



New South Wales

Warringah Local Environmental Plan 2000 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (9040678/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 585

Clause 1 Warringah Local Environmental Plan 2000 (Amendment No 17)

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under the

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1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 17)*.

2 Aims of plan

The aims of this plan are:

- (a) to include new provisions for the control of development within the area currently classified as ‘Deferred Matter’ being Locality C11 Belrose Road Corridor, and
- (b) to correct an error within the front building setback provisions for the A3 Terrey Hills Village and B1 Frenchs Forest East localities.

3 Land to which plan applies

This plan applies:

- (a) with respect to the aim set out in clause 2 (a), to all land within the C11 Belrose Road Corridor locality as indicated on the map marked “Warringah Local Environmental Plan 2000 (Amendment No 17)” held in the office of the Council of Warringah, and
- (b) with respect to the aim set out in clause 2 (b), to all land within the A3 Terrey Hills Village and the B1 Frenchs Forest East localities as indicated on the map within the meaning of the *Warringah Local Environmental Plan 2000*.

4 Amendment of Warringah Local Environmental Plan 2000

Warringah Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Dictionary

Insert in appropriate order in the definition of *the map*:

Warringah Local Environmental Plan 2000 (Amendment No 17)

[2] Appendix A Cowan Creek Catchment Locality Statements

Omit the second paragraph of the matter relating to Locality A3 Terrey Hills Village under the headings “**BUILT FORM**” and “**Front building setback (other than Tepko Road industrial area)**”.

Insert instead:

The minimum front setback is 6.5 metres.

[3] Appendix B Narrabeen Lagoon Catchment Locality Statements

Omit the second paragraph of the matter relating to Locality B1 Frenchs Forest East under the headings “**BUILT FORM**” and “**Front building setback**”.

Insert instead:

The minimum front setback is 6.5 metres.

[4] Appendix C Middle Harbour Suburbs Locality Statements

Omit the matter relating to Locality C11 Belrose Road Corridor.

Insert instead:

LOCALITY C11 BELROSE ROAD CORRIDOR

DESIRED FUTURE CHARACTER

The Belrose Road Corridor locality will be characterised by detached-style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Development within the locality is to be assessed with regard to any development control plan applying to the land. Future development will maintain the visual pattern and predominant scale of the existing detached-style houses in the adjacent C1 Middle Harbour Suburbs locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks.

In order to provide for fauna movements through the locality to and from Garigal National Park an ecological corridor, as shown cross-hatched on the map, will be rehabilitated and preserved as a bushland corridor. The corridor

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will be characterised by dense plantings of native trees and shrubs. Future development other than for the purposes of bushfire hazard reduction and water quality devices is to be excluded within the cross-hatched area.

Areas proposed to be dedicated to Council as public open space are to be dedicated taking into account the *Bushland Management Plan* adopted by the Council and are to be maintained by the developer (at no cost to Council) for a 5 year period following dedication.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development within the locality on hillsides or in the vicinity of ridge tops must integrate with the natural landscape and topography.

Buildings within the locality will be located and grouped in areas that will minimise disturbance of vegetation, landforms and creeks and take account of any development control plan applying to the land.

Redevelopment of the Belrose Road Corridor locality will involve the remediation of the identified localised contamination at isolated locations across the locality.

LAND USE

Category One

Development for the purpose of the following:

- housing

Category Two

Development for the purpose of the following:

- child care centres
- community facilities
- further education
- health consulting rooms
- housing for older people or people with disabilities
- places of worship
- primary schools
- veterinary hospitals
- any other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.

Category Three

Development for the purpose of the following:

- agriculture
- animal boarding or training establishments
- bulky goods shops
- entertainment facilities
- hire establishments
- hospitals
- hotels
- industries
- motor showrooms
- recreation facilities, unless the Locality Statement provides otherwise
- registered clubs
- retail plant nurseries
- service stations
- short term accommodation
- vehicle repair stations
- warehouses

On land shown cross-hatched on the map, any development other than development for the purpose of bushfire hazard reduction or water quality devices.

PROHIBITED DEVELOPMENT

Development for the purpose of the following is prohibited within this locality:

- brothels
- canal estate development
- extractive industries
- heliports
- potentially hazardous industries
- potentially offensive industries
- vehicle body repair workshops

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BUILT FORM

Housing density

The maximum housing density within the locality is 1 dwelling for 700 m² of site area (which does not include the area of any access corridor, whether such access corridor is to be created or is in existence at the time of application for development consent). Development of the Belrose Road Corridor is to be limited to a maximum of 54 detached-style dwellings.

