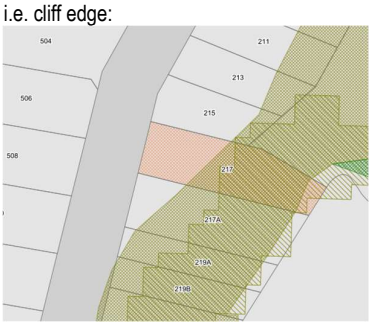
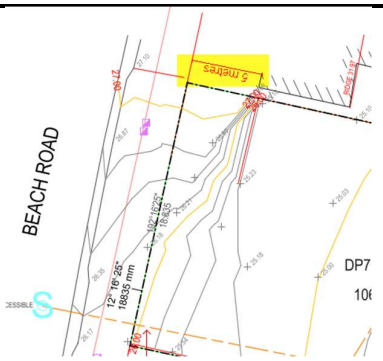
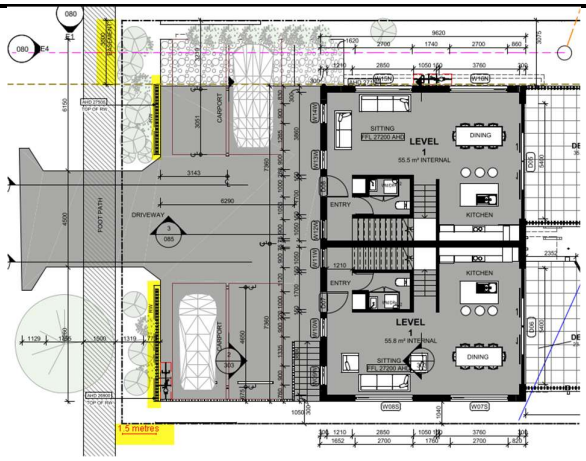
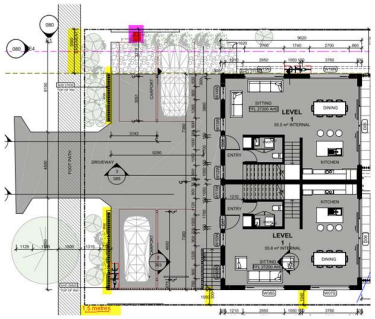
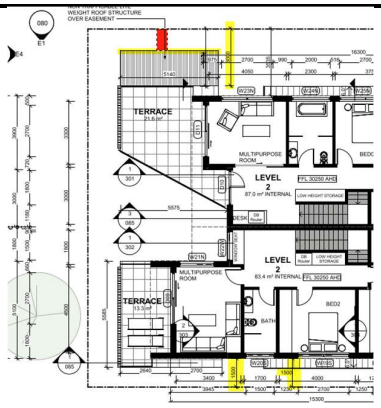
ATTACHMENT: RESIDENTIAL ZONES - DCP ASSESSMENT

DEVELOPMENT CONTROL	PERF.CRITERIA	Acceptable Solution	Satisfactory	Not Satisfactory	Not Applicable	COMMENTS
2.0 Site Planning						
2.1 Siting	P1/2	A1.1 Slope <25% & A2. Not a hilltop/ridge	☐	☑	☐	Council mapping: Slope areas > 25% i.e. cliff edge:  Geotech report identifies cliff stability works required. The works have been undertaken without consent. The building proposes a height of building variation on a cliff top and a design that fails to demonstrate it is compatible in relation to visual impacts. **Does not comply** **The proposal fails to meet the intent and objectives of this section**. **Intent:** *• To minimise the visual and environmental impact of new development on the landscape.* **Performance objectives:** *P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.* *P2 The scale, location, footprint and height of buildings is such that: − buildings recede into the landscape; − do not compromise ridgelines or areas of high visual significance; and − visual impact on scenic, natural landscape and adjoining properties is minimised. Refer to Figure 1 below*
2.2 Setbacks		**For Lots 2500-5000m**				
	P1	A1. Front 7m, (30m unsealed), Side 5m, Rear 5m	☐	☐	☑	
		For Lots <2500m2				
	Front Setback					
	P2	A2.1 Dwelling- 20% Avg & no smaller than existing	☐	☑	☐	**Dwelling:** **Required**: 5m i.e. adjacent dwellings allow front car parking and maneuvering areas as evident on aerial photographs. Measurement by Council on survey plan of No. 217 Beach Road measures garage setback of 5m: **Proposed**: 1.5m (car park/building vertical wall screens)
	-	A2.2 Neighborhood shops 3m	☐	☐	☑	
	-	A2.3 New Subdivision 5.5m	☐	☐	☑	
	-	A2.4 Garage/Carport 5.5m	☐	☑	☐	

