



ASSESSMENT REPORT

Local Development Application No: LDA2022/0218

Assessment Officer: Jane Tompsett
Report to Manager Assessment: 15 December 2023
Consent Authority functions Delegate exercised by:

EXECUTIVE SUMMARY

Application details

Subject land:	100 Winbourne St West Ryde
Lot and DP Number:	Lot 2 DP 27511
Site Area and dimensions:	Site area = 533.2m ² (Frontage = 16.765m, Depth =22.86m)
Proposal:	Alterations and additions including swimming pool and associated landscaping.
Applicant:	Gavin Karl
Owner:	Matthew Bressa & Shannon Bressa
Date lodged:	15 July 2022
Date clock stopped:	14 October 2022
Date clock started again:	18 July 2023
No. of days on STC:	277 days
Value of Works:	\$335,000.00
Submissions:	None
	Content Manager Checked on: 15 December 2023
Zoning:	R2 Low Density Residential under RLEP 2014
DCP Non-Compliances:	<ul style="list-style-type: none">• Deep Soil Area• Front Setback / Swimming Pools & Spas• Rear Setback
Clause 4.6 - RLEP 2014:	No
Councillor Representations	No
Report Recommendation:	Deferred Commencement Approval

REPORT

THE SITE



Figure 1: Aerial photograph of 100 Winbourne Street, West Ryde

The site is legally described as Lot 2 within DP 27511 on land is known as 100 Winbourne Street, West Ryde. The site is irregular shape with a frontage of 16.765 metres to Winbourne Street. The southern side boundary is 22.86 metres and northern side boundary is boundary 26.395 metres. The rear western boundary width is 30.605 metres. The site has an area of 533.2m².

The site is located on the low side of the street, to the south of Rutledge Street of the intersection with Winbourne Street. The site falls from the front corner (RL95.11) to the rear corner (RL94.2).

The site presently accommodates a two storey dwelling. Vehicular access is located adjacent to the southern side boundary to a double garage on the site. Other site works include paved areas, swimming pool, shed, pathways, retaining walls

Adjoining properties

The site is adjoined to the south by No. 98 Winbourne Street which contains a single storey dwelling. The site is adjoined to the north by bushland owned by RMS designated as County Road.

THE PROPOSAL

Development consent is sought for alterations and additions including swimming pool and associated landscaping.

The proposal comprises the following works:

- Alterations and additions to existing dwelling, including rumpus room, swimming pool, spa, alfresco with outdoor kitchen and retaining walls and a fire pit.

HISTORY:

15 July 2022	Application lodged.
1 August 2022	Application notified. No submissions received.
13 October 2022	A request for information was sent to the applicant requesting
	Meeting held with architect and owners to go through Council's RFI letter. Concerns from Development Engineer regarding approved dwelling has no occupation certificate. The original stormwater approved plans were not constructed as per the approval. Clarification of the existing approval is required to address the additional rainwater tank for the new proposal including additional OSD requirement. Clarify the deep soil is less than 35%. Proposed Swimming pool fencing is to comply with the Australian Standard. The rear setback is significantly reduced and does not comply and has not been addressed in the statement.
14 October 2022	RFI to applicant
1 November 2022	Amended information submitted
19 December 2022	Applicant submits amended architectural plans and further details to clarify.
27 January 2023	Update to applicant on application. The WAE submitted did not specify the existing pipe size. Council requires levels and pipe size and working to accommodate the increase in hard stand. The Basix Certificate was to be amended as the Basix requirements are in addition to any OSD requirements. Awaiting Geotech Consultant comments.
9 February 2023	<ol style="list-style-type: none"> 1. Pipe within the Drainage Easement. A certificate from a registered plumber or a surveyor is required certifying that a stormwater pipe exists within the easement to drain water that runs through No 4 Emu Place, pipe size, invert levels and the pipe is connected to the Council drainage system and the pipe is in working order. 2. Existing Stormwater System – Proof of Registration of Positive Covenant. A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the existing onsite detention components incorporated in the approved Stormwater Management system for the existing dwelling. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). Copies of the endorsed instruments (including terms) and the Title Certificate must be provided to Council. (Reason: This is to ensure that the drainage system will be maintained throughout the life of the development by the owner of the site(s). Geotech Comments: The information provided contains a report from Geotest Services. This report: References a report prepared by Network Geotechnics. Geotest notes that in this report, Network have classified the site as being in a zone of Moderate risk. This report is not contained within the package provided. Please request the applicant to provide this report. Geotest disagrees with the opinion of Network with respect to the risk assessment and considers the likelihood of landslide as Rare. The site is listed on Council's map as having a Moderate (M2) risk

