



## ASSESSMENT REPORT

Local Development Application No: LDA2023/0121

Assessment Officer: Colin Murphy  
Report to Manager Assessment: 22 September 2023  
Consent Authority functions Delegate  
exercised by:

### EXECUTIVE SUMMARY

#### Application details

Subject land:	15 Threlfall St Eastwood
Lot and DP Number:	Lot 9B DP 406335
Site Area and dimensions:	Site area = 923.1m <sup>2</sup> (Frontage = 15.24m)
Proposal:	New secondary dwelling.
Applicant:	Carl & Jenny Ainsworth C/- Granny Flat Solutions
Owner:	Carl Mihailovich & Jennifer Ainsworth
Date lodged:	12 May 2023
Date clock stopped:	10 July 2023
Date clock started again:	22 August 2023
No. of days on STC:	42 Days
Value of Works:	\$182,420.00
Submissions:	<ul style="list-style-type: none"><li>• One (1) submission received objecting to proposal</li></ul> Content Manager Checked on: 22 September 2023
Zoning:	R2 Low Density Residential under RLEP 2014
SEPP Non-Compliances:	<ul style="list-style-type: none"><li>• Side Setback</li><li>• Rear Setback</li><li>• Setback from Trees</li></ul>
DCP Non-Compliances:	<ul style="list-style-type: none"><li>• Rear Setback</li></ul>
Clause 4.6 - RLEP 2014:	No
Councillor Representations	No
<b>Report Recommendation:</b>	Approval

## REPORT

### THE SITE



**Figure 1 - Aerial photograph of site**

The site is legally described as Lot 9B DP 406335 and is known as 15 Threlfall Street Eastwood. The site is irregular in shape with a frontage of 15.24m and side boundaries 61.67m. The allotment has a total area of 923.1m<sup>2</sup>.

The site is located on the northern side of the street. The site has a fall to the middle of the site then rises up at the rear of the property.

The site presently accommodates a single storey dwelling with an undercroft at the rear. Vehicular access is located along the eastern side of the site.

#### **Adjoining properties**

The site is adjoined to the west by 13 Threlfall Street which contains a single storey dwelling and is adjoined to the east by 17 Threlfall Street which contains a two storey dwelling.

### **THE PROPOSAL**

Development consent is sought for the construction of a new secondary dwelling at the rear of the site.

## HISTORY:

12.05.2023	Application lodged.
16.05.2023 – 8.06.2023	Application notified. One (1) submission received.
19.06.2023	Site inspection carried out.
10.07.2023	A request for information was sent to the applicant requesting with the following issues: Stormwater Drainage, Landscaping (Trees).
22.08.2023	Amended Plans received addressing the above issues.
18.09.2023	All referral comments received.

## REFERRALS:

**Consulting Landscape Architect – 29 August 2023:** Council's Consulting Landscape Architect has raised no objections to the application subject to 12 conditions of consent.

**Development Engineer – 18 September 2023:** There are no objections to the proposed development with respect to the engineering components, subject to 15 conditions being applied to any development consent being issued for the proposed development.

## STATUTORY PROVISIONS

### SECTION 4.15 MATTERS FOR CONSIDERATION

#### (a) The provisions of

##### (i) Any environmental planning instrument:

##### **State Environmental Planning Policy (Housing) 2021**

An assessment under the provisions of the Housing SEPP has been undertaken to determine the impacts of the proposed secondary dwelling. A full assessment under this Policy is included in **Attachment 1**.

#### Chapter 3 - Part 1 Secondary dwellings

Requirements	Proposal	Compliance
<b>cl. 50 - Application of Part</b> <ul style="list-style-type: none"><li>Applies to land where a dwelling house is permissible</li></ul>	R2 Low Density Residential in RLEP 2014	Yes
<b>cl. 51 - No subdivision</b> <ul style="list-style-type: none"><li>No consent to a development application that would result in any subdivision of a lot on a secondary dwelling has been carried out</li></ul>	No application for subdivision	Yes
<b>cl. 52 - Development may be carried out with consent</b> (2) Must not consent if the development unless: (a) no dwellings, other than the main (principal dwelling) and the	Only principle and secondary dwellings	Yes

