm. The existing site is able to accommodate a single dwelling at a density of 1 dwelling per 893.6m². The locality is characterised by single detached residential dwellings with an average site area between 800m² - 900m².</p> <p>The proposal seeks to provide a dual occupancy to the subject site which results in a density of 1 dwelling per 446.8m². The additional occupancy results in an increase in car parking requirements and traffic to Lincoln Avenue.</p> <p>Whilst the residential use of the site is maintained, the departure from the housing density control resulting from the dual occupancy allows development that is unsuited to the subject site. The unsuitability of the site is with regards to; provision and location of utility services; provision of private open space; adequate site facilities, traffic access and safety, provision of carparking, design of carparking.</p> <p>A single detached dwelling on the site is considered to be consistent with the existing uses of the surrounding detached residential development in the vicinity and a consistent planning outcome in terms of use of buildings as detached dwellings within the Locality. As such, the proposed use of the site as a dual occupancy is not consistent with the land-use character of the E1 Dee Why North Locality and is not supported.</p>

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	<p>In regards to public submissions refer to the discussion on "Notification & Submissions" as contained within this report. Twelve (12) submissions (including 1 petition signed by 117 residents) were received in response to the notification of this application.</p> <p>The submissions raised concerns with the proposals unsuitability and inconsistency with surrounding development.</p>
Section 79C (1) (e) – The public interest	<p>The proposed dual occupancy is not in the public interest in the broader sense due to the departure from the housing density control and resulting follow on no compliances and inconsistencies with the relevant plans and policies.</p> <p>Whilst a Clause 20 Variation has been sought for the non-compliance to the built form control, the development fails to achieve consistency with the General Principles of Development Control and therefore does not qualify to be considered under the provisions of Clause 20(1)</p> <p>Assessing the development against a sectionalised public interest, which addresses the immediate effects of the development upon the local community, it is considered that given the large number of objections to the development, resultant increases in carparking and traffic, and the failure to satisfy the Built Form Controls for the locality and the General Principles of Development Control overall, the proposed land-use is inconsistent with the sectionalised public interest.</p> <p>In considering the wider public interest and the sectionalised public interest, it is found that the site is not suitable for the proposed use; therefore the proposal is not supported in the public interest.</p>

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dual Occupancy

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Prohibited development

Additional Permitted used for particular land – Refer to Schedule 1: N/A

Principal Development Standards: N/A

The proposed development is therefore inconsistent with the aims and objectives of the Draft WLEP 2009.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policy 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.

State Environmental Planning Policy – BASIX

A BASIX certificate is not required to be submitted with the subject application as the cost of works are less than \$50,000.

State Environmental Planning Policy - Infrastructure

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 and does not include a proposal for a swimming pool; 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.

Warringah Local Environment Plan 2000 (WLEP 2000)

1 Desired Future Character (DFC) – E1 Dee Why North Locality

The subject site is located in the E1 Dee Why North Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses

Future development will relate to the established pattern and predominant scale of detached houses in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. 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 and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise visual impact when viewed from afar. 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 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."

The proposed development is defined as "*housing*" under WLEP 2000, which is identified as Category 1 development in this locality. Clause 12(3) (a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement.

Requirement 1:

"The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses."

Comment:

Whilst the proposed development is for a dual occupancy, the additional occupancy is located entirely within the existing building which results in the development having the appearance of a detached style dwelling. The existing detached dwelling on the site will remain unaltered as part of

this proposal. The landscaped setting will remain unaltered. The proposal is consistent with this requirement of the Desired Future Character in this regard

Requirement 2:

“Future development will relate to the established pattern and predominant scale of detached houses in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. 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 and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise visual impact when viewed from afar. 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.”

Comment:

The proposal does not constitute building works to the existing detached dwelling on the site and will not change the existing pattern and scale of development within the locality. The front garden and building setbacks remain unaltered. The remaining natural landscape and environmental elements remain unaltered by the proposal.

