

Statement of Environmental Effects

Development Application

49 South Creek Road, Dee Why

New secondary dwelling

Prepared for: Bishi Tancev

Submitted to: Northern Beaches Council

5 October 2023

Contents

1	Introduction.....	1
2	Site and Surroundings	2
2.1	The Site	2
2.2	The Surroundings.....	4
3	Development History	7
4	Proposal.....	8
4.1	General Description.....	8
4.2	Detailed Description	8
5	Environmental Assessment.....	9
5.1	Environmental Planning and Assessment Act, 1979	9
5.1.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	9
5.1.2	Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments	15
5.1.3	Section 4.15(1)(a)(iii): Development Control Plans.....	15
5.1.4	Section 4.15(1)(a)(iiia): Planning Agreements.....	15
5.1.5	Section 4.15(1)(a)(iv): Regulations	15
5.1.6	Section 4.15(1)(b): Likely Impacts.....	15
5.1.7	Section 4.15(1)(c): Suitability of the Site	16
5.1.8	Section 4.15(1)(d): Submissions	16
5.1.9	Section 4.15(1)(e): The Public Interest	16
6	Conclusion and Recommendation.....	17

Annexure

Annexure A. Assessment Table - Warringah Development Control Plan 2011

1 Introduction

This Statement of Environmental Effects relates to a Development Application seeking Council's consent to convert / reconstruct the existing shed at the rear of the site for use as a secondary dwelling at 49 South Creek Road, Dee Why.

This Statement is prepared on behalf of the Applicant of the Development Application, Bishi Tancev.

This Statement:

- describes the site and its surrounding area,
- outlines relevant development history,
- details the nature of the proposed development, and
- undertakes an assessment of the proposal under the heads of consideration in Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979.

The proposal will be beneficial to the locality in that it will provide for much-needed additional housing. The built form is considered to be acceptable given that it involves an adaptation of an existing structure at the rear of the property. No adverse impacts will arise from the proposal.

The conclusion is reached that the proposal is well designed and expressed and is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

2.1 The Site

The subject site is known as 49 South Creek Road, Dee Why. It is located on the southwestern side of South Creek Road, between Cumberland Avenue and Campbell Avenue. The general location of the site is shown at **Figure 1** and an aerial shot is at **Figure 2**.

The subject site is legally known as Lot 3, Section 10, DP 10223. It is a rectangular shaped lot with a 15.24 metre frontage to South Creek Road; a depth of 50.29 metres; and a total site area of 766.4 sqm.

The site falls to the southwest from its highest point – RL 11.48 near the northeastern corner – to its lowest point – RL 9.24 at the southwestern corner. On this basis, the fall is approximately 2.67 degrees or approximately 4.46%. The site is burdened by a stormwater drainage easement (1.83 metres wide) that runs along the southeastern side boundary. Details are provided on the site survey that accompanies the Development Application.

The site is improved with a two-storey detached dwelling house; a two-storey outbuilding (art studio); swimming pool and a shed at the rear. A vehicle crossing provides access to parking for the dwelling. The general arrangement of improvements on the site is shown on **Figure 8** at section 3 of this Statement. **Figures 3 and 4**, below, show images of existing improvements in the rear yard.