Requirements	Proposal	Compliance
secondary dwelling, will be located on the land;		
(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument (RLEP 2014), and	Main dwelling: 116.09m <sup>2</sup> Secondary dwelling: 59.90m <sup>2</sup>  Total = $\frac{175.99\text{m}^2}{923.10\text{m}^2}$  <b>FSR = 0.19:1</b>	Yes
(c) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another EPI, that greater floor area.	Toral floor area = 59.9m <sup>2</sup>	Yes
<b>Cl. 53 Non-discretionary development standards – The Act, S4.15</b>		
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies		
(a) for a detached secondary dwelling—a minimum site area of 450m <sup>2</sup>	Site area = 923.10m <sup>2</sup>	Yes
(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before development is carried out	No additional car spaces provided	Yes

### **SEPP (Housing) 2021: Schedule 1 – Development Standards**

When determining the impacts of the proposed secondary dwelling against the SEPP it was noted that the proposed development had failed to comply with some of the development standards outlined in the SEPP. 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. There non-compliances identified being:

Development Standard	Discussion
<u>Setback from Side Boundaries</u> - 1.5m if the lot is 900 - 1500m <sup>2</sup> .	<u>Comment:</u> The proposed side setback (western side) is 1.0m. The reduced side setback is required to minimise the impact on the rootzone of surrounding trees that are required to be retained.

<u>Setback from Rear Boundaries</u> - 5m if the lot is 900 - 1500m <sup>2</sup> .	<u>Comment:</u> The proposed rear setback ranges from 3.554m – 4.705. The reduced rear setback is required to minimise the impact on the rootzone of surrounding trees that are required to be retained.
<u>Setback of secondary dwellings from a protected tree</u> - Must have setback of 3m from protected tree	<u>Comment:</u> Tree 4 that is required to be protected is within 3m of the secondary dwelling. However, as the impact to the TPZ is less than 10%, the tree in this situation can be retained.

**Other State Environmental Planning Policies to be Considered:**

Instrument	Proposal	Compliance
<b>State Environmental Planning Policy (Resilience and Hazards) SEPP 2021</b>		
<b>Chapter 4 Remediation of land</b>		
The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land.  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.	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.	Yes
<b>State Environmental Planning Policy (BASIX) 2004</b>		
The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.	A BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.	Yes
<b>State Environmental Planning Policy (Biodiversity &amp; Conservation) SEPP 2021</b>		
<b>Chapter 6 Water Catchments</b>		
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.	Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.	Yes

### **Ryde LEP 2014:**

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

<b>Ryde LEP 2014</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4.3(2) Height</b>		
9.5m	5.05m (secondary dwelling)	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	FSR 0.43:1	Yes
<b>5.21 Flood Planning</b>		
(1) The objective of this clauses are as follows:  (a) to minimise the flood risk to life and property associated with the use of land,  (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.  (c) to avoid significant adverse impacts on flood behaviour and the environment,  (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	The site is mapped as being affected by overland flow flooding.  Council has issued flood levels for the property. The proposed floor levels are above the 100year ARI flood levels.  The secondary dwelling is also proposed with pier/beam construction which allows the passage of overland flow.  The details are acceptable and no further flood related issues with the proposal.	Yes
<b>6.2 Earthworks</b>		
(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.	The site is not located within proximity of any cultural or heritage items. The proposal includes excavation to a depth of the proposed footings associated with the new secondary dwelling. The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.  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	Yes

Ryde LEP 2014	Proposal	Compliance
	considered to be consistent with the provisions of Clause 6.2(3).	
<b>Clause 6.4 Stormwater management</b>		
(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 the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters. The proposal has been considered acceptable by Council's Senior Development Engineer.	Yes

#### **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 secondary dwelling in the rear yard. 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 2**. The non-compliances identified being:

Control	Discussion
<b>2.9.3 - Rear Setback</b> - A rear setback of 25% of the site (8.08m) or 8m (whichever is the greater) is to be provided.	<b>Comment:</b> The proposed rear setback ranges from 3.554m – 4.705. The reduced rear setback is required to minimise the impact on the rootzone of surrounding trees that are required to be retained and supported in this situation.