There are no subdivision works proposed as part of the development. The proposal is consistent with this requirement of the Desired Future Character in this regard

Requirement 3:

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.”

Comment:

Not applicable to this development.

In conclusion, the proposal is considered to satisfy the Desired Future Character statement for the locality.

Built Form Controls (Development Standards)

The following table outlines compliance with the relevant Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed Development	Compliance
Housing Density	1 dwelling per 600sqm	1 dwelling per 446.8sqm	No (Clause 20 variation)
Building Height	8.5m	Unable to calculate*	Not applicable, No Change
	7.2m	Unable to calculate*	Not applicable, No Change
Front Building Setback	6.5m	Unable to calculate*	Not applicable, No Change
Rear Building Setback	6m	Unable to calculate*	Not applicable, No Change
Side Boundary Envelope	East 4m @ 45°	Unable to calculate*	Not applicable, No Change

Built Form Standard	Required	Proposed Development	Compliance
	West 4m @ 45°	Unable to calculate*	Not applicable, No Change
Side Boundary	0.9m	Unable to calculate*	Not applicable, No Change
	0.9m	Unable to calculate*	Not applicable, No Change
Landscaped Open Space	40% or	Unable to calculate*	Not applicable, No Change

*It is noted that inadequate information has been submitted to allow a complete and proper assessment of the application. The architectural plans submitted in support of the development application are deficient and do not allow for a complete assessment against the built form controls (including landscaped open space). Notwithstanding, the proposal does not include building works and is for use only. The proposed use as a dual occupancy impacts upon the Housing Density Control only, which the proposal is not compliant with.

The proposed development does not comply with the Housing Density Control, accordingly, further assessment is provided against the provisions of Clause 20(1) of WLEP 2000 hereunder.

Clause 20(1) of WLEP 2000 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 proposal is not generally consistent with the General Principles of Development Control and accordingly, does not 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 is consistent with the Locality’s Desired Future Character Statement. Notwithstanding as the proposal fails to show consistency with the General Principles of Development Control the proposal fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1)

(iii) Relevant State Environmental Planning Policies

The proposal is considered to be consistent with all applicable State Environmental Planning Policies. Notwithstanding as the proposal fails to show consistency with the General Principles of Development Control the proposal fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1)

Summary

The proposal fails to show consistency with the General Principles of Development Control and therefore in accordance with Clause 20(1) of the Warringah Local Environmental Plan 2000 does not qualify to be considered for a variation to the development standards. Therefore the proposed non compliance with Housing Density Control is not able to be supported, ergo the proposal must be refused. This non-compliance and inability to be able to be assessed under the provisions of clause 20 (1), are considered fatal to the application and the review.

2 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	NO	No comment	N/A
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	NO	No comment	N/A
CL43 Noise	YES	Any noise resulting from the use of the dwelling as a dual occupancy is considered to be commensurate with that of a detached dwelling. The proposed use will remain compliant with the General Principles of Development Control in this regard.	YES
CL44 Pollutants	NO	No comment	N/A
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 been occupied by a residential land use for the past 25 years. It is considered that the site will remain suitable for residential land uses and that no further investigation is required in this regard.	YES
CL49 Remediation of Contaminated Land	NO	No comment	N/A
CL49a Acid Sulphate Soils	NO	No comment	N/A
CL50 Safety & Security	NO	No comment	N/A
CL51 Front Fences and Walls	NO	No comment	N/A