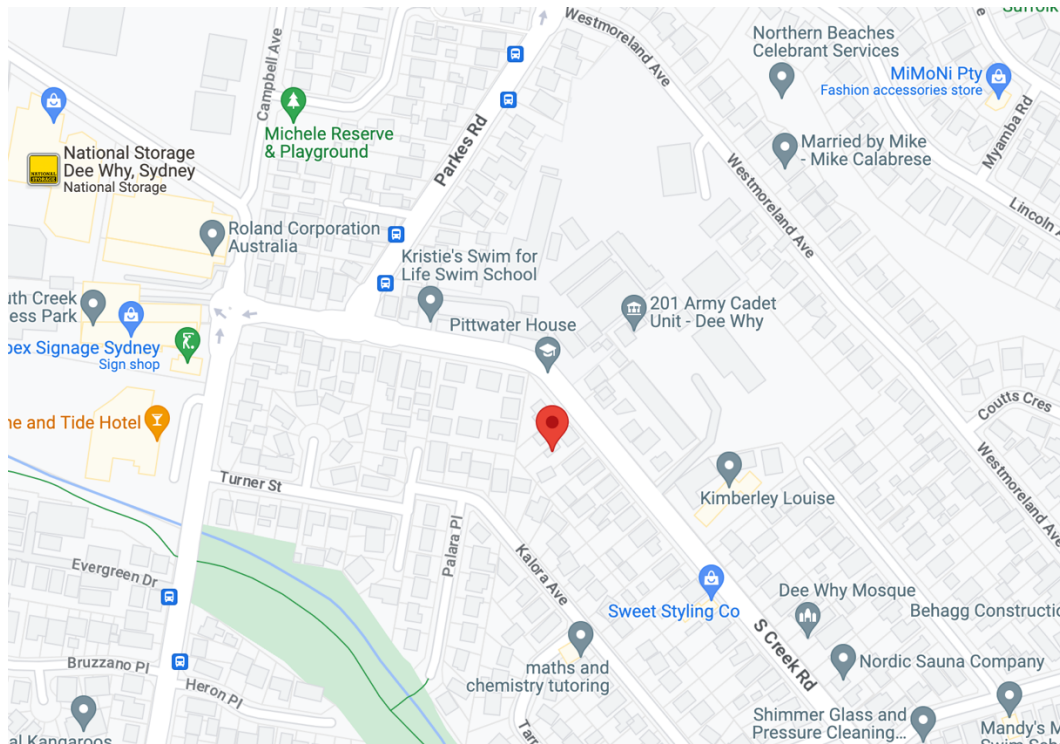


Figure 1: Location of subject site – identified with red pin (Source: Google)



Figure 2: Aerial view of subject site - defined by white outline (Source: Landchecker)



Figure 3: Rear of existing dwelling house showing access up the (southeastern) side



Figure 4: Looking west within the rear yard across the pool and towards the shed

2.2 The Surroundings

The area surrounding the site is residential in character, and comprises a mix of housing types. The adjoining property to the southeast is improved with a dwelling house, and has had recent approval for a secondary dwelling as Complying Development – refer **Figure 5**. The adjoining property to the rear – No.32 Kalora Avenue – is improved with a single story detached dwelling house - refer **Figure 6**. The adjoining property to the northwest is improved with a two-storey residential flat building – refer **Figure 7**.



Figure 5: Looking south within the rear yard towards the existing dwelling at No.47 South Creek Road



Figure 6: The existing dwelling at No.32 Kalora Avenue (adjoining property to the rear of the subject site)



Figure 7: The existing residential flat building at No.51 South Creek Road, located on the adjoining site to the northwest

3 Development History

A search of Council's online records has revealed the following development history on the site.

DA Ref.	Application Type	Development description	Determination & Date
DA2021/0194	Development Application	Alterations and additions to a dwelling house	Approved 06/05/2021
DA2020/0743	Development Application	Construction of a front fence	Approved 10/08/2020
DA2020/0188	Development Application	Alterations and additions to a dwelling house	Refused 3/05/2020
DA2010/1193	Development Application	Demolition works and construction of a carport and outbuilding	Approved 24/09/2010

Figure 8 below shows the approved site plan under DA2021/0194.