	of instability, see attached; the Geotest report notes that the site is not located in an area where landslide issues may be of concern. As there are two conflicting geotechnical reports, The applicant is requested to arrange a meeting between Geotest and Network to get both parties to reach an agreement on the risk assessment. If they reach an agreement, a report signed by both parties should be submitted. The report must reference: The architectural and stormwater drawings. That the site is shown on Council's maps as having a Moderate (M2) risk of instability. Information is due in 14 days.
4 July 2023	Final request for information – no further information received.

REFERRALS:

Tree Management Officer - 18 October 2022: Councils' Tree Management Officer has raised no objection subject to 4 recommended conditions of consent:

As per the Arborist report/statement by All Arbor Solutions, only minor TPZ encroachment is proposed to trees 1, 7 and 8. This is deemed an acceptable encroachment as per *AS 4970-2009 Protection of Trees on Development Sites*.

The following conditions are to apply:

- ☐ Comply with Australian Standard 4790 Protection of trees on development sites.
- ☐ Tree protection measures are to be undertaken and construction activity managed in accordance with the arborist's report prepared by All Arbor Solutions.
- ☐ No cutting or filling is to occur within the tree protection zone and existing surface levels are to be maintained.

A \$1,000.00 bond, payable before issuing of the construction certificate, is applicable to the site. The site will be inspected by Council's TMO to confirm condition of Council's trees on the site before a refund of the bond is issued. Refund will be issued no earlier than 12 months after final Occupancy Certificate is issued.

Development Engineer - 7 November 2023: Council's Development Engineer has advised that the application be supported as 'Deferred Commencement Approval' as outlined below:

DEFERRED COMMENCEMENT

Part 1

The following condition are Deferred Commencement conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

1. **Pipe within the Drainage Easement.** A certificate from a registered plumber or a surveyor is required certifying that a stormwater pipe exists within the easement to drain water that runs through No 4 Emu Place, pipe size, invert levels and the pipe is connected to the Council drainage system and the pipe is in working order.

(Reason: To ensure that existing and proposed drainage system works effectively with controls and objectives of Council's DCP 2014 for Stormwater Management)

2. **Stormwater Management.** To ensure the discharge of stormwater is undertaken in an appropriate manner, the stormwater drainage plan by Group Development Services Pty Ltd Drawing No P00533-C1-DA-1321 Rev B dated 12/12/2022 is to be amended to address the following matters;
 - a) Based on the proposed site impervious area, Onsite detention will not be required for the development. Delete details referring to the proposed OSD system from plans.
 - b) Provide new water tank and associated pipes independent of the existing On-Site Detention system.
 - c) Provide stormwater pit/pipes to collect runoff from sunken fire pit and direct this to the drainage easement.

Documentation demonstrating compliance with these items must be submitted to Council for approval prior to the issue of the development consent.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

3. **Existing Stormwater System – Proof of Registration of Positive Covenant.**
A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the existing onsite detention components incorporated in the approved Stormwater Management system for the existing dwelling. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). Copies of the endorsed instruments (including terms) and the Title Certificate must be provided to Council.

(Reason: This is to ensure that the drainage system will be maintained throughout the life of the development by the owner of the site(s).

Note: Two years to activate the consent.

Consultant Geotechnical Engineer - 1 August 2023: The application was referred to PSP Consult to review the proposal and no objections were raised subject to the following recommended condition of consent as follows.