						 Note: the DCP adopts LEP definitions for building setbacks. ELEP Building setback means: ***building line*** *or* ***setback*** *means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—* *(a) a building wall, or* *(b) the outside face of any balcony, deck or the like, or* *(c) the supporting posts of a carport or verandah roof,* *whichever distance is the shortest.* **Garage/carport:** Required: 5.5m Proposed: 1.5m. **Does not comply.** The proposal includes screen walls located 1.5m from the front boundary which extend past the first floor balcony, and meet the definition for building setback building elements. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.* **Performance objectives:** *P2 Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.*
		Extract from ground floor plan and perspective – screen locations fronting Beach Road.				



Side Setback						
P3	A3 <4.5m = 0.90m, >4.5m = 1.5m >7.5m =2m (1.5 if adj to R3/B zone)	☐	☑	☐	Required: GF – 900mm Proposed: TBC 900mm (carport roof structure) and 1040mm First floor: 1500mm. Proposed: 3000mm and 1500mm **Does not comply for building above 7.5m in height = 2m setback required**. Ground floor:  First floor:
	A3 Ancillary building <3.8m high (eg.shed/gazebo) =450mm	☐	☐	☑		
P4	A4 Rooftop terrace- uncovered, stepped 2m & < build height	☐	☐	☑		



Above 7.5m – required 2m setback

As-built structures –
It is noted that the applicant has not sought the use of as-built structures under this application.

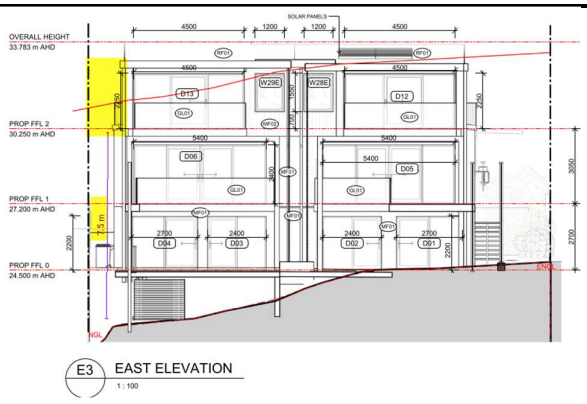
A site inspection identified structures have been built at the beach area including retaining walls and stairs/walkways. These are not considered to meet the overall intent or performance criteria in relation to setbacks (side and rear) given the scale of the structures.

The submitted plans illustrate the proposed construction of a beach shed on an elevated earthern filled platform area (large retaining walls) that result in large structures and built form in close proximity to site boundaries that are not consistent with the scale of development along the beach foreshore area, or the requirements of this section, including side setbacks.

The proposal fails to meet the intent and objectives of this section.

Intent:
To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.
Performance objectives:
P3 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.