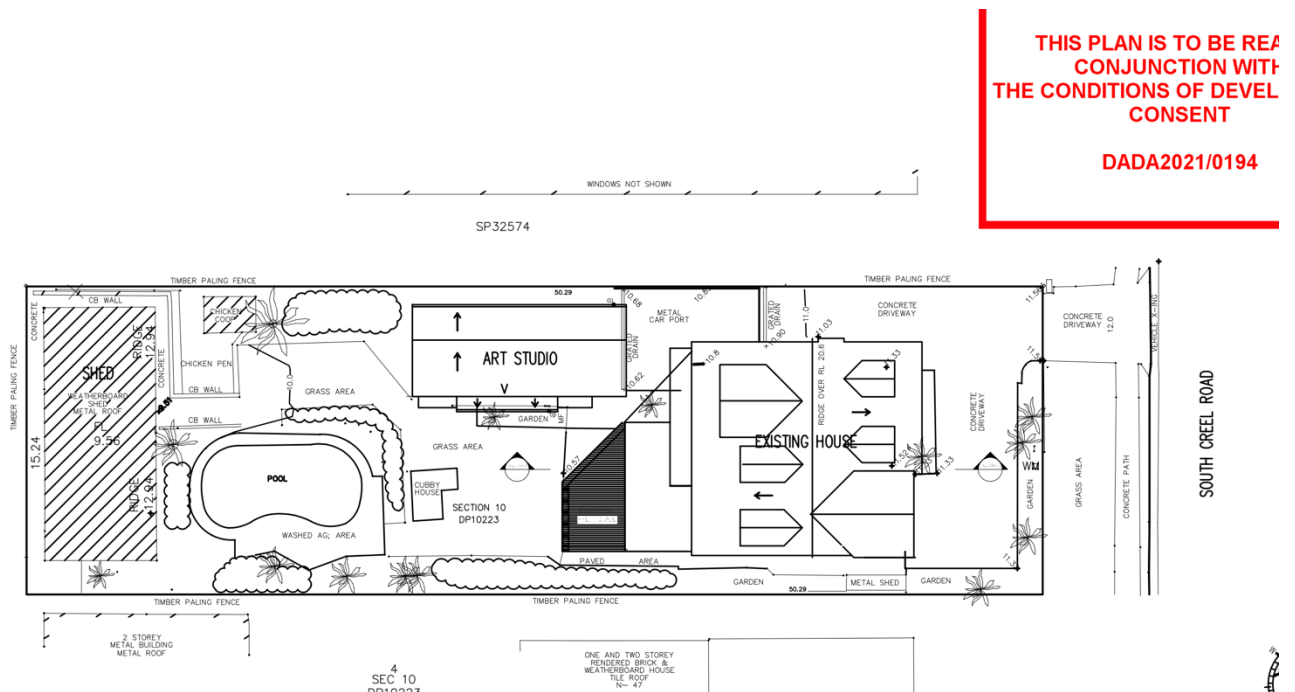


Figure 8: Approved site plan under DA2021/0194

4 Proposal

4.1 General Description

It is proposed to convert / reconstruct the existing shed at the rear of the site for use as a secondary dwelling.

The proposal is shown on the submitted architectural drawings, and the following paragraphs provide a detailed description of the proposal.

4.2 Detailed Description

The proposal involves an adaptation of the existing shed at the rear of the property to create a secondary dwelling. The proposed dwelling will accommodate one bedroom, living/dining area and a work-from-home office space, as well as kitchen bathroom and laundry facilities. The proposed dwelling will have a gross floor area of 55.7 m².

The existing footprint will be used, but with an increased setback from 1,680 mm (existing) to 2,860 mm (proposed) from the southeastern property boundary. This increased setback area will accommodate for a private courtyard space for the proposed secondary dwelling.

The proposal will have a very marginal height change from the existing ridge at RL 12.94 to a proposed ridge height at RL 13.02.

The proposal seeks a variation from the rear setback control, which is considered in detail in the assessment section of this Statement.

Access to the proposed secondary dwelling will be via a pathway along the southeastern boundary of the property. No parking accommodation is proposed.

Demolition works associated with the proposal are shown on the submitted architectural drawings.

The proposal will connect to the existing stormwater infrastructure located within the easement along the southeastern boundary.

5 Environmental Assessment

5.1 Environmental Planning and Assessment Act, 1979

This section undertakes an assessment of the proposal under the relevant provisions of the Environmental Planning and Assessment Act, 1979.

5.1.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

Warringah Local Environmental Plan 2011

The following assessment is based on version 18 August 2023 of Warringah Local Environmental Plan 2011 (LEP).

Zoning and Permissibility

Part 2 of the LEP identifies that the subject site is zoned R2 - Low Density Residential.

The Land Use Tables for the R2 - Low Density Residential zone are as follows:

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; **Secondary dwellings**; Tank-based aquaculture; Veterinary hospitals*

4 Prohibited

Any development not specified in item 2 or 3

The proposed development seeks approval to undertake alterations to an existing building to create a secondary dwelling, which is a permitted use with Council consent as shown underlined and bold above.