General Principles	Applies	Comments	Complies
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	The subject site abuts a public reserve to the rear boundary. The proposal maintains an open outlook to the public open space and public access to the reserve will not be affected by the development. As such the proposal is satisfactory in addressing this general principle.	
CL53 Signs	NO	No comment	N/A
CL54 Provision and Location of Utility Services	YES	The original proposal indicates that there is provision for separate electricity supplies to the separate dwellings. However, no evidence has been supplied with regards to separate water and sewer services or telecommunications services. The proposed use is not compliant with the General Principles of Development Control in this regard.	NO
CL55 Site Consolidation in 'Medium Density Areas'	NO	No comment	N/A
CL56 Retaining Unique Environmental Features on Site	NO	No comment	N/A
CL57 Development on Sloping Land	NO	No comment	N/A
CL58 Protection of Existing Flora	NO	No comment	N/A
CL59 Koala Habitat Protection	NO	No comment	N/A
CL60 Watercourses & Aquatic Habitats	NO	No comment	N/A
CL61 Views	YES	The development will continue to allow for a reasonable sharing of views.	YES
CL62 Access to sunlight	YES	The development does not unreasonably reduce sunlight to surrounding properties. It is considered that a reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle.	YES
CL63 Landscaped Open Space	YES	The existing landscaping provision to the site remains unaltered and provides an adequate level of landscaping to provide visual relief and soft areas for private open space and outdoor activities.	YES
CL63A Rear Building Setback	NO	No Comment	N/A
CL64 Private open space	YES	<p>This general principle seeks to ensure that housing is provided with a useable area of outdoor private open space for each dwelling. The control specifically requires a minimum of 60m² for the existing residence.</p> <p>An additional 35sqm is required for the second residence as it is defined as "dwelling (other than apartment style housing) with 1 or 2 bedrooms. As the second residence is 1 bedroom, an area of 35sqm is required with minimum dimensions of 3 metres.</p>	NO

General Principles	Applies	Comments	Complies
		<p>It is noted that whilst there is adequate open space at the rear of the building which is accessible by a set of stairs along the western boundary, the access is via the kitchen area on the lower ground level 1, the open space is located adjacent to lower ground level 2 on a separate elevation to the access from the proposed unit. It is considered that the open space is not directly accessible from the living areas of the proposed dwelling and is not consistent with the General Principle in this regard. However, the available private open space is not directly accessible from the living areas of the dwelling.</p> <p>Additionally, neither existing dwelling has an area "Clearly set apart" for the private use of that dwelling. The proposal is not compliant with this element of the General Principle.</p> <p>Based on this assessment, the proposal fails to comply with the requirements of Clause 64.</p>	
CL65 Privacy	Yes	The proposed development does not cause unreasonable direct overlooking of habitable rooms or principal private open spaces of other dwellings.	Yes
CL66 Building bulk	NO	No comment	N/A
CL67 Roofs	NO	No comment	N/A
CL68 Conservation of Energy and Water	NO	No comment	N/A
CL69 Accessibility – Public and Semi-Public Buildings	NO	No comment	N/A
CL70 Site facilities	YES	<p>The site has existing provisions for clothes drying and a mailbox. Notwithstanding, these facilities are adequate for a single occupancy only. No provisions have been made for the separate dwelling.</p> <p>It is noted that an additional garbage and recycling service is already paid for by the owner of the property which addresses the issues raised within the submissions and ensures that adequate measures are in place for removal of these wastes/recyclables. However, until such time as the mail and clothes drying facilities are separately provided for each dwelling, the proposed use remains non-compliant with the General Principle.</p>	NO
CL71 Parking facilities (visual impact)	YES	The existing double garage provides for two (2) carparking spaces within the main building for the main residence. There is provision parking vehicles on the concrete area behind the heavily vegetated front boundary which screens the vehicles. Therefore, the proposal adequately addresses this clause.	YES