## **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 Council, Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

### **Section 7.11 - Development Contributions Plan – 2020**

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required because of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$1,994.26
Open Space & Recreation Facilities	\$3,434.03
Roads & Traffic Management facilities	\$1,054.24
Plan Administration	\$ 97.24
<b>The total contribution is</b>	<b>\$6,579.77</b>

A condition on the payment of Section 7.11 Contribution of **\$6,579.77** has been included in the draft notice of determination attached to this report.

#### **(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 a secondary dwelling in the rear yard works. 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 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, one (1) submission was received from the rear adjoining neighbour at 260 North Road Eastwood. Their main concerns being:



- **Rear Setback**

*To maintain privacy and aesthetics, I request that the rear setback (rear boundary) and height comply with the planning requirements Environmental Planning & Assessment Act, Ryde Local Environmental Plan and the local DCPs. The site plan shows 3.554 offset from the rear boundary, my understanding the minimum distance is 5.00.*

Comment: The proposed secondary dwelling has been submitted to Council as a Development Application and is assessed in accordance with the requirements of Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached). The rear setback distance of 5.0m applies if the application is submitted as a Complying Development Application and assessed in accordance with the requirements of State Environmental Planning Policy (Housing) 2021. The rear façade of the proposed secondary dwelling is not excessive in height, and it sits at natural ground level which is lower than the natural ground level at the rear boundary. Several large trees surrounding the secondary dwelling have also restricted its location. Therefore, Council has supported the proposed rear setback in this situation.

### **(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 acceptable. 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:

- i) to promote the orderly and economic use and development of land,
- ii) to promote good design and amenity of the built environment,
- iii) 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 the 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 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 development consent to Local Development Application LDA No. LDA2023/0121 for new secondary dwelling on land at 15 Threlfall Street Eastwood subject to the conditions in the attached draft consent.

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



**Colin Murphy**  
**Senior Coordinator – Development Assessment**

**This application is determined on 28 September 2023 under the delegated authority of:**



**Carine Elias**  
**Manager Development Assessment**

## **ATTACHMENT 1 – COMPLIANCE TABLE**

### **State Environmental Planning Policy (Housing) 2021**

Schedule 1 – Development standards for secondary dwellings for Complying Applications.

The following development standards apply to complying development and are used as a basis to assess whether the proposal is satisfactory in terms of its likely impact.

<b>Development standards</b>	<b>Proposal</b>	<b>Satisfied</b>
<b>Part 2 – Site Requirements</b>		
<b>2. Lot requirements</b> (1) Development for the purposes of a secondary dwelling may only be carried out on a lot that: <ul style="list-style-type: none"> <li>(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and</li> <li>(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:               <ul style="list-style-type: none"> <li>• 15m if the lot is 900 – 1500m<sup>2</sup></li> </ul> </li> </ul> (2) Has lawful access to a public road.	15.24m (Area = 923.1m <sup>2</sup> )  Lawful access to a public road	Yes         Yes
<b>3. Maximum site coverage of all development</b> (1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following: 40% if the lot is 900 -1500m <sup>2</sup> ,	Less than 40%	Yes
<b>4. Maximum floor area for principal and secondary dwellings</b> – already calculated under Attachment 2	Principle dwelling: 116.09m <sup>2</sup> Secondary dwelling: 59.90m <sup>2</sup>  Total = $\frac{175.99\text{m}^2}{923.10\text{m}^2}$  <b>FSR = 0.19:1</b>	Yes
<b>5. Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs</b> (1) Max for balcony, deck, patio, pergola, terrace or verandah attached to a secondary dwelling with a floor level of	1.3m above ground <2m	Yes