1. The structural engineering design and construction works shall be carried out in accordance with the recommendations of the geotechnical investigation report by Geotest Services Pty Ltd.

Landscape Architect - 18 October 2022: Council's Landscape Architect providing the following comments: An Arboricultural Review has been submitted with the application prepared by All Arbor Solutions dated 12/05/2022.

The Review considered 15 trees on adjoining sites and found there were no major encroachments on these trees.

I agree with these findings and no conditions are required as the trees will be protected by the existing boundary fences.

Consultant Bushfire Consultant - 1 September 2022: The application was referred to Bushfire Hazard Solutions to review the proposal. The following comments were provided:

We have reviewed the documentation provided by Council relevant to the subject development application including the Bush Fire Assessment Report prepared by Bush Fire Planning Services (Reference No.3868, dated 22nd March 2022). The Bush Fire Assessment Report concludes a Bushfire Attack Level of Flame Zone and identifies that referral to the NSW Rural Fire Service is required.

We concur with this assessment and recommend Council refer the application to the NSW Rural

TfNSW - 17 December 2022.

Reference: SYD22/00990 Council's Reference: LDA2022/0218.

Reference is made to Council's referral regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for review and comment under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

TfNSW has reviewed the submitted application and advises that the agency has no road proposal affecting the subject site.

STATUTORY PROVISIONS

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSH FIRE PRONE LAND (formerly 79BA)

The site is mapped as being bushfire affected and within the Buffer. The application was referred to the NSW Rural Fire Service pursuant to Section 4.14 and 100B of the Rural Fires Act 1997. The NSW RFS raised no objections to the proposed development subject to the inclusion of 5 conditions of consent relating to compliance with Planning for Bushfire Protection 2019.

SECTION 4.15 MATTERS FOR CONSIDERATION

(a) The provisions of

(i) Any environmental planning instrument:

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 2 Coastal Management		
The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> including the management objectives for coastal management areas.	The site is mapped as being within a coast environment area and coastal use area on the Coastal Management Map. Pursuant to Clause 2.10(3) the proposal is subject to the provisions of SREP Sydney Harbour Catchment	Yes

	and pursuant to Clause 13(3) and Clause 14(3) of the SEPP, as the land is subject to <i>State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021</i> . The provisions of Clauses 13 and 14 do not apply. An assessment of the proposal pursuant to the SEPP Biodiversity and Conservation SEPP 2021 and associated DCP is made below.	
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.</p>	Yes
State Environmental Planning Policy BASIX 2004		
<p>The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.</p>	<p>A BASIX Certificate (see Certificate No. A455018 and dated 5 April 2022) has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.</p>	Yes
State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021		
Chapter 2 Vegetation in non-rural areas		
<p>The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p>The proposal does not include any tree removal.</p> <p>The proposal has been supported by an arborist report and landscape plan. The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site</p> <p>The proposal is considered satisfactory by Council's Tree Management Officer</p>	Yes
Chapter 6 Bushland in urban areas		
<p>Clause 9 Land adjoining land zoned or reserved for public open space</p> <p>(1) This clause applies to land which adjoins bushland zoned or reserved</p>	<p>The bushland is not affected by the proposal on the adjoining land. Erosion and sediment control are conditions of consent. To</p>	Yes

