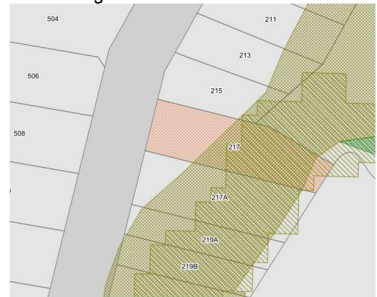
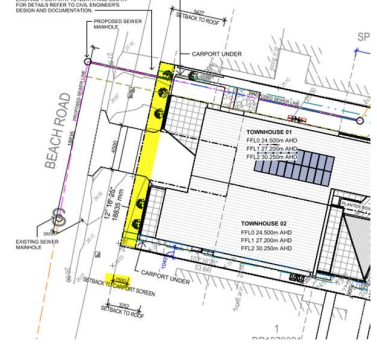
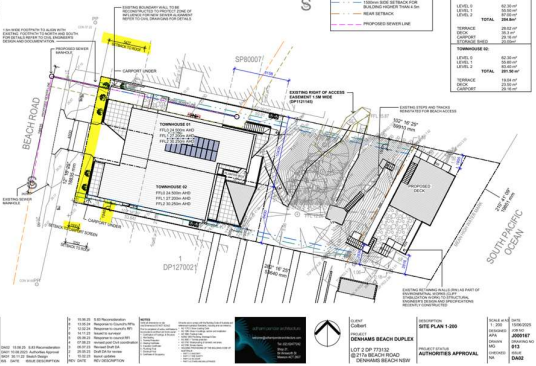
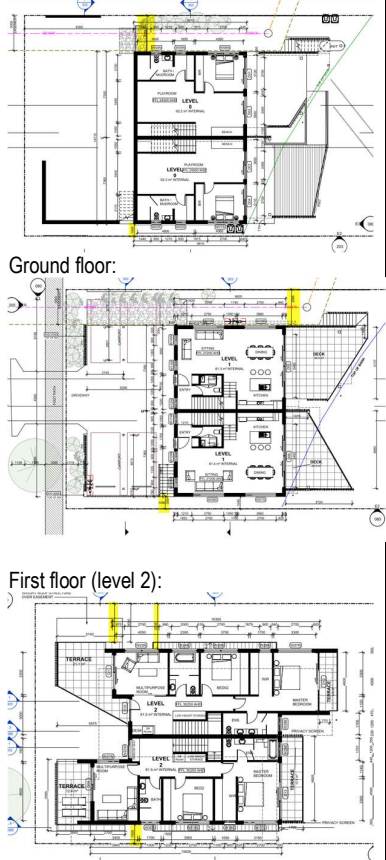


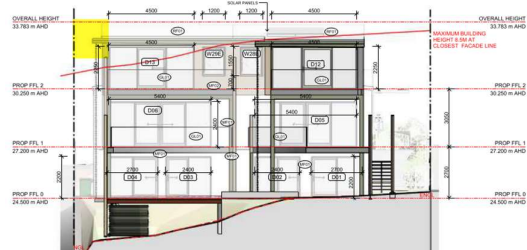
ATTACHMENT : RESIDENTIAL ZONES - DCP ASSESSMENT

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Council mapping: Slope areas &gt; 25% i.e. cliff edge:</p>  <p>Cliff stability works required.</p> <p>s8.2 review – the review documents do not change the assessment under DA0095-24. <b>Note: The application is not accompanied by a revised Statement of Environmental Effects.</b></p> <p>The cliff works are required to be satisfactorily undertaken prior to any building works on the cliff top being approved. Intrinsically linked. <b>Does not comply</b> <b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p> <ul style="list-style-type: none"><li>• To minimise the visual and environmental impact of new development on the landscape.</li></ul> <p><b>Performance objectives:</b></p> <p><i>P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.</i></p> <p><i>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</i></p>																											
2.2 Setbacks	<div>For Lots 2500-5000m</div> <table><tr><td>P1</td><td>A1. Front 7m, (30m unsealed), Side 5m, Rear 5m</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr></table> <div>For Lots &lt;2500m2</div> <div>Front Setback</div> <table><tr><td>P2</td><td>A2.1 Dwelling- 20% Avg &amp; no smaller than existing</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td rowspan="4"><p><b>Dwelling:</b> <b>Required:</b> 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: <b>Proposed:</b> 1.5m (car park/building vertical wall screens)</p></td></tr><tr><td>-</td><td>A2.2 Neighborhood shops 3m</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr><tr><td>-</td><td>A2.3 New Subdivision 5.5m</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr><tr><td>-</td><td>A2.4 Garage/Carport 5.5m</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>						P1	A1. Front 7m, (30m unsealed), Side 5m, Rear 5m	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		P2	A2.1 Dwelling- 20% Avg & no smaller than existing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Dwelling:</b> <b>Required:</b> 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: <b>Proposed:</b> 1.5m (car park/building vertical wall screens)</p>	-	A2.2 Neighborhood shops 3m	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	-	A2.3 New Subdivision 5.5m	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	-	A2.4 Garage/Carport 5.5m	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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						 <p><b>s8.2 review – the review documents do not change the assessment under DA0095-24.</b></p> <p>Note: the DCP adopts LEP definitions for building setbacks. ELEP Building setback means:</p> <p><b>building line or setback</b> means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—</p> <p>(a) a building wall, or</p> <p>(b) the outside face of any balcony, deck or the like, or</p> <p>(c) the supporting posts of a carport or verandah roof,</p> <p>whichever distance is the shortest.</p> <p><b>Garage/carport:</b>          Required: 5.5m          Proposed: 1.5m.  <b>Does not comply.</b>          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.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b>          To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.</p> <p><b>Performance objectives:</b>          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.</p>
						<p>Extract from site plan and perspective – screen locations fronting Beach Road:</p>