Development standards	Proposal	Satisfied
more than 2m above ground level and 6 meters from a side boundary (existing) is 12m <sup>2</sup> .		
<b>Part 3 - Building height &amp; Setbacks</b>		
<b>6. Building Height</b> A new building or a new part of an existing building must not be more than 8.5m above existing ground level.	5.05m	Yes
<b>7. Setbacks from roads, other than classified roads</b> (1) The new secondary dwelling or new part of an existing building must be set back from a <u>primary road</u> (frontage of site) at least: (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same road and located within 40m of the lot on which the dwelling house is erected, or (2) Development for the purposes of a secondary dwelling or an ancillary structure on a lot must result in a new building or a new part of an existing building having a setback from a boundary of the lot with a parallel road that is not a classified road of at least 3m (3) secondary dwelling a corner lot must result in a new building or a new part of an existing building on the lot having a setback from the boundary with a secondary road that is not a classified road of at least (a) for a lot with an area of at least 450m <sup>2</sup> but not more than 600m <sup>2</sup> —2m, or (b) for a lot with an area of more than 600m <sup>2</sup> but not more than 1,500m <sup>2</sup> —3m, or (c) for a lot with an area of more than 1,500m <sup>2</sup> —5m (4) For the purposes of this section, if a lot is a corner lot (a) a boundary that is at least 6m in length is taken to be a boundary with a primary road, and (b) the other boundaries are taken to be boundaries with a secondary road.	N/A	Yes
<b>8. Setbacks from classified roads</b> Development for the purposes of a secondary dwelling or an ancillary structure	N/A	Yes

Development standards	Proposal	Satisfied
must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than 9m or if another EPI applies		
<b>9. Setbacks from side boundaries</b> (1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building must be set back <ul style="list-style-type: none"> <li>1.5m if the lot is 900 - 1500m<sup>2</sup></li> </ul>	West side – 1.0m East side – 6.43m	<b>No (1)</b> Yes
<b>10. Setback from rear boundaries</b> (1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following: <ul style="list-style-type: none"> <li>5m if the lot is 900 - 1500m<sup>2</sup></li> </ul> (2) A dwelling on a lot with a rear boundary with a laneway may have a building line that abuts the boundary for up to 50% of the length of the boundary.	3.554m – 4.705  N/A	<b>No (2)</b>  Yes
<b>11. Exceptions to setbacks</b> (1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3m from a boundary with a public reserve	N/A	Yes
<b>13. Building Articulation</b>		
(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road (2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.		N/A



Development standards	Proposal	Satisfied
<b>Part 4 - Landscaping</b>		
<b>16. Landscaped area</b>		
(1) Must have a landscaped area of at least the following: <ul style="list-style-type: none"> <li>35% 900 -1500m<sup>2</sup></li> </ul>	Greater than 35%	Yes
(2) Minimum 50 % must be located behind the building line to the primary road boundary.	N/A	Yes
(3) Must be at least 2.5m wide.	>2.5m	Yes
<b>17. Principal private open space</b>		
(1) Minimum 24m <sup>2</sup>	>24m <sup>2</sup>	Yes
(2) principal private open space is: (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) is at least 4m wide (c) is not steeper than 1:50 gradient.	Minimum 4m  >4m wide and less than 1:50	Yes  Yes
<b>Part 5 - Earthworks &amp; Drainage</b>		
<b>18. Excavation of sloping sites</b>		
(1) Excavation must (a) be not more than 1m below ground level (existing) (b) if located more than 1m but not more than 1.5m from any boundary—2m, (c) if located more than 1.5m from any boundary—3m (d) if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural)—1m	Excavation for the secondary dwelling >1m	Yes  N/A  N/A  N/A
(3) <b>Fill:</b> max fill is 1m from NGL contained within building footprint	No fill proposed	N/A
(4) Fill greater than 150mm outside building footprint is limited to 50% of the landscaped area	No fill proposed	N/A
(5) The ground level (finished) of the fill must not be used to measure the height of any secondary dwelling or an ancillary structure under this code	No fill	N/A
(6) <b>Retaining Walls:</b> if more than 600mm cut or fill, a retaining wall is required. Design must: <ul style="list-style-type: none"> <li>not redirect flow of surface or ground water</li> <li>adequate drainage line connected to stormwater system</li> <li>cannot be larger than proposed height of cut or fill</li> </ul>	None required	N/A