Secondary dwelling is defined as follows:

secondary dwelling means a self-contained dwelling that—

(a) is established in conjunction with another dwelling (the principal dwelling), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

The objectives of the R2 - Low Density Residential zone are as follows:

- 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 ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

It is considered that the proposed development is consistent with these objectives in that:

- It will provide for much needed additional housing; and
- It involves utilising an existing building envelope but with an increased setback from the southeastern boundary, ensuring that the low density character is maintained.

LEP Provisions

The following table provides an assessment of the proposal against the relevantly applicable clauses of the LEP.

LEP Clause	Consideration
4.3 Height of buildings	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</p> <p>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,</p> <p>(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,</p> <p>(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.</p>	<p>Complies</p> <p>The subject site has an 8.5 metre maximum height as mapped on Height of Buildings Map.</p> <p>The proposed secondary dwelling has a height of 3.56 metres, which complies.</p>
5.4 Controls relating to miscellaneous permissible uses	
<p>(9) <u>Secondary dwellings on land other than land in a rural zone</u></p> <p>If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,</p> <p>(b) 11% of the total floor area of the principal dwelling.</p>	<p>Complies</p> <p>The proposed secondary dwelling has a gross floor area of 55.7 m², which complies.</p>

LEP Clause

Consideration

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land Works

- | | |
|---|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface.
Works by which the watertable is likely to be lowered. |
| 3 | Works more than 1 metre below the natural ground surface.
Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. |
| 4 | Works more than 2 metres below the natural ground surface.
Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

Complies

The subject site is Class 5 as mapped on Acid Sulfate Soils Map.

The proposal does not involve any intrusive earthworks that would result in non-compliance with the Class 5 category controls.

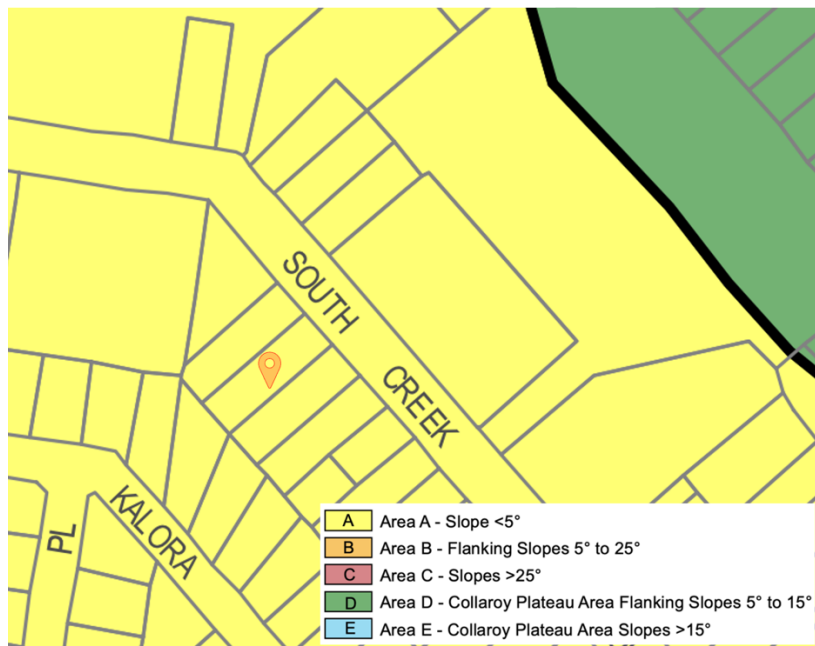
LEP Clause

Consideration

6.4 Development on sloping land

- (1) The objectives of this clause are as follows—
- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.
- (2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- (c) the development will not impact on or affect the existing subsurface flow conditions.

Mapping:



Complies

The subject site is in Area A as mapped on Landslip Risk Map.

The site fall is approximately 2.67 degrees or approximately 4.46% - refer to section 2.1 of this Statement.

The proposal is considered to satisfy the requirements of this clause in that:

- The area of the site, the subject of the proposed works, does not exhibit any characteristics that would indicate the potential for landslip activity;
- The roof area of the existing structure will be reduced, and all stormwater will be directed to the existing infrastructure located within the easement on the property; and
- The proposed development will not impact or change any existing subsurface flow conditions.

