Ancillary Dwelling ASSESSMENT SHEET

APPLICATION DETAILS				
			FILE NO: PA21/751	
OFFICER NAME	Lloyd Skinner			
PROPOSAL	Primary Dwelling, Ancillary Dwelling & Outbuilding			
LOCATION	192 Nettleton Road, Byford			
APPLICANT	Keen Architecture			
OWNER	Ben Theobald			
APPLICATION RECEIVED		9 August 2021	**APPLICATION DATED**	29 July 2021
ZONING	Rural		**LOT AREA**	119,282.525 sqm

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

5.5.1 Ancillary Dwellings			
	Required	**Proposed**	**Comment**
Existing Development	Single House	Single House	Complies
Min. Lot Size	350m^2	119,282.524m^2	Complies
Max. plot ratio	70m^2	77 m^2	100m^2 permitted under LPP4.1 - Complies
Design	Compatible with colour, pitch and materials of single house	Pitch and other habitable elements mimic the single house	Considered to comply

Deemed Provisions – Cl 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** ☒	**NO** ☐	**N/A** ☐
Comment: Consistent with 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 *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving	**YES** ☒	**NO** ☐	**N/A** ☐
Comment: Under the new scheme LPS3 the site will remain Rural. The proposed development is considered to be consistent with LPS3. The proposal is considered to be consistent with the draft LPS.			
c) any approved State planning policy	**YES** ☒	**NO** ☐	**N/A** ☐
Comment: State Planning Policy 3.7 – Planning in Bushfire Prone Areas **State Planning Policy 7.3 Residential Design Code Volume 1**			
d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d) – Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
e) any policy of the Commission	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
f) any policy of the State	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
g) any local planning policy for the Scheme area	**YES** ☒	**NO** ☐	**N/A** ☒
Comment: Local Planning Policy 1.4 – Public Consultation on Planning Matters **Local Planning Policy 4.1 Ancillary Dwelling**			
h) any structure plan, activity centre plan or local development plan that relates to the development	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*	**YES** ☐	**NO** ☐	**N/A** ☒
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** ☐	**NO** ☐	**N/A** ☒
Comment:			
k) the built heritage conservation of any place that is of cultural significance	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	**YES** ☐	**NO** ☐	**N/A** ☒
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** ☒	**NO** ☐	**N/A** ☐
Comment: See R code assessment			
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** ☒	**NO** ☐	**N/A** ☐
Comment: Proposed development is considered to be in line with the character and 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** ☒	**NO** ☐	**N/A** ☐
Comment: The proposed development will entail some minor clearing of vegetation; however, the location has been selected as a site with a low impact.			
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** ☐	**NO** ☐	**N/A** ☒
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** ☐	**NO** ☐	**N/A** ☒
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			

s) the adequacy of – I. The proposed means of access to and egress from the site; and I. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	**YES** ☒	**NO** ☐	**N/A** ☐
Comment: Access to be provided from the west side of the property utilizing existing development and landscaping			
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** ☐	**NO** ☐	**N/A** ☒
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 IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	**YES** ☐	**NO** ☐	**N/A** ☒
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** ☐	**NO** ☐	**N/A** ☒
Comment:			
w) the history of the site where the development is to be located	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
y) any submissions received on the application	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
Za) the comments or submissions received from any authority consulted under clause 66	**YES** ☐	**NO** ☐	**N/A** ☒
Comment:			
Zb) any other planning consideration the local government considers appropriate	**YES** ☐	**NO** ☐	**N/A** ☒
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**	20 m	115 m	**Y**	
	Avg	20 m			
Secondary Street		m	m		N/A
Corner truncation		m	m		N/A
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	Bedroom1	Y	
		M/O of Habitable room facing street or access leg			
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? Y / **N**		Y	

* See specific Clause provisions – 5.16

Lot Setbacks	**Length**	**Height**	**M/O**	**D-t-C**	**Proposed**	**OK**
Ground Floor						
North (primary)	10.7 m	2.97 m	Y	20	115 m	Y
South (rear)	10. 7 m	2.97 m	N	10	390 m	Y
East (side)	7.2 m	2.4 m	N	10	85 m	Y
West (side)	7.2 m	2.97 m	Y	10	100 m	Y

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	99.35 %	**Y**	
Outdoor Living (m^2)	Does not vary for Single House			N/A

5.1.6 BUILDING HEIGHT- Ancillary Dwelling				
	D-t-C check category under table 3	**Proposed**	**OK**	**Comment**
Maximum height of wall	7m	2.970 m	Y	
Maximum height of building – gable, skillion or concealed	8m	4.552 m	Y	
Maximum height of building – hipped and pitched roof	10m			N/A

5.1.6 BUILDING HEIGHT- Primary Dwelling				
	D-t-C check category under table 3	**Proposed**	**OK**	**Comment**
Maximum height of wall	7m	5.9 m	Y	
Maximum height of building – gable, skillion or concealed	8m	8.7m	N	
Maximum height of building – hipped and pitched roof	10m			