Photo 4: Position of additional parking spaces for the second residence

CL72 Traffic access & safety	NO	No comment	N/A
CL73 On-site Loading and Unloading	NO	No comment	N/A
CL74 Provision of Carparking	YES	It is unable to be assessed whether there is adequate provision for parking on site as no dimensions have been supplied and the parking area may not be assessed against AS2890.1 - 2002 Parking Requirements or the provisions of Schedule 17 of WLEP 2000. It is therefore considered that the proposal does not satisfy the General principle due to lack of information.	NO
CL75 Design of Carparking Areas	YES	It is unable to be assessed whether there is adequate provision for parking on site as no dimensions or turning templates have been supplied. The parking area may not be assessed against AS2890.1 - 2002 Parking Requirements or the provisions of Schedule 17 of WLEP 2000, particularly with regards to entering and exiting the site in a forward direction. It is therefore considered that the proposal does not satisfy the General principle due to lack of information.	NO
CL76 Management of Stormwater	NO	No comment	N/A
CL77 Landfill	NO	No comment	N/A
CL78 Erosion & Sedimentation	NO	No comment	N/A
CL79 Heritage Control	NO	No comment	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No comment	N/A
CL81 Repealed		Repealed	
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

Schedule 8 - Site Analysis

The application did not include a site plan as required under this schedule. The proposal thus fails to satisfy Schedule 8 of WLEP 2000.

Schedule 17 - Carparking Provision

The existing double garage allows for the provision for two (2) vehicles within the main building for the main residence on the ground and first floor levels. It is unable to be assessed whether there is adequate provision for parking on site as no dimensions have been supplied and the parking area may not be assessed against AS2890.1 - 2002 Parking Requirements or the provisions of Schedule 17 of WLEP 2000.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan (adopted 10 June 2008)

As the estimated cost of works is less than \$100,000.00 the plan is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application reviewed in accordance with the provisions of Sections 82A of the Environmental Planning and Assessment Act, 1979 and assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of the relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

Upon review, the reasons for refusal which relate to:

1. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the housing density provisions for the E1 – Dee Why North Locality under Warringah Local Environmental Plan 2000.
2. Inadequate information has been submitted to allow a complete and proper assessment of the application. In this regard, the architectural plans submitted in support of the development application are deficient in the following respects:
 - a) The application did not contain a “Site Plan” clearly indicating the location of the two dwellings, carparking and private open space areas relative to site boundaries, the public road and adjoining properties.
 - b) The floor plans of the dwellings do not clearly differentiate between the two dwellings and the respective floor space associated with each dwelling.
 - c) The plans do not clearly indicate the allocation of carparking for each dwelling.
 - d) The plans do not contain sectional details of the proposed second dwelling.
 - e) The plans are not dimensioned.
 - f) The plans are not properly labelled and clearly indicating the proposed development and the dwelling numbers.

are confirmed and supported, accordingly these reasons are included in the recommendation for refusal.

Furthermore, an assessment against Section 79C of the Environmental Planning and Assessment Act, 1979, 'Matters for Consideration' has identified inconsistencies of the proposal in relation to Section 79C (1) (a) (i) – Provisions of any environmental planning instrument, Section 79C (1) (c) – The suitability of the site for the development, and Section 79C (1) (e) – The public interest.

Accordingly, the following reasons for refusal are to be added to the existing refusal:

Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the housing density provisions for the E1 – Dee Why North Locality under Warringah Local Environmental Plan 2000:

The proposal has failed to achieve consistency with the following General Principles:

- Clause 54 Provision and Location of Utility Services
- Clause 64 Private Open Space
- Clause 70 Site Facilities
- Clause 74 Provision of Carparking
- Clause 75 Design of Carparking Areas

The proposal is contrary to existing consent BA1896/73 as:

- The building at one time was separated into three (3) separate dwellings, constituting a residential flat building, and that at the time of the lodgement of the subject review the building is proposed to have two (2) separate dwellings.
- No application was made to construct the lower ground floor and therefore the Building Certificate lodged is to legalise works.

The proposed dual occupancy fails to satisfy the matters for consideration and therefore the proposal is inconsistent with the surrounding development in the locality due to the significant departure from the broader planning controls and desired outcomes for the locality.