LEP Clause	Consideration
<p>6.10 Development for the purposes of secondary dwellings in Zones R2 and R3</p> <p>(1) The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>(b) Zone R3 Medium Density Residential.</p> <p>(3) Despite clause 5.4(9), development consent may be granted for development for the purposes of a secondary dwelling on land to which this clause applies if—</p> <p>(a) the total floor area of the secondary dwelling does not exceed 75 square metres, and</p> <p>(b) the consent authority is satisfied that the secondary dwelling will be located entirely within an existing principal dwelling that contains no other secondary dwelling.</p> <p>(4) In this clause—</p> <p>development for the purposes of a secondary dwelling includes the following—</p> <p>(a) the erection of, or alterations or additions to, a secondary dwelling,</p> <p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p>	<p>Complies</p> <p>Council has advised that this clause is intended to permit additional floor space for proposed secondary dwelling (more than 60 sqm but less than 75 sqm) if it is located within an existing principal dwelling.</p> <p>As the proposal seeks a secondary dwelling with a floor space of 55.7 m², further consideration under this clause is not relevant.</p>

State Environmental Planning Policy (Sustainable Buildings) 2022

New dwellings, or alterations and additions to a dwelling where the total cost of work is \$50,000 or more, require a BASIX certificate. A BASIX certificate has been prepared, commitments are shown on plan and the certificate is included with the Development Application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

The provisions of Chapter 4 apply to the subject site in respect of remediation of land.

The subject site is currently used for residential purposes, and all indications are that it has been used only for this purpose for a considerable period of time. There is nothing to indicate that the property would be subject to any contaminants. On this basis, the site is considered suitable for the proposed development within the requirements of Chapter 4.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

South Creek Road is a classified road for the purposes of this policy. Clause 2.119 contains provisions relating to development on land adjacent to a classified road, and states as follows:

2.119 Development with frontage to classified road

(1) The objectives of this section are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposed works involved a new secondary dwelling. However, no additional vehicle parking is proposed that would be of relevant consideration in relation to the Classified Road. On this basis, the proposal is considered acceptable under chapter 2 of this Policy.

State Environmental Planning Policy (Housing) 2021

Chapter 3 Diverse housing

This Policy applies to development for the purposes of a secondary dwelling on land in a residential zone. Clause 53 includes non-discretionary development standards, and states as follows:

53 Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(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 450m²,

(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 the development is carried out.

The proposal complies with the above non-discretionary development standards, in that:

- The total site area is 766.4 sqm; and
- No additional parking is proposed.

The proposed development satisfies the requirements of Chapter 3 of this Policy.

5.1.2 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments that apply to the site. There are also no Planning Proposals under consideration that apply to the land.

5.1.3 Section 4.15(1)(a)(iii): Development Control Plans

Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (DCP) applies to the site and the proposed development. **Annexure A** contains an assessment of the proposal against the relevant provisions of the DCP.

5.1.4 Section 4.15(1)(a)(iia): Planning Agreements

Not applicable.

5.1.5 Section 4.15(1)(a)(iv): Regulations

The Application is not inconsistent with any requirements contained in Part 3 of the Environmental Planning and Assessment Regulation 2021.

5.1.6 Section 4.15(1)(b): Likely Impacts

Overall, the proposal is consistent with the requirements of Council's controls and will not result in any adverse impacts. The only area of non-compliance relates to the setback from the rear boundary. This is considered further below.

The proposal has been designed to utilise the envelope created by the existing shed at the rear, and the increased setback from the southeastern side boundary will reduce the overall building footprint. This is demonstrated in **Figure 9** below. The result of this increased setback is a reduced shadow cast on the adjoining property to the rear, which is demonstrated in **Figure 10**. The overall result will be a net improvement to the amenity enjoyed by the adjoining property to the rear.