	<div><p>BEACH ROAD</p><p>SOUTHERN OCEAN</p><p>DP127002</p><p>SPR0001</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' TO 20'</p><p>100' 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					 <p>Ground floor:</p> <p>First floor (level 2):</p> <p>Above 7.5m – required 2m setback</p> <p><b>As-built structures –</b>  <u>s8.2 review – the applicant has sought the use of as-built structures under this application.</u></p> <p>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.</p> <p>The s8.2 review documents illustrate removal of a previously proposed beach shed on an elevated earthen filled platform area (large retaining walls) (now replaced by an extended deck area elevated on 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.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24.</b></p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p>
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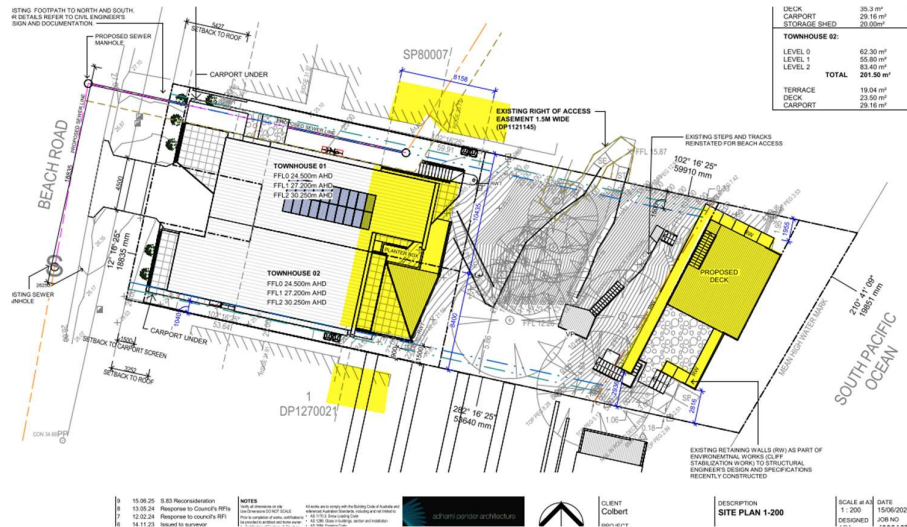
						<p><b>Intent:</b> To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.</p> <p><b>Performance objectives:</b> P3 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.</p>
	<p>Extract from architectural plans – East Elevation: Non compliant setbacks above 7.5m i.e. Proposed: 1.5m. Required: 2m. Minor non-compliance</p> 					
<b>Corner Lots</b>						
P5	A5.1. 3m to secondary street	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
-	A5.2 Dual Occ- 20% avg, 3m & adjoining building on side street	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
-	A5.3 Garages/Carports behind dwelling frontage & building line, min 5.5m setback	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Rear Boundary</b>						
P6	A6.1 = 3m (except ancillary structure <3.8m in height =450mm)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer – setbacks to cliffs which prevails (P8).	
-	A6.2 =450mm sheds, detached garage, no-habitable ancillary buildings <3.8m	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Battle axe Allotments</b>						
P7	A7. 3m all boundaries (except ancillary str <3.8m high =450mm)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Setback Reserves and Cliffs</b>						
P8	A8.1. 20% average – no less smaller, If no building line 12m, Side boundary – can be <12m if opposite setback complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Proposed building setback consistent with average rear/cliff building setbacks -see adjoining development and context – site plan.</p> <p>Proposed setback approx. 29m (measure by survey from mean high water mark (MHWM)).</p> <p><b>Refer discussion.</b></p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24.</b></p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p> <ul style="list-style-type: none"><li>To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.</li></ul> <p><b>Performance objectives:</b></p> <p>P8 Buildings are setback to minimise impacts on the public enjoyment of reserves and to minimise adverse impacts on the scenic qualities of reserves and cliffs when viewed from private land, public land, waterway or the ocean.</p>	
-	A8.3 Public Open Space -3m	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
-	A8.3 Cliff – Avg building line or 12m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<p><b>Discussion: - the dual occupancy construction</b> 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</p>					