Under the provisions of Section 82A of the EPAA 1979, it is recommended that Council confirm its original determination of refusal.

RECOMMENDATION (REFUSAL)

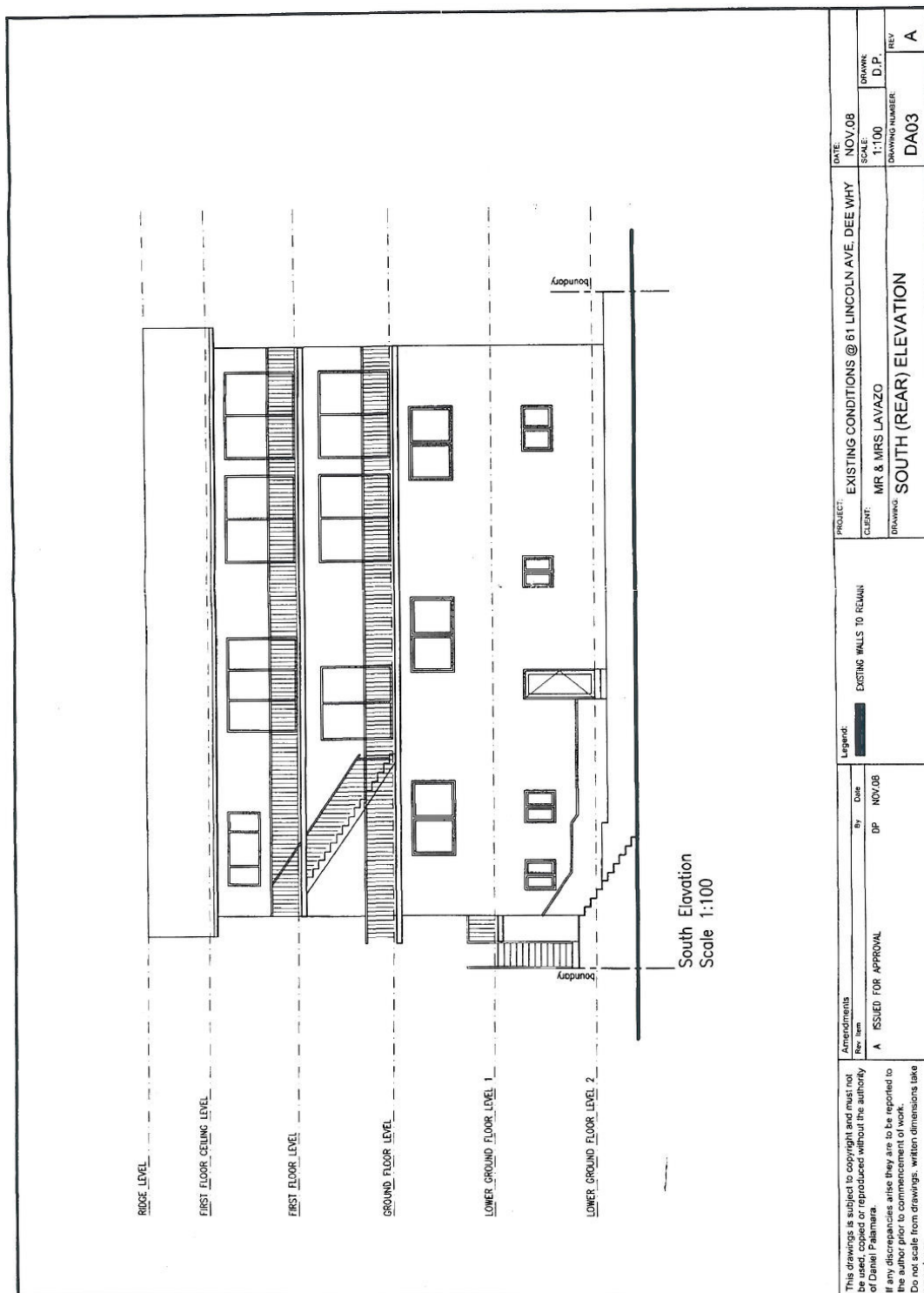
The determination (refusal) of Development Application No: DA2008/1577 (Reviewed under Section 82A review of determination REV2009/0008) to regularise the use of an existing residential building as a dual occupancy at Lot 52, DP 242932, No. 61 Lincoln Avenue, Collaroy be confirmed and the application be refused for the following reasons:

- 1) Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the housing density provisions for the E1 – Dee Why North Locality under Warringah Local Environmental Plan 2000.
- 2) Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act, 1979, The proposal has failed to achieve consistency with the following General Principles:
 - a. Clause 54 Provision and Location of Utility Services
 - b. Clause 64 Private Open Space
 - c. Clause 70 Site Facilities
 - d. Clause 74 Provision of Carparking
 - e. *Clause 75 Design of Carparking Areas*

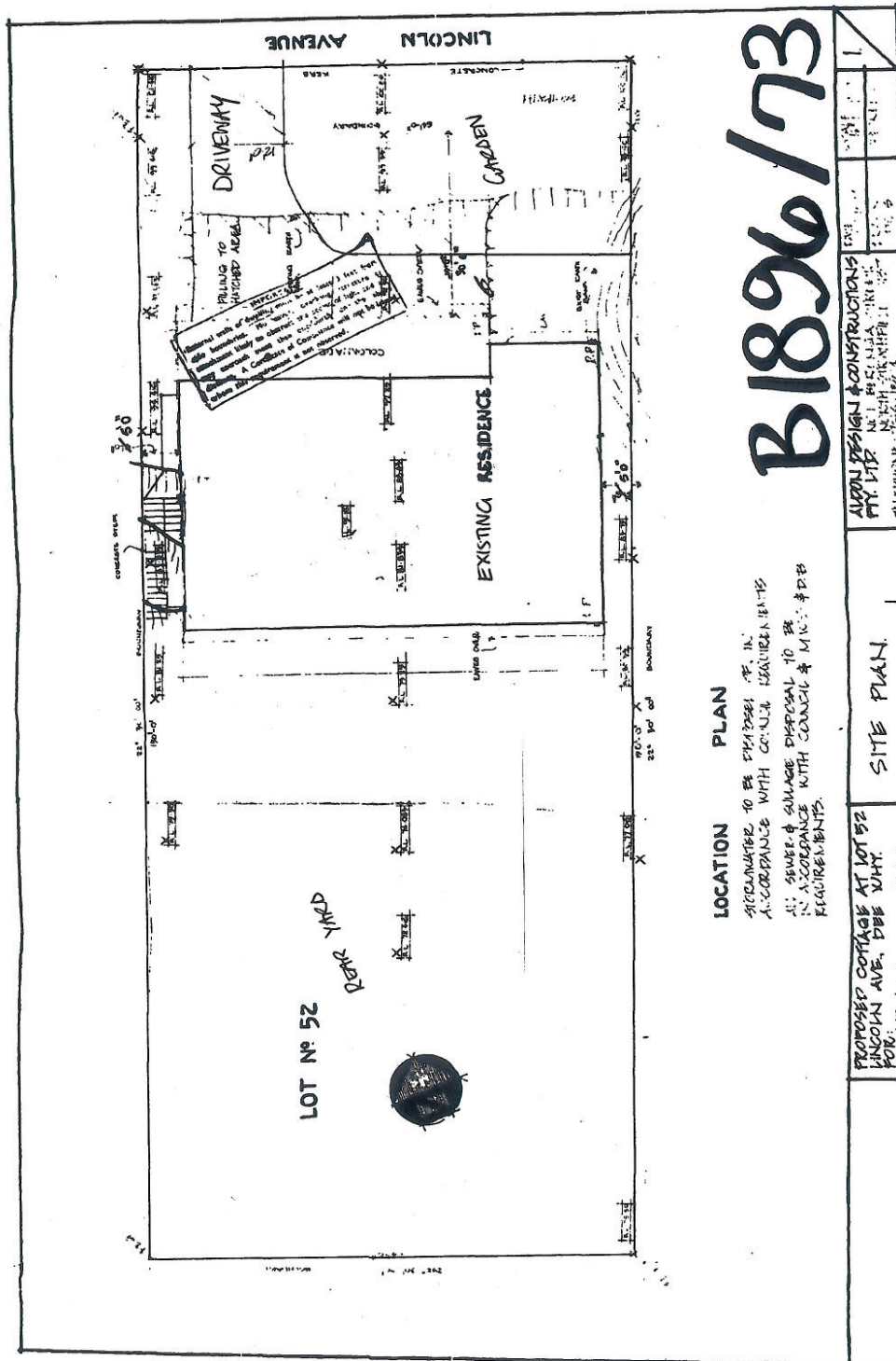
- 3) Inadequate information has been submitted to allow a complete and proper assessment of the application. In this regard, the architectural plans submitted in support of the development application are deficient in the following respects:
 - a. The application did not contain a "Site Plan" clearly indicating the location of the two dwellings, carparking and private open space areas relative to site boundaries, the public road and adjoining properties.
 - b. The floor plans of the dwellings do not clearly differentiate between the two dwellings and the respective floor space associated with each dwelling.
 - c. The plans do not clearly indicate the allocation of carparking for each dwelling.
 - d. The plans do not contain sectional details of the proposed second dwelling
 - e. The plans are not dimensioned.
 - f. The plans are not properly labelled and clearly indicating the proposed development and the dwelling numbers.
- 4) The proposal is contrary to existing consent BA1896/73 as:
 - a. The building at one time was separated into three (3) separate dwellings, constituting a residential flat building, and that at the time of the lodgement of the subject review the building is proposed to have two (2) separate dwellings.