<p>for public open space purposes.</p> <p>(2) Where a public authority:</p> <p>(a) proposes to carry out development on land to which this clause applies, or</p> <p>(b) proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:</p> <p>(c) the need to retain any bushland on the land,</p> <p>(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and</p> <p>(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.</p>	<p>prevent the spread of weeds etc. and considered satisfactory</p>	
Chapter 6 Water Catchments		
<p>This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.</p>	<p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	<p>Yes</p>
State Environmental Planning Policy Transport and Infrastructure SEPP 2021		
Chapter 2 Infrastructure		
Division 17 Roads and road infrastructure corridors Subdivision 2 Development in or adjacent to road corridors and road reservations		
<p>Pursuant to Clause 2.117(1)(a)/(b)/(c) the proposal includes (a) subdivision of land that results in the creation of an additional lot with dwelling entitlements to a classified road or (b) the proposal has a capital investment value greater than \$185,000 or (c) the proposal includes development for the purpose of dwellings held under strata title.</p>	<p>The proposal is for alterations and additions adjacent to road reservation and is subject to Clause 2.117(1)(a)/(b)/(c)). Pursuant to Clause 2.117(2) the application has been referred to TfNSW.</p> <p>TfNSW has not raised any issues with the proposed</p>	<p>Yes</p>

	development and no conditions of consent .	
<p>The objectives for Development with a frontage to classified road Clause 2.118(1) are as follows:</p> <p>(a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>Pursuant to Clause 2.118(2) the proposed development does not include vehicular access from the classified road/ or the it is not practical or safe for vehicle access to provide from an alternative road. The site only has a frontage to the classified road.</p> <p>The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development.</p> <p>The proposal has been designed to include measures to ameliorate potential traffic noise or vehicle emissions pursuant to Clause 2.118(c).</p>	Yes

Ryde LEP 2014

Under Ryde LEP 2014, the property is zoned R2 Low Density Residential, and the proposed alterations and additions are permissible with Council's consent. The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	Existing unchanged	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 (m ²)	0.50:1 (270.39m ²)	Yes
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p>	<p>The subject site does not contain an item of heritage; however, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of RLEP 2014:</p> <ul style="list-style-type: none"> Given the proximity to the Draft HCA and heritage items. The 	Yes

Ryde LEP 2014	Proposal	Compliance
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance	proposed minor addition at the rear of site. and not visible from the street frontage. The Draft HCA and items the proposal is not considered to result in any adverse heritage impacts.	
6.2 Earthworks		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The site is not located within proximity of any cultural or heritage items. The proposal includes excavation to a depth of 2 metres associated with the swimming pool. The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The redevelopment of the site, given its sloping nature involves appropriate levels of cut and fill which does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).</p>	Yes
Clause 6.4 Stormwater management		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise	Yes (1)

Ryde LEP 2014	Proposal	Compliance
	<p>the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer subject to a deferred commencement consent.</p>	

Aims and objectives for residential zones:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The proposal is for the provision of alterations and additions to dwelling including inground pool and associated landscaping which provides for a variety of housing types and provides for the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments.

(ii) Any proposed instrument (Draft LEP, Planning Proposal)

Nil

(iii) Any development control plan

Ryde DCP 2014;

The development is subject to the provisions of Part 3.3 – Dwelling Houses and Dual Occupancy under the RDCP 2014. A full assessment of the proposal under DCP 2014 is illustrated in the compliance table at **Attachment 1**.

The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposed is consistent with the aims and objectives of RDCP 2014. Where strict compliance has not been achieved, in accordance with Section 4.15 (3A)(b) flexibility has been sought to allow a reasonable alternative solution that achieves the objects the standard. These matters are discussed below:

Detail non-compliances:

Control	Discussion
2.6.1 - Deep Soil Area - Minimum Deep Soil Area = 35%	The proposed deep soil is 184.2 = 34% and should be 35%. The front setback only has 21m ² landscaping as the pool and spa are in the front yard. As there is sufficient landscaping within the allotment, this minor non-compliance is considered satisfactory.
2.9.1 - Front Setback - Dwellings are generally to be set back 6m from street front boundary 2.12 - Swimming Pools and Spas - Not within front setback.	Generally, the proposed pool and spa should not be in the front setback, however, there is limited room in the rear setback. The site is an irregular shaped allotment and the adjacent road reserve (nature strip) is at a higher level. There is significant vegetation within the road reserve and inside the subject site. As the proposed pool and spa will not be visible from the streetscape and has minimal impact on the surrounding properties, the proposed pool and spa in this situation is considered satisfactory.
2.9.3 - Rear Setback	<p>A rear setback of 5.75m is 25% of site length that is required. Proposed rear setback is 1m. The rear setback is for the length of 12.445m which is approximately 40% of the rear setback is not compliant.</p> <p>It is noted the site is an irregular shaped lot. The single storey addition has highlight windows and will maintain privacy between the rear of the subject site, and the adjoining side boundary of 4 Emu Street. The partial non-compliance with the rear setback is considered satisfactory.</p>

(iv) The Regulations

Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the

development are discussed elsewhere in this report (see DCP 2014). The development is considered satisfactory in terms of environmental impacts.