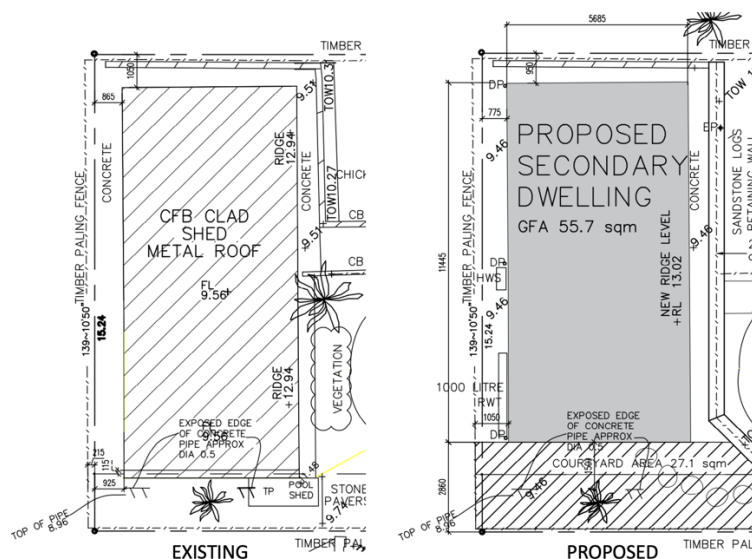


Figure 9: Existing footprint of shed and proposed footprint of secondary dwelling

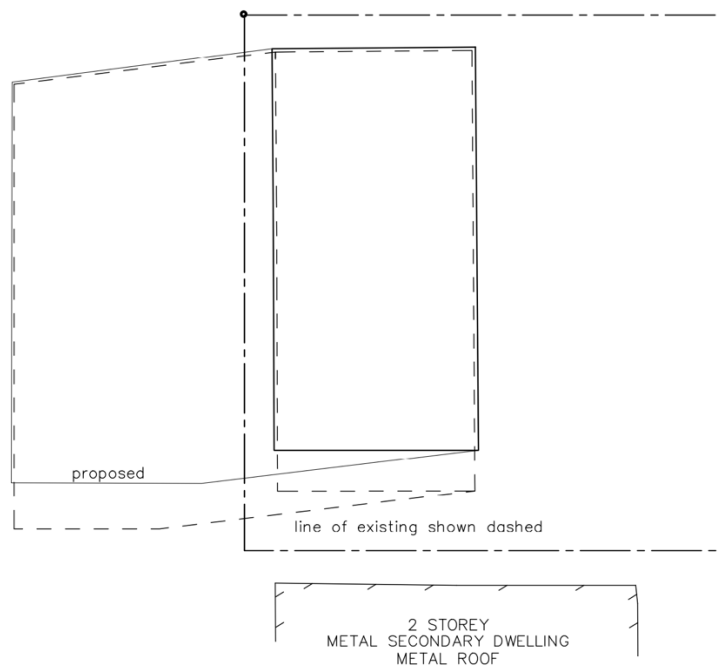


Figure 10: Existing and proposed shadows at 9am at mid-winter

5.1.7 Section 4.15(1)(c): Suitability of the Site

There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

5.1.8 Section 4.15(1)(d): Submissions

Council will consider submissions at the close of the exhibition period.

5.1.9 Section 4.15(1)(e): The Public Interest

For the reasons set out in this Statement, it is considered that the public interest would be best served by approval of the Development Application under consideration, particularly, given the absence of any demonstrable adverse impacts resulting from the proposal.

6 Conclusion and Recommendation

The proposal seeks Council's consent to convert / reconstruct the existing shed at the rear of the site for use as a secondary dwelling at 49 South Creek Road, Dee Why.

The proposed development is compatible with the form of development in the area and will not have any adverse impact in terms of amenity to adjoining properties or the public domain.

The assessment that has been undertaken in this Statement demonstrates that no adverse environmental impacts would occur as a result of approving the proposed development.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979.

It is, therefore, concluded that there are no valid town planning impediments to the granting of consent for the development as proposed.