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 for the dual occupancy has considered the rear setback in relation to adjoining dwellings. It is noted that adjoining buildings project beyond the cliff top edge, **however the structures at the base of the cliff are not considered to meet the intent or performance criteria of this section.**

Extract from site analysis plan with adjoining buildings highlighted: - **s8.2 review plans:**



#### 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 *Coastal Management Act 2016* requirements.

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

The applicant amended the application to seek consent for 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 an elevated deck area to be constructed on the as-built retained platform at the base of the cliff on 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, 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.

**s8.2 review – the review documents do not change the findings of the assessment under DA0095-24.**

**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.*



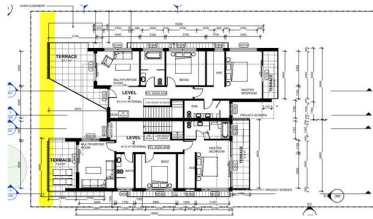
## ATTACHMENT B – DCP TABLE

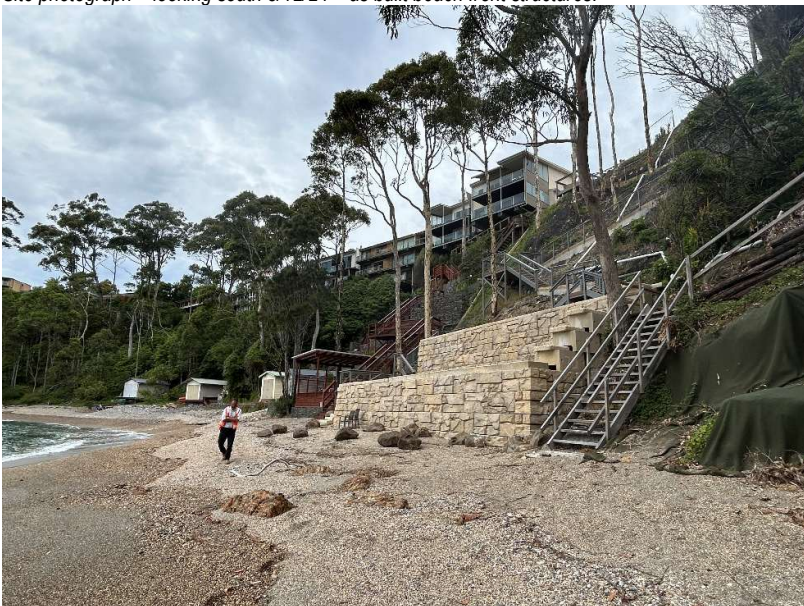
						<b>Performance objectives:</b> <i>P1 Carports and garages: - are not a prominent feature of the development when viewed from the street; - are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and - do not dominate the streetscape. Refer to Figure 3.</i>  <i>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.</i>
	P2	A2.1 <1500m <sup>2</sup> = 60m <sup>2</sup> , >1500m <sup>2</sup> = 100m <sup>2</sup> ,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	-	A2.2 American/Quaker Barn not permitted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4 Private Open Space	P1	A1.1 General (24m <sup>2</sup> , north facing, 1 in 50 slope, behind building line, extension of dwelling)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	-	A1.2. 2 <sup>nd</sup> dwelling must share POS with 1 <sup>st</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	P2	A2. GL Only 4m min dimension	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	P3.1	A3. GL & Above 24m <sup>2</sup> dimension 4m min or balcony 10m <sup>2</sup> min dimension 2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L1 floor plan rear deck areas off dining/living areas proposed.
	P3.2	R3 if POS can't be achieved- Apply communal space	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	P4.1	A4. Above POS balcony SEE DCP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	P4.2	R3 Where Communal Open Space can't be achieved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5 Landscaping	-	Comply with Landscaping Code & Tree Preservation Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24.</b></p> <p>Additional reports have been submitted in relation to flora and fauna, arborist and revegetation and additional tree removal is proposed under the s8.2 review (2 x trees). Referral comments by Councils Environmental Planner which requires additional information be submitted to address removal of native vegetation and re-vegetation works by a suitably qualified person.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b>  <i>To ensure sites are landscaped to improve the amenity and sustainability of development.</i></p> <p><b>Performance objectives:</b>  <i>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.</i></p>
	P3	A3. R2 – 35% Site, 50% front setback R3 – 20% Site, 50% front setback E4 & R5 – 45% Site, 50% front setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.6 Parking and Access	P1	A1. 2 Spaces (1 behind building line). 3m max driveway on road reserve	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	P2	A2. Comply Parking & Access Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Car parking: Councils car parking and access code requires 2 x car spaces for each dwelling i.e. dual occupancy proposed. Required: 4 spaces