(c) The suitability of the site for the development

The site is zoned R2 Low Density Residential. The proposal is for alterations and additions to dwelling including inground pool and associated landscaping. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

(d) Any submissions made in accordance with this Act or the regulations

In accordance with DCP 2014: Part 2 - Community Participation Plan the owners of surrounding properties were given notice of the application. In response, no submissions were received.

The amended plans were not required to be notified as they did not result in any greater impact upon adjoining properties or the streetscape. The amended plans were to clarify the existing and proposed stormwater, provide a Geotech report, quantify the deep soil area to be retained and amend the pool fence to 1.8m high as it is on the property boundary.

(e) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal is compliant with the principal development standards. The proposal does not result in any adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (g) to promote good design and amenity of the built environment,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposal achieves the objectives. The proposed attached dual occupancy provides for an appropriate built form which is responsive to the site constraints and has been designed in response to the site's topography. The proposal is consistent with relevant Objects of the Act.

CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

RECOMMENDATION:

That Council as the consent authority grant Deferred Commencement Consent to Local Development Application No. **LDA2022/0218** for alterations and additions including swimming pool and associated landscaping on land at 100 Winbourne Street West Ryde subject to the conditions in the attached draft consent.

In signing this report, I declare that I do not have a conflict of interest.



Jane Tompsett
Development Assessment Officer – Building Surveyor



Colin Murphy
Senior Coordinator – Development Assessment

This application is determined on 20 December 2023 under the delegated authority of:



Sandra Bailey
Executive Manager City Development

ATTACHMENT 1 – COMPLIANCE TABLE

Compliance Check - Quality Certification

Assessment of a Alterations and Additions

Application No: LDA2022/0218

Attribute ID	Attribute Class	Attribute Type	Description
2552237	Bushfire	BFPL2018	Bushfire Prone Land 2018-YES (Para 7)
2562987	Bushfire	BFPL2018_5	Bushfire Prone Land 2018-YES (149_5)
2557612	Bushfire	BFPL2018-Y	Bushfire Prone Land 2018-YES (Para11)
496197	Bushland	1	Bushland - Endangered
2708545	Bushland	1(2019)	Bushland - Endangered (2019)
496200	Bushland	15	May contain Blue Gum High Forest
2706720	Bushland	15(2019)	May contain Blue Gum High Forest (2019)
3421813	CodeSEPP21	CS-1.19HCA	HCA and Draft HCA Loc2005
1532714	DLEP2011-X	E-CAG01	DLEP 2011 (Exhibit) - Conservation Area - General
1938287	EnvSens	HCA-Comm	Exempt & Complying - HCA Commercial & Ind
1938083	EnvSens	HeritageCo	Exempt&Complying - Heritage Conservation Area
3346484	Flood	Betw100PMF	Q2-Between 1in100 Flood Exnt +500mm&PM Unkwn2021
3299366	Flood	In100Free2	Q1-In 1 in 100 Flood Extent Plus 500mm_Unknown2021
496203	Heritage	500	Demolition of a Building - consent req
3232127	Heritage	HerVcinity	Heritage Vicinity 2020
2051344	InternInfo	HER_Refer	Referral Required - Heritage Officer
496202	LandSlip	8	Landslip YES
496205	LandSlip5	1	Landslip - Instability Report Coffey Pty
1757920	LEP2013	E-CAG01	LEP 2014 - Conservation Area - General
1729899	LEP2013	Z-R201	LEP 2014 - (R2) Low Density Residential
2334056	SEPP	DSEPP_EdCh	disabled
1681239	SEPP	GeneralApp	SEPPs - General Application
2607264	SEPP	Prop SEPP	Proposed SEPP
2283409	SEPP	SEPPNote	SEPP General Statement at the end of Para 1(d)