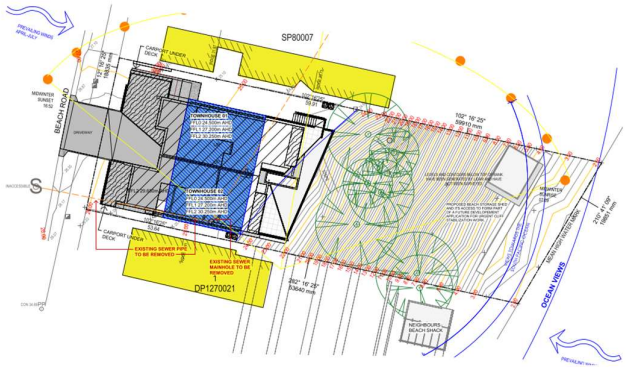
Extract from architectural plans – East Elevation:
Non compliant setbacks above 7.5m i.e. Proposed: 1.5m. Required: 2m.



Corner Lots						
P5	A5.1. 3m to secondary street	☐	☐	☑	
-	A5.2 Dual Occ– 20% avg, 3m & adjoining building on side street	☐	☐	☑	
-	A5.3 Garages/Carports behind dwelling frontage & building line, min 5.5m setback	☐	☐	☑	
Rear Boundary						
P6	A6.1 = 3m (except ancillary structure <3.8m in height =450mm)	☐	☐	☑	Refer – setbacks to cliffs which prevails (P8).
-	A6.2 =450mm sheds, detached garage, no-habitable ancillary buildings <3.8m	☐	☐	☑	
Battle axe Allotments						
P7	A7. 3m all boundaries (except ancillary str <3.8m high =450mm)	☐	☐	☑	
Setback Reserves and Cliffs						
P8	A8.1. 20% average – no less smaller, If no building line 12m, Side boundary – can be <12m if opposite setback complies	☑	☐	☐	Proposed building setback consistent with average rear/cliff building setbacks -see adjoining development and context – site plan. Proposed setback approx. 29m (measure by survey from mean high water mark (MHWM)). **Refer discussion.**
-	A8.3 Public Open Space -3m	☐	☐	☑	
-	A8.3 Cliff – Avg building line or 12m	☑	☐	☐	

Discussion: - the dual occupancy construction
The proposal involves construction of a dual occupancy beyond the top of bank of the cliff for the rear boundary setback. This approach is consistent with the neighbouring properties along this section of Denhams Beach. Denhams Beach is currently not accessible to the public (the access previously available from the north via Council owned land has been subject to cliff instability and has been closed by Council).

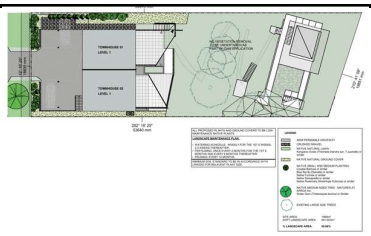
The development approved along this section of Denhams Beach relies on an average setback. The submitted plans illustrate the proposal has considered the rear setback in relation to adjoining buildings. It is noted that adjoining buildings project beyond the cliff top edge.
Extract from site analysis plan with adjoining buildings highlighted:



Mean High Water mark:
The Mean High Water Mark (MHWM) is located on the survey plan (Bereza Surveying date of survey: 5/6/22). Further information would be required in relation to the MHWM location, in relation to tidal boundaries and changes that occur over time were this required in relation to works in close proximity i.e. NSW Lands requires location or relocating tidal boundaries to consider *Surveying and Spatial Information Regulation 2017* and C*oastal Management Act 2016* requirements.

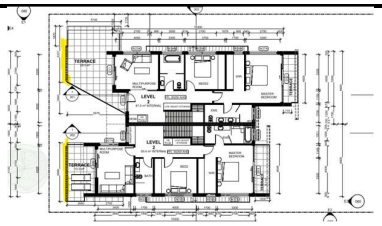
Discussion: - the dual occupancy construction (ancillary works) As-built structures –