Development standards	Proposal	Satisfied
<ul style="list-style-type: none"> <li>must be separated from other retaining walls or support by 2m</li> </ul>		
<b>19. Drainage</b> (1) All stormwater collecting as a result of the development must be conveyed by a gravity fed or charged system to: <ul style="list-style-type: none"> <li>(a) a public drainage system, or</li> <li>(b) an inter-allotment drainage system, or</li> <li>(c) an on-site disposal system.</li> </ul> (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must: <ul style="list-style-type: none"> <li>(a) if an approval is required under s68 of the <u>LGA 1993</u>, be approved under that Act, or</li> <li>(b) if an approval is not required under s68 of the LGA 1993, comply with any requirements for the disposal of stormwater drainage contained in a DCP that is applicable to the land.</li> </ul>	Public drainage system	Yes
		N/A
		N/A
<b>20. Setback of secondary dwellings from a protected tree</b> (1) must have setback of 3m from protected tree  (2) despite (1) the following is permitted within the setback if not greater than 0.15m of cut or fill <ul style="list-style-type: none"> <li>access ramp</li> <li>driveway, pathway or paving</li> <li>awning</li> <li>fencing</li> </ul> (3) <b>protected tree</b> means a tree that requires a separate permit or development consent for pruning or removal, but does not include a tree that may be removed without development consent under this Policy	Existing large trees are within 3m of the secondary N/A	<b>No (3)</b>
		Yes
		<b>No (3)</b>



## ATTACHMENT – 2

### Assessment of a Secondary Dwelling

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.	Desired future character secondary dwelling permissible	Yes
2.2 Dwelling Houses		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Landscaped area	Yes
(b) Maximum two storeys high	Single storey	Yes
(c) Dwellings address the street	Existing unchanged	Yes
(d) Boundary between public and private space is clearly articulated	In the rear yard	Yes
(e) Garages and carports are not to be visually prominent features	Existing unchanged	Yes
2.5 Public Domain Amenity		
2.5.1 Streetscape	Existing unchanged	
2.5.2 Public Views and Vistas	Existing unchanged	
2.5.2 Pedestrian & Vehicle Safety	Existing unchanged	
2.6 Site Configuration		
2.6.1 Deep Soil Areas		
(a) 35% of site area min.	>35%	Yes
(b) Deep soil area must include:		Yes
(i)Min 8x8m deep soil area in backyard.	8m x 8m retained for existing dwelling	
(ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls).	Existing unchanged	Yes
(c) Deep soil areas to have soft landscaping	Soft landscaping	Yes
(d) Deep soil areas to be 100% permeable. Not covered by structures, paving or the like, or have below surface structures	Deep soil is 100% permeable	Yes

DCP 2014	Proposed	Compliance
such as stormwater detention elements.		
<b>2.6.2 Topography &amp; Excavation</b>		
(a) Building form and siting relates to the original topography of the land and of the streetscape.	Existing unchanged	Yes
(b) The area under the building footprint may be excavated or filled so long as:	Excavation at rear 300mm	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	No retaining walls	Yes
(ii) the depth of excavation is not >900mm	Depth of excavation - 300mm	Yes
(iii) the height of fill is not >500mm	No fill proposed	Yes
(d) Fill is not allowed in areas of overland flow. Refer to Part 8.2 stormwater management	No fill proposed	Yes
(e) Generally the existing topography is to be retained.	Generally the existing topography is retained	Yes
<b>2.7 Floor Space Ratio (FSR)</b>		
(a) FSR is 0.5:1 in accordance Clause 4.4	Principle dwelling: 116.09m <sup>2</sup> Secondary dwelling: 59.90m <sup>2</sup>  $\text{Total} = \frac{175.99\text{m}^2}{923.10\text{m}^2}$  <b>FSR = 0.19:1</b>	Yes
<b>2.8 Height</b>		
<b>2.8.1 Building height</b>		
(a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy.	Secondary dwelling 5.05m	Yes
<u>Maximum wall plate</u> - 7.5m max above FGL <i>or</i> - 8m max to top of parapet NB:	3.775m	Yes