 - b. No application was made to construct the lower ground floor and therefore the Building Certificate lodged is to legalise works.
- 5) Pursuant to Section 79C (1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, the provisions of the draft environmental planning instrument WLEP 2009 have been considered. The proposal is defined as a dual occupancy under the Draft WLEP 2009. Dual occupancies are prohibited development within Zone R2 Low Density Residential.
- 6) Pursuant to Section 79C (1) (e) of the Environmental Planning and Assessment Act, 1979, the proposed development is not in the public interest in the broader sense as the proposal undermines the local planning controls, and is not in the public interest from a sectionalised perspective given the large number of public objection and significant departure from the housing density control.



Site and Elevation Plans



Site and Elevation Plans



The image displays a set of architectural drawings for a proposed cottage. The drawings include three elevations: North, West, and South. The North Elevation shows a two-story structure with a gabled roof, multiple windows, and a central entrance. The West Elevation shows the side profile of the building, highlighting the roofline and window placement. The South Elevation shows the front facade, featuring a large central window and a side entrance. The drawings are annotated with various details such as 'FIRST FLOOR CEILING', 'FIRST FLOOR LEVEL', 'SECOND FLOOR LEVEL', 'NATURAL GROUND LEVEL', 'CONCRETE FOUNDATION', 'BRICKWORK', 'ALUMINUM FRAMES', and 'WOODEN DECKING'. A title block in the upper right corner contains the following information:

PROPOSED COTTAGE AT LOT 52 LACONIA AVE., DEER VIL. FOR: MR. & MRS. G. LAVAZZO		ELEVATIONS.	
ALLEN DESIGN & CONSTRUCTION 101 S. 10TH ST. NORTH ST. CATHEDRAL CITY TEL. 136-1903		SCALE: 1/4" = 1'-0" DATE: 10-10-73 DRAWN: J. LAVAZZO CHECKED: J. LAVAZZO	

[illegible]