Annexure A. Assessment Table - Warringah Development Control Plan 2011

Contents

Warringah Development Control Plan 2011 (Amendment 21)
PART B – BUILT FORM CONTROLS
Section B1: Wall Heights
Section B3: Side Boundary Envelope
Section B5: Side Boundary Setbacks
Section B9: Rear Boundary Setbacks
PART C – SITING FACTORS
Section C4: Stormwater
PART D - DESIGN
Section D1: Landscaped Open Space and Bushland Setting
Section D2: Private Open Space
Section D6: Access to Sunlight
Section D8: Privacy
Section D9: Building Bulk
Section D11: Roofs
PART E – THE NATURAL ENVIRONMENT
Section E10: Landslip Risk

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Warringah Development Control Plan 2011 (Amendment 21)

DCP Provision	Assessment	Compliance	
PART B – BUILT FORM CONTROLS			
Section B1: Wall Heights			
Requirements			
1	<p>Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).</p> <p>This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:</p> <ul style="list-style-type: none">• does not exceed the 8.5 metre height development standard;• is designed and located to minimise bulk and scale; and• has a minimal visual impact when viewed from the downslope sides of the land.	<p>Existing ground level is at RL 9.46. The proposal has a maximum wall height at RL 13.02. Results in a maximum wall height of 3.56 metres.</p>	Complies
Section B3: Side Boundary Envelope			
Requirements			
1	<p>Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:</p> <ul style="list-style-type: none">• 4 metres, or• 5 metres <p>as identified on the map.</p>	<p>The subject site is mapped with an envelope height requirement of 4 metres.</p> <p>By virtue of the fact that the proposed building has a maximum height of 3.56 metres, automatic compliance is achieved with the side boundary envelope requirement.</p>	Complies

DCP Provision		Assessment	Compliance
Section B5: Side Boundary Setbacks			
<i>Requirements</i>			
1	Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.	<p>The subject site is mapped with a minimum side setback of 0.9 metres.</p> <p>The proposal is set back 0.95 metres from the northwestern boundary; and 2.86 metres from the southeastern boundary.</p>	Complies
2	Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	There are no above or below ground structures proposed in the side boundary setback areas.	Complies
Section B9: Rear Boundary Setbacks			
<i>Objectives</i>			
	<ul style="list-style-type: none"> To ensure opportunities for deep soil landscape areas are maintained. To create a sense of openness in rear yards. To preserve the amenity of adjacent land, particularly relating to privacy between buildings. To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements. To provide opportunities to maintain privacy between dwellings. 	<p>The proposal satisfies the rear boundary setback objectives, in that:</p> <ul style="list-style-type: none"> No change will result to the existing deep soil area on the site; The proposal seeks to increase the setback from the southeastern side boundary, which will increase the sense of openness in the rear yard; The proposal will not change amenity to the adjoining property to the rear, as the proposal is being contained within the existing envelope; The proposal is generally consistent with the building pattern along the rear of the properties that front South Creek Road; and The proposal will not result in any loss of privacy. 	Complies

DCP Provision	Assessment	Compliance
<i>Requirements</i>		
1	<p>Development is to maintain a minimum setback to rear boundaries.</p>	<p>The subject site is mapped with a minimum rear setback of 6 metres.</p> <p>The proposal has a rear setback of 775 mm to 1,050 mm. Therefore, the proposal seeks a variation to the DCP 6-metre setback control.</p> <p>In this instance, variation to the required setback should be considered acceptable in that:</p> <ul style="list-style-type: none"> • The proposal is being contained within an existing envelope created by the shed – but with a reduced footprint area; • The proposal will have a reduced shadow on the adjoining property to the rear, due to the reduced footprint area; • The proposal satisfies the objectives of the rear setback controls as explained above. <p>The building will comply with the National Construction Code, as no openings are proposed within the wall facing the rear boundary.</p> <p>For further consideration, refer to section 5.1.6 of the Statement of Environmental Effects.</p>
2	<p>The rear setback area is to be landscaped and free of any above or below ground structures.</p>	<p>There are no above or below ground structures proposed in the rear boundary setback areas.</p>

DCP Provision	Assessment	Compliance
PART C – SITING FACTORS		
Section C4: Stormwater		
<i>Requirements</i>		
<p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p>	<p>The proposal will connect to the existing stormwater infrastructure located within the easement along the southeastern boundary.</p>	<p>Complies</p>
PART D - DESIGN		
Section D1: Landscaped Open Space and Bushland Setting		
<i>Requirements</i>		
<p>1 The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <ul style="list-style-type: none"> a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre. 	<p>The subject site is mapped with a landscaped open space requirement of 40%.</p> <p>Based on the site area of 766.4 sqm, the site requires 306.6 sqm of landscaped area.</p> <p>The proposal will result in landscaped area of 237 m². Although this does not meet the requirement, it is a marginal improvement on the existing. The improvement is created by the increased setback of the proposal from the southeastern side boundary.</p>	<p>No reduction</p>