To measure housing density the site area is to be divided by the number of dwellings proposed on the site (including any existing dwellings which are to be retained). For the purposes of this calculation, the site area is taken to be the area of the allotment that existed on the commencement of *Warringah Local Environmental Plan 2000 (Amendment No 17)* and any granny flat is taken not to be a dwelling.

Granny flats are to be limited to one per allotment.

These controls do not apply:

- (a) if their application would prevent an existing allotment accommodating one dwelling, or
- (b) to housing for older people or people with disabilities where the site area per dwelling may be reduced, but only if the buildings are sited and designed, and landscaping is used, to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development and the development conforms with the minimum standards set out in clause 29, or
- (c) to housing located within a local retail centre.

Building height

Buildings within the locality are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Buildings within the locality are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space). This standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), but only if the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Front building setback

Development within the locality is to maintain a minimum front building setback.

The minimum front building setback is 6.5 metres.

The front building setback area is to be landscaped and generally free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

On corner blocks or blocks with double street frontage the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must take into account the character of the secondary street and the predominant setbacks existing to that street.

Consent may be given for development to be carried out within the minimum front setback area on allotments constrained by the location and use of existing buildings or by topography, but only if the development is for the provision of car parking.

Rear building setback

The minimum rear building setback within the locality is 6 metres. However, for allotments that are not shown as cross-hatched on the map, the minimum rear building setback is 10 metres.

The rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to the structure on the allotment that is nearest to that boundary, other than a structure that is exempt development, a swimming pool or an outbuilding.

The rear building setback area is to be landscaped and free of any structures other than structures that are exempt development, swimming pools or outbuildings.

If the subject land contains an area that is shown cross-hatched on the map, the rear setback is to be measured exclusive of the cross-hatched area.

The rear building setback does not apply to corner allotments.

The rear building setback may be encroached by exempt development, swimming pools and outbuildings but only if the total area of all such exempt development, swimming pools and outbuildings does not exceed 50 per cent of the rear setback area.

Side boundary envelope and side setback

Buildings within the locality must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

The minimum setback from a building to a side boundary is 0.9 metres.

To measure the side boundary envelope and side setback on corner allotments the side boundaries are taken to be the boundaries that do not have frontage to a public street.

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Fascias, gutters, downpipes, eaves up to 0.675 metres from the boundary, masonry chimneys, flues, pipes, or other services infrastructure may encroach beyond the side boundary envelope.

Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above natural ground level such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback.

Consent may be granted for development that, to a minor extent, does not comply with:

- the side boundary envelope, to allow the addition of a second storey to an existing dwelling, or
- the side setback, to allow a single storey outbuilding, carport, pergola or the like.

Landscaped open space

The minimum area of landscaped open space on sites within the locality having an area of less than 3,000 m² is 40 per cent of the site area.

The minimum area of landscaped open space on sites within the locality having an area of equal to or greater than 3,000 m² is 50 per cent of the site area.

To measure an area of landscaped open space:

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

If the subject land contains an area that is shown cross-hatched on the map, the area of landscaped open space is to be measured exclusive of the cross-hatched area.

Ecological Corridor

A continuous bush land corridor that is at least 10 metres wide is to be provided for fauna movements between Garigal National Park and Elm Avenue and between Elm Avenue and Pringle Avenue that takes into account any development control plan applying to the land, as shown cross-hatched on the map.

This corridor is to be densely planted with native trees and shrubs.
Fences, driveways or other structures likely to hinder fauna movements must not cross the sections of the locality set aside as an ecological corridor.

COMPLYING DEVELOPMENT

The following table shows the development which is complying development in the locality. Column A describes the development and Column B shows the requirements that the development must comply with to be complying development.

Column A	Column B
Development for the purpose of:	
Single storey detached houses, being:	As described in Schedule 12— Part A
<ul style="list-style-type: none"> • construction of new single storey houses. • alterations to single storey houses. • additions to single storey houses. • construction of carports, garages and outbuildings associated with a dwelling. 	
Attached houses and apartment buildings, being:	As described in Schedule 12— Part A
<ul style="list-style-type: none"> • internal alterations to attached houses and apartment buildings (excluding balcony enclosures and other devices which are externally visible). • construction of garages associated with these residential buildings. • outbuildings associated with those residential buildings. 	
Swimming pools	As described in Schedule 12— Part B
Business uses, offices and shops, being:	As described in Schedule 12— Part D
<ul style="list-style-type: none"> • a different use resulting from a change of use from one type of approved business, office or shop use to another type of business, office or shop use. • internal alterations to business premises, offices and shops. 	