

Ancillary Dwelling ASSESSMENT SHEET

APPLICATION DETAILS			
		FILE NO: PA21/511	
OFFICER NAME	Haydn Ruse		
PROPOSAL	Retrospective Additions to Ancillary Dwelling		
LOCATION	Lot 117, 214 Abernethy Road, Byford		
APPLICANT	David and Sharene Kelder		
OWNER	As above		
APPLICATION RECEIVED		29 June 2021	APPLICATION DATED
			29 June 2021
ZONING	Special Residential	LOT AREA	6,461.808m²

REFERRALS		
	Y / N	Comment
DAU Comments	N	
Heritage Precinct	N	
WAPC	N	
Main Roads	N	
Heritage Council	N	
Scheme Heritage Listed	N	
Internal	Y	
Other	N	

5.5.1 Ancillary Dwellings			
	Required	Proposed	Comment
Existing Development	Single House	Y	Complies
Min. Lot Size	350m ²	6,461.808m ²	Complies
Max. plot ratio	70m ²	111.64m ²	Variation
Design	Compatible with colour, pitch and materials of single house	Green Colourbond, with a gable roof.	Variation

Deemed Provisions – CI 67 Matters to be considered by Local Government

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is a discretionary use within the Special Residential zone and would comply with the provisions of TPS2.			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The retrospective additions would not comply with the provisions under LPS3 relating to Ancillary Dwellings.			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The development does not comply with the provisions or design principles of the R Codes as per the below assessment.			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Building envelope			
i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Comment:			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The development is significantly larger than any similar development in the surrounding area and is considered to be inconsistent and incompatible.			
n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)			
V. Access by older people and people with disability			
Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Objection received during the consultation period			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

5.1.2 STREET SETBACK**5.1.3 LOT BOUNDARY SETBACK****5.1.4 OPEN SPACE****5.3.1 OUTDOOR LIVING AREAS**

Ancillary Dwelling		D-t-C	Proposed	OK	Comment
Front Setback (excluding carports, unenclosed porches, balconies, verandahs)	Min	20m	58.11m	Y	
	Avg	10m			
Secondary Street		m	m		N/A
Corner truncation		m	m		N/A
Setback of unenclosed porch, balcony, verandah or equivalent		Projection into street setback area to a maximum of half			N/A

Ancillary Dwelling	D-t-C	Proposed	OK	Comment		
	the primary st setback (no averaging required)					
Setback to Garage	m	m		N/A		
Setback to Carport	m	m		N/A		
Surveillance of Street (only where located on a lot with secondary street or right of way access)	Clearly definable entry point M/O of Habitable room facing street or access leg			N/A		
Garage Door or Wall Width at Frontage	50% (single level) 60% (2 storey*)			N/A		
Retained Dwelling	Existing dwelling to be upgraded			N/A		
Building Design	Is dwelling in a Heritage Precinct? N		Y			
* See specific Clause provisions – 5.16						
Lot Setbacks	Length	Height	M/O	D-t-C	Proposed	OK
Ground Floor						
North	N/A	N/A	N/A	10m	105.55m	Y
South (Primary)	N/A	N/A	N/A	20m	58.11m	Y
East	N/A	N/A	N/A	10m	19.558m	Y
West	N/A	N/A	N/A	10m	3.5m	N
Boundary Walls to dwelling	D-t-C Length	D-t-C Height	Proposed Length	Proposed Height	Comments	OK
					N/A	
Boundary Walls to Patio, verandah or equivalent where behind setback	D-t-C Length	D-t-C Height	Proposed Length	Proposed Height	Comments	OK
	10m	2.7m			N/A	
	Required	Proposed	OK	Comment		
Open Space (%)	Does not vary for Single House	Open Space complies	Y			
Outdoor Living (m²)	Does not vary for Single House	Outdoor Living complies	Y			

5.1.6 BUILDING HEIGHT				
	D-t-C check category under table 3	Proposed	OK	Comment
Maximum height of wall	7m	3.8m	Y	
Maximum height of building – gable, skillion or concealed	8m	5m	Y	
Maximum height of building – hipped and pitched roof	10m			N/A
5.3.2 – LANDSCAPING				
	D-t-C	Proposed	OK	Comment
Minimum Number of trees	1	0	Y	Existing vegetation on site
Minimum tree planting area	2m x 2m			N/A
Landscaping of street setback area	Not more than 50% impervious surfaces and roof cover			N/A

5.3.3, 5.3.4, 5.3.5 ACCESS AND CAR PARKING				
	D-t-C	Provided	OK	Comment
No. Car Bays / Dwg.	1	1	Y	
Design of Parking: Width	2.4m + 0.3m	2.4m + 0.3m	Y	N/A
Depth	5.4m internal	5.4m	Y	
Manoeuvring	6.0m			
Vehicular Access:	<ul style="list-style-type: none"> From a communal street or ROW if available Secondary street where no right of way exists; or Primary st where no ROW or Secondary st. 		Y	
	<ul style="list-style-type: none"> Minimum width of 3m and maximum width of 6m Aggregate width 9m 		Y	
Driveways:	<ul style="list-style-type: none"> Setback 0.5m to a Side Boundary & Street Pole. Setback 6.0m from an intersection. Aligned at right angles to the street. 		Y	