DCP Provision		Assessment	Compliance								
Section D2: Private Open Space											
Requirements											
1	Residential development is to include private open space for each dwelling.										
2	<div>The minimum area and dimensions of private open space are as follows:</div> <table><tr><th>Dwelling type</th><th>Area and minimum dimensions per dwelling</th></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A total of 35m2 with minimum dimensions of 3 metres</td></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A total of 60m2 with minimum dimensions of 5 metres</td></tr><tr><td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A total of 10m2 with minimum dimensions of 2.5 metres</td></tr></table>	Dwelling type	Area and minimum dimensions per dwelling	Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m2 with minimum dimensions of 3 metres	Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m2 with minimum dimensions of 5 metres	Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m2 with minimum dimensions of 2.5 metres	<div>Not applicable. No specification for secondary dwelling.</div> <div>Notwithstanding, the proposed secondary dwelling will have a private courtyard area of 27 m².</div>	Not applicable
Dwelling type	Area and minimum dimensions per dwelling										
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m2 with minimum dimensions of 3 metres										
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m2 with minimum dimensions of 5 metres										
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m2 with minimum dimensions of 2.5 metres										
Section D6: Access to Sunlight											
Requirements											
2	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The shadow diagrams that accompany the Development Application indicate that the proposal will result in a reduced shadow over the adjoining property to the rear.	Complies								

DCP Provision		Assessment	Compliance
Section D8: Privacy			
<i>Requirements</i>			
1	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The proposal has been designed so that minimal overlooking opportunities will occur. This has been achieved by thoughtful window placement.	Complies
2	Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	The main living room windows of the proposed secondary dwelling do not face the main dwelling, ensuring privacy for occupants of both dwellings.	Complies
3	The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.		
4	The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.	The distance between the proposed secondary dwelling and the principle dwelling is an excess of 9 metres.	Complies
Section D9: Building Bulk			
<i>Requirements</i>			
1	Side and rear setbacks are to be progressively increased as wall height increases.	Not applicable. The wall height is below the maximum wall height control in the DCP.	Complies
2	Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	There are no large areas of continuous wall plane.	Complies

DCP Provision		Assessment	Compliance
3	On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: <ul style="list-style-type: none"> The amount of fill is not to exceed one metre in depth. Fill is not to spread beyond the footprint of the building. Excavation of the landform is to be minimised. 	The proposal does not result in the need for cut and fill.	Complies
4	Building height and scale needs to relate to topography and site conditions.	The existing structure is of single storey scale which is to be retained.	Complies
6	Use colour, materials and surface treatment to reduce building bulk.	The proposed colours and materials are relevant in the context.	Complies
7	Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Existing landscape will complement the building.	Complies
8	Articulate walls to reduce building mass.	Due to the small scale of the structure, wall articulation is not necessary.	Complies
Section D11: Roofs			
Requirements			
2	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	The flat roof is appropriate in the context.	Complies
5	Roofing materials should not cause excessive glare and reflection.	The roofing material will not cause glare.	Complies

DCP Provision	Assessment		Compliance
PART E – THE NATURAL ENVIRONMENT			
Section E10: Landslip Risk			
Requirements			
1	The applicant must demonstrate that: <ul style="list-style-type: none">The proposed development is justified in terms of geotechnical stability; andThe proposed development will be carried out in accordance with good engineering practice.	The site fall is approximately 2.67 degrees or approximately 4.46% - refer to section 2.1 of the Statement of Environmental Effects. It is considered that the proposal will not result in any landslip risk for the following reasons: <ul style="list-style-type: none">The area of the site, the subject of the proposed works, does not exhibit any characteristics that would indicate the potential for landslip activity;The roof area of the existing structure will be reduced, and all stormwater will be directed to the existing infrastructure located within the easement on the property; andThe proposed development will not impact or change any existing subsurface flow conditions. On the basis of the above, it would not be considered necessary for Council to require a geotechnical assessment.	Complies
2	Development must not cause detrimental impacts because of stormwater discharge from the land.		
3	Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.		
4	To address Requirements 1 to 3: i) For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.		