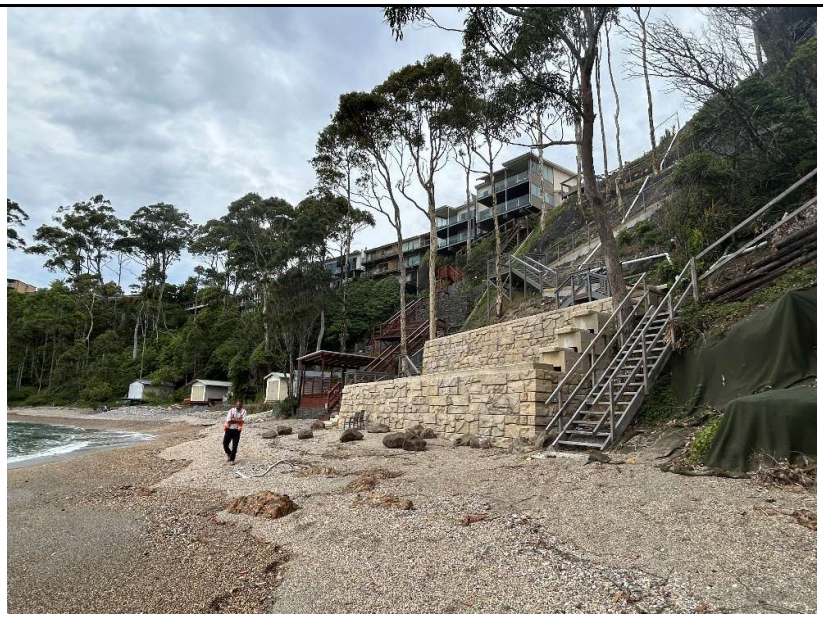
		It is noted that the applicant has not sought the use of as-built structures under this application. A site inspection identified structures have been built at the beach area including retaining walls and stairs/walkways. These are not considered to meet the overall intent or performance criteria in relation to setbacks (side and rear) given the scale of the structures. The submitted plans illustrate the proposed construction of a beach shed on an elevated earthern filled platform area (large retaining walls) that result in large structures and built form in close proximity to site boundaries that are not consistent with the scale of development along the beach foreshore area, or the requirements of this section, including side setbacks.				
2.3 Garages, Carports & Sheds	P1	A1 <1.2m forward & <50% of front façade	☐	☑	☐	Refer comments above in the 'Front setback' section of this report. The proposal involves large 1-2 storey screens to the front streetscape that fail to consider the design in relation to adjoining residential properties and the streetscape. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure that garages, sheds and carports are of a suitable scale and style for the locality.* **Performance objectives:** *P1 Carports and garages: - are not a prominent feature of the development when viewed from the street; - are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and - do not dominate the streetscape. Refer to Figure 3.* *P2 Carports and garages: - are compatible with the design of the main building in terms of building bulk and scale. - do not have an unreasonably adverse impact on the amenity of adjoining residential properties nor dominate the streetscape.*
	P2	A2.1 <1500m2 = 60m2, >1500m2 = 100m2,	☑	☐	☐	
	-	A2.2 American/Quaker Barn not permitted	☐	☐	☑	
2.4 Private Open Space	P1	A1.1 General (24m2, north facing, 1 in 50 slope, behind building line, extension of dwelling)	☑	☐	☐	
	-	A1.2. 2nd dwelling must share POS with 1st	☐	☐	☑	
	P2	A2. GL Only 4m min dimension	☑	☐	☐	
	P3.1	A3. GL & Above 24m2 dimension 4m min or balcony 10m2 min dimension 2m	☑	☐	☐	L1 floor plan rear deck areas off dining/living areas proposed.
	P3.2	R3 if POS can't be achieved- Apply communal space	☐	☐	☑	
	P4.1	A4. Above POS balcony SEE DCP	☐	☐	☑	
	P4.2	R3 Where Communal Open Space can't be achieved.	☐	☐	☑	
2.5 Landscaping	-	Comply with Landscaping Code & Tree Preservation Code	☐	☑	☐	The applicant has undertaken works without development consent including tree removal and vegetation removal, installation of stormwater and has not submitted sufficient information to allow for assessment of impacts on mapped vegetation areas. The submitted landscape plan refers to proposed lawn areas including within the beach area, cliff vegetation area and on the site in vicinity of the proposal dual occupancy building. This is not suitable in relation to the context of surrounding vegetation and landscaping.