	<ul style="list-style-type: none"> Location to avoid street trees or replaced at developers cost. 																
5.3.7, 5.3.8, 5.3.9 SITEWORKS, RETAINING WALLS AND STORMWATER MANAGEMENT																	
Excavation or Fill	<ul style="list-style-type: none"> Maximum of 0.5m of fill within front setback, except to provide access for pedestrians & vehicles, & provide natural light. Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4 <p>"Table 4 – Setback of site works and retaining walls"</p> <table border="1"> <thead> <tr> <th>Height of site works and/or retaining walls</th> <th>Required minimum setback</th> </tr> </thead> <tbody> <tr> <td>0.5m or less</td> <td>0m</td> </tr> <tr> <td>1m</td> <td>1m</td> </tr> <tr> <td>1.5m</td> <td>1.5m</td> </tr> <tr> <td>2m</td> <td>2m</td> </tr> <tr> <td>2.5m</td> <td>2.5m</td> </tr> <tr> <td>3m</td> <td>3m</td> </tr> </tbody> </table>	Height of site works and/or retaining walls	Required minimum setback	0.5m or less	0m	1m	1m	1.5m	1.5m	2m	2m	2.5m	2.5m	3m	3m	Y	
Height of site works and/or retaining walls	Required minimum setback																
0.5m or less	0m																
1m	1m																
1.5m	1.5m																
2m	2m																
2.5m	2.5m																
3m	3m																
Storm Water	<ul style="list-style-type: none"> All Storm Water to be Retained on-site 	Y	Method: Condition														
5.4.1 VISUAL PRIVACY – FLOOR LEVEL OF MORE THAN 0.5M ABOVE NGL																	
	Location	Proposed	OK	Comment / Screening Provisions													
Types of habitable rooms/active habitable spaces	Setback <R50	Setback >R50															
Major Openings to Bedrooms and Studies	4.5m	3m		N/A													
Major Openings to habitable rooms other than bedrooms and studies	6m	4.5m		N/A													
Unenclosed outdoor active habitable spaces	7.5m	6m		N/A													
5.4.2 SOLAR ACCESS FOR ADJOINING SITES																	
	D-t-C	Proposed	OK	Comment													
Overshadowing	25%	0%	Y														
Note: R25 and lower 25%, R30 – R40 35%, R-IC or above R40 50% of adjoining site area.																	
External Fixtures																	
	D-t-C R-Codes	Proposed	OK														
Solar collectors	Installed on roof or other part of buildings			N/A													
Television aerials	Of the standard type			N/A													
Essential plumbing vent pipes	Above the roofline and external roof water down pipes			N/A													
Other external fixtures	<ul style="list-style-type: none"> Not visible from the primary street Designed to integrate with the building Located to not be visually obtrusive 			N/A													

Storeroom	<ul style="list-style-type: none"> • 4m² per grouped dwelling • Minimum dimension of 1.5m when external to garage or 1m when within garage 		N/A
Rubbish Collection	Communal pick up area to be provided where direct street collection not possible		N/A
Clothes Drying areas	Screened from view from primary and secondary street		N/A

Officer Signature: Haydn Ruse

Date: 6/10/2021

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to align with the aims and provisions of TPS2			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to generally align with the draft LPS3.			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: State Planning Policy 7.3 – Residential Design Codes Volume 1			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) –	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:			
m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The development, as amended, is considered to be compatible with its setting.			
n) the amenity of the locality including the following – IV. Environmental impacts of the development V. The character of the locality VI. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The development is not considered likely to detrimentally impact the character or amenity of the locality.			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
s) the adequacy of – III. The proposed means of access to and egress from the site; and	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

IV. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – VI. Public transport services VII. Public utility services VIII. Storage, management and collection of waste IX. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) X. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Submissions have been noted and considered in the report.			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Assessment of Variations						
Planning Element	Applicable Rule	Design Principles	Deemed-to-Comply	Proposed	Comment	Condition Imposed
Ancillary Dwellings	R-Codes Clause 5.5.1 P1	<p>P1 Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residents of the single house, sharing some site facilities and services.</p> <p>P2 Ancillary dwellings to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.</p>	70m ² plot ratio area	111.64m ² plot ratio area	<p>The Ancillary Dwelling is still small scale in relation to the main dwelling and would achieve the intended function of supporting independent living while sharing some site facilities and services.</p> <p>The additional plot ratio area is located on the eastern side of the Ancillary Dwelling, away from the closest neighbouring property and screened by existing vegetation from the east. The Ancillary Dwelling is located to the rear of the primary dwelling and would not be visible from the street.</p>	Nil