5.3.2 – LANDSCAPING				
	D-t-C	**Proposed**	**OK**	**Comment**
Minimum Number of trees	1	0	Y	Sufficient trees on site to satisfy requirement

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	Sufficient area on site to facilitate parking
Design of Parking: Width	2.4m + 0.3m	2.4m + 0.3m	Y	Sufficient area on site to facilitate parking
Depth	5.4m internal	5.4m	Y	
Manoeuvring	6.0m			N/A
Vehicular Access:	• From a communal street or ROW if available • Secondary street where no right of way exists; or • Primary street where no ROW or Secondary street.		Y	
	• Minimum width of 3m and maximum width of 6m • Aggregate width 9m			N/A – crossover existing
Driveways:	• Setback 0.5m to a Side Boundary & Street Pole. • Setback 6.0m from an intersection. • Aligned at right angles to the street. • Location to avoid street trees or replaced at developers cost.			N/A
5.3.7, 5.3.8, 5.3.9 SITEWORKS, RETAINING WALLS AND STORMWATER MANAGEMENT				
Excavation or Fill	• 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 "Table 4 – Setback of site works and retaining walls 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	0.570 m proposed within setbacks
Storm Water	• All Storm Water to be Retained on-site		Y	Method: To be conditioned

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	• Not visible from the primary street • Designed to integrate with the building • Located to not be visually obtrusive		N/A
Storeroom	• 4m^2 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

Assessment under LPP4.1 – Ancillary Dwellings

Element	**Requirement**	**Proposal**	**Compliance**	**Comment**
Siting	Behind building line of dwelling	Build in front of primary dwelling	N	Despite the variation, the location is considered to be acceptable as the proposal is consistent with the objectives of the policy/
Scale	Max 2 bedrooms	2	Y	

	Appear subservient to dwelling	Small in scale	Y	
Access/Parking	Max 1 covered parking space	No covered parking spaces	Y	
	Shared access with dwelling	Y	Y	
External Appearance	Incorporates habitable elements	Bedroom/Kitchen/bathroom	Y	
	Finished with materials similar to dwelling		Y	

Large and multiple Outbuildings			
D-t-C R-Codes	**D-t-C LPP4.19**	**Proposed**	**Compliant?**
60m^2 in area or 10% site area (lesser)	500 m2	252 m2	Y
Setback as per Table 2a	Primary: 20 m Lot boundary: 10 m	115 m 62 m	Y
Wall height 2.4m	5 m	4.5 m	Y
Ridge height 4.2m	6 m	6.35 m	N
Not in a street setback	20 m	115 m	Y
Open Space and OLA compliant	80 %	.65 %	Y

Planning Element	Applicable Rule	Design Principles	Deemed-to-Comply	Proposed	Comment
Outbuildings	R-Codes Clause 5.4.3 P3	• P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	Ridge Height 6m	6.350 m	The proposed outbuilding will be located forward of the primary dwelling, however suitably setback from the streetscape at 115m. Despite the variation to the ridge height of 0.35m, the outbuilding will not detract from the streetscape or impact the visual amenity to the neighbouring lots given the adequate setbacks to the lot boundaries and the high volume of natural screening present on site.
Building height – Primary	R- Code Clause 5.1.6	Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; and • access to views of significance.	8.m	8.7 m	Despite the variation to the roof height, officers consider there will be no adverse impacts to the amenity of the surrounding areas and streetscape. This is due to the setbacks provided to the primary and side boundaries being of a significant distance. There is also adequate natural screening provided within property to reduce the visual impacts to neighbouring properties. Access to direct sun is still maintained as the additional story will be constructed across the existing ground floor. The proposed orientation providing adequate direct sun light to ground floor wall face's and major openings. North and south facades will retain existing sunlight access. The additional height does not impact any access to viewed of significance onto surrounding properties given the large setbacks to lot boundaries and comparatively small footprint of the roofline on the horizon.

LPP4.19 Considerations	
2.2.1 Whether a size variation is required to satisfy specific needs of the owner/applicant;	N/A – No variation to floor area proposed.
2.2.2 Whether a size variation is excessive, considering the character of the surrounding area;	The height variation is considered minor and would not detract from the existing amenity of the street or surrounding area
2.2.3 Whether a size variation would reduce the amount of open space or outdoor living area required in accordance with the R-Codes.	The proposal maintains compliance with open space and outdoor living.
2.2.4 Whether the development is sited behind the front setback line for the dwelling, visible from the street or neighbouring properties;	Outbuilding is located forward of the primary dwelling however is setback 115m from the primary street. There are no impacts regarding streetscape amenity and or visual impacts to neighbouring properties given the setback provided.
2.2.5 Whether non-reflective materials are proposed on the building;	Non-reflective materials proposed.
2.2.6 Whether adequate screening exists, or has been proposed, from the road and/or neighbouring properties; and	Natural existing vegetation on site provides for screening from primary street and neighbouring properties
2.2.6 Consideration of comments from the affected adjoining landowners.	N/A