						 **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure sites are landscaped to improve the amenity and sustainability of development.* **Performance objectives:** *P3 Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.*
	P3	A3. R2 – 35% Site, 50% front setback R3 – 20% Site, 50% front setback E4 & R5 – 45% Site, 50% front setback	☑	☐	☐	
2.6 Parking and Access	P1	A1. 2 Spaces (1 behind building line). 3m max driveway on road reserve	☑	☐	☐	
	P2	A2. Comply Parking & Access Code	☐	☑	☐	Car parking: Councils car parking and access code requires 2 x car spaces for each dwelling i.e. dual occupancy proposed. Required: 4 spaces Proposed: 4 spaces **Note: - further information is required to confirm the proposal complies with this section. The submitted plans illustrate the lower ground floor is capable of being self-contained i.e. separate dwelling. The 'L0' floor level contains a bedroom, open area, kitchenette, bathroom/laundry areas.** **This would impact on permissibility and car parking provision i.e. 2 x dual occupancies proposed or 4 dwellings, resulting in a requirement for 8 x car spaces.** Council engineers requested a single driveway access of a maximum width of 4.5m be provided. Council engineers identified: *The crossover is not in a prohibited location and low traffic volumes on Beach Rd, availability of a parking lane and the type of use proposed, the available distance between the front property boundary and the kerb could be considered as acceptable in this instance and is safe.* *Remove redundant crossover and reinstate verge… .* Therefore the driveway access to Beach Road is considered suitable as an access point. **The proposal in its current form does not comply with the requirements of this section.**

						Intent: • *To ensure development provides safe and adequate access and on-site parking arrangements.* **Performance objectives:** *P1 Development is designed to provide adequate, safe and well-designed access and onsite parking to serve the needs of the occupants and visitors and to reduce adverse impacts on the road network and other development.* *P2 All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.* *P3 Access is located and designed to minimise adverse visual and environmental impact. Refer to Figure 4*
	P3	A3. Driveway follows natural contours	☑	☐	☐	
	P4	A4.1 Tourist Acc undercover & manager/res shares access	☐	☐	☑	
2.7 Signage	-	A1 Comply with Signage Code	☐	☐	☑	
2.8 Views	P1	A1 building location, roof line, bulk & scale, consider view sharing principles	☐	☑	☐	The applicant provides the following comment in their Statement of Environmental Effects in relation to cl.2.8: *The layout and levels of the development demonstrate consideration of views sharing between the dwelling units and with the neighbouring blocks. Roof line design, and dual occupancy bulk and scale allow for reasonable sharing of views.* The proposal involves construction of a dual occupancy with a built form that is greater than the permitted building height and does not meet building setback requirements. Refer discussion in this report in relation to building height. The proposal therefore has the potential to restrict views. Insufficient information has been lodged to demonstrate the proposal is satisfactory in relation to view sharing principles. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To provide opportunities for view sharing, where practical, for existing and future residents by encouraging innovative design solutions.* **Performance objectives:** *P1 Development allows for the reasonable sharing of views through the siting, height and design of buildings. Refer to Figure 5.*
2.9 Safer By Design	P1	A1.1 Main entrance visible, Windows facing street	☑	☐	☐	
		A1.2 Comply with Safer by Design	☑	☐	☐	
3.0 Subdivision						
3.1 & 3.2	P1-2.4	Subdivision Pattern, lot layout, development in Broulee etc.	☐	☐	☑	NA - No subdivision proposed
4.0 Built Form						
4.1 Bulk and Scale	P1	A1. Stepped on sloping sites	☐	☑	☐	The proposal does not step down the block. The design proposes a built form that is higher than the allowable building height that is excavated into the site for the lower ground floor however the proposal involves projection of the built form beyond the cliff top