DCP 2014	Proposed	Compliance
<p><i>TOW = Top of Wall</i>  <i>EGL = Existing Ground Level</i>  - <i>FGL = Finished Ground Level</i></p>		
<p><u>Maximum number of storeys:</u>  - 2 storeys maximum</p>	1 storey	Yes
<b>2.8.2 Ceiling Height</b>		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	2.450m minimum room height.	Yes
<b>2.9 Setbacks</b>		
<b>2.9.1 Front setbacks Existing unchanged</b>		
<b>2.9.2 Side Setbacks</b>		
(a) One storey dwellings setback 900mm	West side – 1.0m East side – 6.43m	Yes
<b>2.9.3 Rear Setbacks</b>		
(a) The rear setback min 25% of the site length (15.41m) or 8m, whichever is greater.	Rear setback: 3.554m – 4.705	<b>No (1)</b>
<b>2.11 Car Parking and Access</b>		
<b>2.11.1 Car Parking Existing unchanged</b>		
<b>2.13 Landscaping</b>		
(a) Major trees to be retained where practical	Major trees not impacted by the development are to remain	Yes
(b) Provide useful outdoor spaces	Useful outdoor space	Yes
(c) Physical connection between dwelling and external ground level	Physical connection stairs front and rear for secondary dwelling	Yes
(d) Provide landscape front garden. Hard paved areas no more than 40%.	Existing unchanged	Yes
(e) Pathway along one side boundary connecting front to rear. Not to be blocked by ancillary structures.	Pathway along the side	Yes
<b>2.14 Dwelling Amenity</b>		
<b>2.14.1 Daylight and Sunlight Access single storey existing unchanged</b>		
<b>2.14.2 Visual Privacy</b>		
(a) Orientate the windows of main living spaces (living room, dining, kitchen, family etc) to the front and rear	Windows are orientated to the front and rear	Yes

DCP 2014	Proposed	Compliance
(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary	Porch is orientated to the front	Yes
(c) Terraces and balconies are not to overlook neighbour's living areas and POS	Privacy is maintained	Yes
(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS	Windows will not allow a direct view into neighbouring dwelling or POS	Yes
(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.	Side windows are offset from neighbours	Yes
<b>2.14.5 Cross Ventilation</b>		
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	Secondary dwelling is designed to optimise access to prevailing breezes and provide for cross ventilation	Yes
<b>2.15 External Building Elements</b>		
<b>2.15.1 Roofs</b>		
(a) Relate roof design to the desired built form by:		
(i) articulating the roof:	Roof is sloping	Yes
(ii) roof is consistent with the architectural character of dwelling	Roof is consistent with the architectural character of dwelling	Yes
(iii) compatible roof form, slope, material and colour to adjacent buildings	Compatible roof	Yes
(b) The main roof not trafficable terrace.	Not a trafficable terrace	Yes
(c) Balconies and terraces are not to be set into roofs.	Not in roof	Yes
<b>Part 7: Environment</b>		
<b>7.2 Waste Minimisation and Management</b>		
(a) Waste management plan must be provided	Waste management plan has been provided	Yes
<b>Part 8: Engineering</b>		
<b>8.1 Construction Activities</b>		
<b>Part 8.2 Stormwater and Floodplain Management</b>		
<b>2.0 Stormwater Drainage</b>		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage	Council' Development Engineer has commented that stormwater drainage will be	Yes

DCP 2014	Proposed	Compliance
	satisfactory subject to conditions.	
<b>4.0 Flooding and Overland Flow</b>		
4.4.1(a) development that is flood affected has been provided with a Flood Impact Statement. Report prepared in accordance with Section 2.2 of the Stormwater and Flood Plan Management Technical Manual	The development site is noted as affected by flooding and is located within overland flow precinct. Council has issued flood levels for the property The proposed floor levels are above the 100year ARI flood levels.	Yes

<b>BASIX</b>		
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list)</p> <p><b>BASIX Cert No. 1366804S_02 dated 21 March 2023</b></p> <ul style="list-style-type: none"> <li>• RWT 2000ltrs</li> <li>• Thermal Comfort Commitments</li> <li>• HWS (electric heat pump – 31-35 STCs or better)</li> <li>• Natural lighting: <ul style="list-style-type: none"> <li>i) 1 x kitchen window</li> <li>ii) 1 x bathroom windows</li> </ul> </li> </ul>	<p>Marked on plans</p> <p>Assessor Report</p> <p>Shown on plans</p> <p>Shown on plans</p> <p>Shown on plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Water Target: 40 Energy Target: 50 Thermal Comfort: Pass	Water: 40 Energy: 51 Thermal Comfort: Pass	Yes Yes Yes
Correct description of property / proposal on 1st page of Certificate.	Correct details	Yes