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Section 1.0 Introduction		
Section 2.0 General Controls		
2.1 Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposal is consistent with the desired future character of the low density residential areas.	Yes
2.2 Dwelling Houses		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Landsaped setting with deep soil	Yes

DCP 2014	Proposed	Compliance
(b) Maximum two storeys high	Maximum two storey	Yes
(c) Dwellings address the street	Existing unchanged	Yes
(d) Boundary between public and private space is clearly articulated	Existing fence	Yes
(e) Garages and carports are not to be visually prominent features	Existing unchanged	Yes
(f) Dwellings are to respond appropriately to the site analysis	Existing unchanged	Yes
2.5 Public Domain Amenity		
2.5.1 Streetscape		
(a) Site design, building setbacks and level changes respect the existing topography	Pool in the front yard not visible from the street. Additions to the rear not visible from the street.	Yes
(b) Dwelling design is to enhance the safety and amenity of the streetscape	Existing unchanged	Yes
2.5.2 Public Views and Vistas		
(a) A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Fence 70% open where height is >900mm.	Existing unchanged	Yes
2.5.2 Pedestrian & Vehicle Safety Existing unchanged		
2.6 Site Configuration		
2.6.1 Deep Soil Areas		
(a) 35% of site area min.	184.2 = 34%	No (1)
(b) Deep soil area must include:		
(i) Min 8x8m deep soil area in backyard.	90.6m ² behind the building line	Yes
(ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls).	Front yard only has 21m ² landscaping. (Note: The pool and spa are in the front yard)	No (1)
(c) Deep soil areas to have soft landscaping	Soft landscaping grass and plants	Yes
(d) Deep soil areas to be	Deep soil has soft landscaping	Yes

DCP 2014	Proposed	Compliance
100% permeable. Not covered by structures, paving or the like, or have below surface structures such as stormwater detention elements.	and is 100% Permeable	
2.6.2 Topography & Excavation		
(a) Building form and siting relates to the original topography of the land and of the streetscape.	Building form and siting relates to the original topography of the land and of the streetscape.	Yes
(b) The area under the building footprint may be excavated or filled so long as:		
(i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling	No new cut or fill within the proposed addition	Yes
(ii) the depth of excavation is limited to 1.2m maximum	Max cut: None	Yes
(iii) the maximum height of fill is 900mm	Max fill: None	Yes
(c) Areas outside the dwelling footprint may be excavation and/or filled so long as:		
(i) the maximum height of retaining walls is not >900mm	Retaining wall height = 100m	Yes
(ii) the depth of excavation is not >900mm	Max cut:100 mm	Yes
(iii) the height of fill is not >500mm	Max fill: none	Yes
(iv) the excavation and filled areas do not have an adverse impact on the privacy of neighbours		Yes
(v) the filled areas do not have an adverse impact on the privacy of neighbours	None proposed	Yes
(vi) the area between the adjacent side wall of	None	Yes

DCP 2014	Proposed	Compliance
the house and the side boundary is not filled (vii) the filled areas are not adjacent to side or rear boundaries (d) Generally the existing topography is to be retained.	None Generally the existing topography retrained	Yes Yes
2.7 Floor Space Ratio (FSR)		
(a) FSR is 0.5:1 in accordance Clause 4.4	GF184.08m ² FF 122.39m ² Total = 306.39m ² -36m ² (garage) Total = <u>270.39m²</u> 533.20m ² FSR = 0.50:1	Yes
2.8 Height		
2.8.1 Building height		
(a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy.	Existing unchanged <9.5m	Yes
<u>Maximum wall plate</u> - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> - FGL = Finished Ground Level	Existing unchanged <7.5m	Yes
<u>Maximum number of storeys:</u> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Single storey addition at the rear	Yes
2.8.2 Ceiling Height		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	>2.4m minimum room height.	Yes
2.9 Setbacks		
2.9.1 Front setbacks		
(a) Dwellings are generally to be set back 6m from street front boundary (b) Garages and carports,	Existing unchanged Existing unchanged	Yes Yes