						edge (top of bank) with a consistent building height. **As-built structures** – It is noted that the applicant has not sought the use of as-built structures under this application. A site inspection identified structures have been built at the beach area including retaining walls and stairs/walkways. These are not considered to meet the overall intent or performance criteria of this section. The submitted plans illustrate the proposed construction of a beach shed on an elevated earthen filled platform area (large retaining walls) that result in large structures and built form in close proximity to site boundaries that are not consistent with the scale of development along the beach foreshore area, that do not consider the scale or context of surrounding development along the foreshore. The applicant has failed to submit sufficient information to allow for assessment of any proposed structures in relation to coastal processes, or justify the scale of any structures are suitable or necessary in relation to bulk and scale. Surrounding development at the foreshore includes a mix of materials, built form that steps back up the slope, includes landscaping and small-scale structures that do not dominate the landscape. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape.* **Performance objectives:** *P1 Development conforms to the topography of the site and is not of a bulk or scale that is out of character with the local area.*
4.2 Street Frontage and Façade Treatment	P1	A1.1 Front entrance visible from street	☐	☑	☐	Large screens are proposed to the front building elevation inset approximately 1.5m. These dominate the streetscape. The proposal is contemporary in design which is not inconsistent with this developing area of Denhams Beach on Beach Road, however the building over-height and non-compliant setbacks, particularly the bulk and scale at the streetscape are not supported. The front entries are visible from the street. 

						 **The proposal fails to meet the intent and objectives of this section**. **Intent:** To provide attractive, interesting street frontages which make a positive contribution to the character of the area. **Performance objectives:** *P1 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building.* *P3 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.*
	-	A1.2 Corner lots address street frontage	☐	☐	☐	
	P2	A2. Retail/Comm. entrance to street	☐	☐	☑	
	P3	A3.1 Façade articulated (<5m blank)	☑	☐	☐	
	-	A3.2 Architectural features (eg. eaves, deck, windows)	☑	☐	☐	
	-	A3.3 No blank facade to street/public space within 50m	☑	☐	☐	
4.3 Style and Visual Amenity	P1.1 &1.2	A1 Consistent & sympathetic with existing development & surrounding environment	☐	☑	☐	The style and visual amenity of the proposal including the dual occupancy building and the as-built structures (ancillary retaining walls and beach shed, landscaping structures) have failed to adequately consider the context of the surrounding environment, providing a dominant built form within the landscape that fails to meet the requirements of this section. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure development contributes positively to the local area.* **Performance objectives:** *P1.1 The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment.* *P1.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.*
		Site photograph – looking south 3/12/24 – as built beach front structures:				

						
	P2	A2. Shipping containers located behind existing building, screened from view	☐	☐	☑	
	P3	A3. DualOcc- attach max 6m, design to appear as single dwelling	☑	☐	☐	
4.4 Building Materials	-	A1. No zincalume	☑	☐	☐	Materials and finishes can be conditioned were this application to be approved, in relation to use of zincalume and colours and finishes.
	-	A2. BCA rating (no surfmist/white haven/cl.cream)	☑	☐	☐	
4.5 Fences	P1	A1.1 1.2m forward of building line, 1.8m behind	☐	☑	☐	The applicant has not identified that a fence is proposed. The submitted plans identify a large screen elements 1-2 storeys in height is proposed inset approximately 1.5m from the front boundary. The application does not illustrate any front fencing on the plans or perspectives. The submitted SEE does not include an assessment of this section. Given the extensive cut/fill proposed, which although appears in set from site boundaries, this matter should be illustrated on any site plan in relation to site boundaries to allow for assessment of the potential impacts on neighbours. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure that fences make a positive contribution to the streetscape and nearby buildings.* **Performance objectives:** *P1 the design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.*
	-	A1.2 Acoustic fencing setback 1.5m + landscaping	☐	☐	☑	
	P2	A2. Unmodulated solid fence >1.2m high & >15m length recessed = 1m x 1m, planting ect	☐	☑	☐	
4.6 Adapt.Housing	P1	A1. 4 more units, 25% to be adaptable housing	☐	☐	☑	
5.0 Amenity						
5.1 Visual Privacy	P1	A1.1 Transparent doors & windows within 9m	☐	☑	☐	The site plan has not illustrated the location of windows on adjacent properties in relation to adjoining properties and has not provided sufficient information in relation to rear balconies to allow for a detailed assessment of this aspect of the application. The submitted survey plan does not provide heights (to AHD) of adjacent balconies,

						finished floor levels of decks or the like to allow for detailed assessment of any potential impacts. Site visit photos indicate both neighbouring sites to the north and south contain windows that are side facing: No. 217 Beach Road (north)  No. 219 Beach Road (south):  **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To maximise the private enjoyment of residential development.* **Performance objectives:** *P1 Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.*
	-	A1.2 Privacy screening (within 9m/45dgrees)	☐	☑	☐	Refer comments above.
5.2 Solar Access	P1.1 &1.2	A1. to front & rear living windows, min 4hrs from 9-3pm, 50% POS min 3hrs from 9-3pm	☐	☑	☐	Overshadows no. 219 Beach Road. Overshadows solar panels. Aerial photograph solar panels:  The proposal has failed to demonstrate the proposal meets the requirements of this section:
	P2	A2.1 Maintain solar access to solar panels	☐	☑	☐	
	-	A2.2 Maintain solar access to north roof	☐	☑	☐	

						- Overshadowing occurs throughout the day. (*note: the 'red' line is the proposed shadow)* - The The survey plan submitted does not identify the parapet or roof ridge heights of neighbouring development. - The shadow diagrams lodged do not illustrate all of the solar panels on the adjoining property No. 219 Beach Rd. - The shadow diagrams lodged incorrectly refer to a 'max permissible envelope' in justifying the shadow diagrams. This is incorrect for rear cliff-top setbacks and side setbacks. - The proposal involves a building above the maximum allowable building height. - The applicant has not located the living areas on the plans, but clearly shows POS areas overshadowed including to the rear. - The overshadowing in the cliff -edge sloped area is unclear in relation to source information. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To maximise solar access to adjacent residential development.* **Performance objectives:** *P1.1 The use of natural light is maximised and the need for artificial lighting is reduced.* *P1.2 Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.*
6.0 Site Considerations						
6.1 Flood, Ocean & Climate Change	-	A1.Comply with Cl. 6.5 ELEP 2012 & Moruya floodplain DCP	☐	☐	☑	Refer to comments in the SEPP section of this report. The site is in a coastal area subject to coastal processes. The site is not in a flood mapped area.
6.2 Tree Preserv.	-	A1.Comply with Cl. 5.9 ELEP 2012 & Tree Preservation Code	☐	☑	☐	Unauthorised tree and vegetation removal in a mapped native vegetation area (Council mapping). Insufficient information lodged in relation to vegetation and potential impacts. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To minimise impacts on native flora and fauna, particularly threatened species.* **Performance objectives:** *A1 All development on land to which the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies must comply with that policy..* *A2 Clearing of vegetation that is not likely to significantly affect threatened species must comply with the Eurobodalla Tree Preservation Code. Clause 7.2 of the Biodiversity Conservation Act 2016, describes when an activity is likely to*