DCP 2014	Proposed	Compliance
including semi-basement garages and attached garages, set back min 1m from façade		
(c) The front setback free of structures. The exception is car parking structures which comply with 2.11.	Front setback has an inground swimming pool and spa	No (2)
(d) The outside face of wall built above a garage aligns with the outside face of the garage wall below.	Existing unchanged	Yes
2.9.2 Side Setbacks		
(a) Two storey dwellings setback 1.5m	Existing unchanged	Yes
2.9.3 Rear Setbacks		
(a) The rear setback min 25% (5.75m) of the site length or 8m, whichever is greater.	Proposed rear setback is 1m. (The exiting rear setback is 4.15m). It is noted the site is an irregular shaped lot. The single storey addition with highlight windows for a portion of the rear setback is considered to maintain the privacy and amenity between the two dwellings and in this instance considered satisfactory.	No (3)
2.11 Car Parking and Access		Existing unchanged
2.12 Swimming Pools and Spas		
(a) Swimming pools, fencing, gates and spas must comply with all relevant Acts. Regulations and Australian Standards.	Condition of consent	Yes
(b) Child resistant barrier.	Shown on plans	Yes
(c) Wall of dwelling may form part of the barrier.		N/A
(d) If spa is covered by a child safe structure no barrier required.	Compliant pool barrier	Yes
(e) Not within front setback.	In the front setback	No (2)
(f) Finished coping level not >500mm above adjacent ground level. Must not adversely impact on privacy of neighbours.	Cut 815mm	Yes
(g) Setback 900mm from outside edge of coping,	1m	Yes

DCP 2014	Proposed	Compliance
deck or pool surrounding including paving. Further setback to preserve existing screen planting.		
(h) N/A		N/A
(i) Min 3m from trunk of trees over 5m in height.	3m	Yes
(j) Pool pump/filter away from neighbouring dwgs. Acoustically enclosed noise does not exceed 5dB(a) above background at boundary.	Condition of consent	Yes
2.13 Landscaping		
(a) Major trees to be retained where practical	Major trees retained	Yes
(b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m	Tree protection	Yes
(c) Hedge planting on boundary no greater than 2.7m	Condition of consent	Yes
(d) Retaining walls and other landscape elements not to obstruct stormwater overland flow.	New retaining walls to replace existing	Yes
(e) OSD not to be located within front setback unless it is underneath driveway	Not in front setback	Yes
2.14 Dwelling Amenity		
2.14.1 Daylight and Sunlight Access Existing unchanged single storey addition		
2.14.2 Visual Privacy Maintained and discussed in rear setback non compliance		
2.14.5 Cross Ventilation		
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	Complies with Basix	Yes
2.15 External Building Elements Match existing		
2.16 Fences		
2.16.1 Front and return Fences and Walls Boundary pool fencing is to be 1.8m		
Part 7: Environment		
7.1: Energy Smart, Water Wise		
3.0 The information Guide		
3.2 Required information		

DCP 2014	Proposed	Compliance
(a) Energy efficiency performance report (b) Site analysis	BASIX Certificate: A BASIX Certificate (see Certificate No. A455018 and dated 5 April 2022) Plans consistent with Certificate	Yes
Part 7.2 Waste Minimisation and Management		
2.3 All developments		
(a) Developments must provide space for onsite waste containers		Yes
Part 8: Engineering		
8.1 Construction Activities		
Part 8.2 Stormwater and Floodplain Management		
2.0 Stormwater Drainage		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage	Deferred commencement consent regarding Stormwater	Note: See Development Engineer - 'Referral Comments'