						significantly affect threatened species which includes: *(a) If it is found to be likely to significantly affect threatened species according to the test in Section 7.3 of the Biodiversity Conservation Act 2016;* *(b) If the area of clearing exceeds the threshold described in Clause 7.2 of the Biodiversity Conservation Act 2016; or* *(c) If the clearing is of native vegetation on land included on the Biodiversity Values Map*
6.3 Biodiversity	-	A2 Avoid, minimise or mitigate adverse environmental impact to land mapped on Native Vegetation Map	☐	☑	☐	Unauthorised tree and vegetation removal in a mapped native vegetation area (Council mapping). Insufficient information lodged in relation to vegetation and potential impacts. **The proposal fails to meet the intent and objectives of this section**. **Intent:** • To maintain terrestrial and aquatic biodiversity, including the following: (a) protecting native fauna and flora, (b) protecting the ecological processes necessary for their continued existence, (c) encouraging the recovery of native fauna and flora and their habitats, (d) maximising connectivity, and minimising fragmentation, of habitat. **Performance criteria:** *A1 Before determining a development application for development on land identified as "Native Vegetation" on the Native Vegetation Map, the consent authority must consider any adverse impact of the proposed development on the following:* *(a) native ecological communities,* *(b) the habitat of any threatened species, populations or ecological community,* *(c) regionally significant species of fauna and flora or habitat,* *(d) habitat elements providing connectivity.* *A2 Development consent must not be granted to development on land identified as "Native Vegetation" on the Native Vegetation Map, unless the consent authority is satisfied that:* *(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or* *(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or* *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
6.4 Retention of Habitat Features (Broulee)	P1	Comply with Biodiversity Conservation Strategy (Broulee)	☐	☐	☑	Not within Broulee Cert Area
7.0 Siteworks						
7.1 Sustainability	P1	A1 Connect to electricity supply	☑	☐	☐	No objection to electricity supply.
	P2	A2 Separate Water meter	☑	☐	☐	
7.2 Earthworks	P1	A1 Max cut 1m & max fill 1m	☐	☑	☐	Extensive excavation and retaining walls (fill) are illustrated on the plans including earthworks. Substantial earthworks have been undertaken without consent. The scale of works including retaining walls within the

						cliff area and beach front is not supported. The proposal has the ability to significantly impact on the site topography and the coastal landscape and is not consistent with the intent or performance criteria of this section. Council engineers are not in support of the proposal in its current form, providing the following comment (note - refers to site visit 3/12/24): *As evidenced today, there has been extensive slope stability works to the entire cliff face in the form of numerous soil nails and 2 significant retaining walls (> 3m high) constructed on site. It is my understanding that these works have not been approved, and no assessment/justification for the bulk and scale of the retaining walls. It is quite plausible to conclude that it would be highly unlikely an engineer would provide certification of these structures post construction due to the inherent risks associated with the stability of the site and potential impacts on adjoining* *The application in its current form, due to the unapproved site works, is not supported and refusal of the DA is recommended until these works are addressed.* **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To retain the natural slope of the land, and ensure that the bulk and scale of new development is responsive to site topography.* **Performance criteria** *P1 Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.*
7.3 Stormwater Management	P1.1	A1.1 Connect to drainage, or manage post runoff =/< pre condition	☐	☑	☐	The stormwater design including as-built works have been undertaken without consent. The proposal includes stormwater water management however disposal is proposed to the beach front (including as-built). A site visit indicates this may include the neighbouring property stormwater which has not been incorporated in to this proposal. Council engineers are not in support of the proposal in its current form. **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To ensure that stormwater run-off has no detrimental impact on neighbouring properties, public spaces and Council infrastructure.* **Performance criteria**
	P1.2	A1.2 AS3500 P&D Code+ ESC Rainwater Design Guide	☐	☑	☐	

						P1.1 New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to: *− minimise flooding;* *− protect and enhance environmental values of receiving waters;* *− maximise the use of water sensitive urban design principles;* *− maximise the use of natural waterway corridors and natural channel design principles;* *− maximise community benefit; and* *− minimise public safety risk.* *P1.2 The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site.* *P1.3 The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.*
7.4 W,S,SW (Broulee)	P1	A1 Avoid detrimental impact on land zoned E2	☐	☐	☑	
7.5 Waste	P1	Comply with waste minimization code	☐	☑	☐	The proposal involves unauthorized works. This section has not been complied with, including in relation to importation of materials during construction (contamination). **The proposal fails to meet the intent and objectives of this section**. **Intent:** *To further the objectives of the Site Waste Minimisation and Management Code.* **Performance criteria** *P1 Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.*