					<p>Proposed: 4 spaces</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24.</b></p> <p>Council engineers reviewed the submitted s8.2 documentation and require additional information be submitted.</p> <p><b>The proposal in its current form does not comply with the requirements of this section.</b></p> <p><b>Intent:</b></p> <ul style="list-style-type: none"> <li>• To ensure development provides safe and adequate access and on-site parking arrangements.</li> </ul> <p><b>Performance objectives:</b></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>P3 Access is located and designed to minimise adverse visual and environmental impact. Refer to Figure 4</i></p>
	P3	A3. Driveway follows natural contours	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	P4	A4.1 Tourist Acc undercover & manager/res shares access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7 Signage	-	A1 Comply with Signage Code	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.8 Views	P1	A1 building location, roof line, bulk & scale, consider view sharing principles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<p>The applicant provided the following comment in their Statement of Environmental Effects submitted under DA0095/24 in relation to cl.2.8:</p> <p><i>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.</i></p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>The s8.2 review documents provide a dual occupancy building that meets the height of buildings of 8.5m however does not meet setback requirements (front) (and minor side variation). The proposed dual occupancy built form is considered capable of meeting the intent of this section for view sharing principles i.e. primary views are immediately to the rear, existing dwellings restricting views to north-east and south-west consistently across the cliff edge.</p> <p>A separate discussion is required in relation to views at the base of the cliff /within the cliff area. This has not been adequately considered and given the scale of as-built works has the ability to impact on views</p>






						<p>from neighbouring properties in addition to privacy/visual impacts.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> To provide opportunities for view sharing, where practical, for existing and future residents by encouraging innovative design solutions.</p> <p><b>Performance objectives:</b> P1 Development allows for the reasonable sharing of views through the siting, height and design of buildings. Refer to Figure 5.</p>
2.9 Safer By Design	P1	A1.1 Main entrance visible, Windows facing street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		A1.2 Comply with Safer by Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3.0 Subdivision</b>						
3.1 & 3.2	P1-2.4	Subdivision Pattern, lot layout, development in Broulee etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA - No subdivision proposed
<b>4.0 Built Form</b>						
<b>4.1 Bulk and Scale</b>	P1	A1. Stepped on sloping sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><b>As-built structures –</b> S8.2 seeks consent for the use of as-built structures under this application.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>The structures that 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.</p> <p>While the s8.2 submitted plans illustrate the removal of a proposed beach shed proposed on an elevated earthen filled platform area (large retaining walls), this has been replaced by an extended deck area 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.</p> <p>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.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p>

						<p><i>To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape.</i></p> <p><b>Performance objectives:</b></p> <p><i>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.</i></p>
4.2 Street Frontage and Façade Treatment	P1	A1.1 Front entrance visible from street	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>s8.2 review - The screens projecting above the carport area have been amended to an opaque material to minimise visual impacts however a 1.5m setback to the street to the building is not supported. It is noted substantial rear deck areas are proposed i.e. front deck areas are not required for POS etc. The proposal involves a 3 storey/2 x4 bedroom dwellings for a dual occupancy. Sufficient site area is available to provide a built form that meets setback requirements.</p> <p>DA095/24:</p>  <p>Amended proposal – s8.2 elevation:</p>  <p>STREET FRONTAGE 3D RENDER</p>  <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p>

						<p>To provide attractive, interesting street frontages which make a positive contribution to the character of the area.</p> <p><b>Performance objectives:</b></p> <p><i>P1 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building.</i></p> <p><i>P3 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.</i></p>
-	A1.2 Corner lots address street frontage		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
P2	A2. Retail/Comm. entrance to street		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
P3	A3.1 Façade articulated (<5m blank)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
-	A3.2 Architectural features (eg. eaves, deck, windows)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
-	A3.3 No blank facade to street/public space within 50m		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.3 Style and Visual Amenity	P1.1 & 1.2	A1 Consistent & sympathetic with existing development & surrounding environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The style and visual amenity of the proposal including the dual occupancy building and the as-built structures (ancillary retaining walls and revised (s8.2) elevated platform, 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.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p> <p><i>To ensure development contributes positively to the local area.</i></p> <p><b>Performance objectives:</b></p> <p><i>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.</i></p> <p><i>P1.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.</i></p>
		<p>Site photograph – looking south 3/12/24 – as built beach front structures:</p> 				

**ATTACHMENT B – DCP TABLE**

	P2	A2. Shipping containers located behind existing building, screened from view	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	P3	A3. DualOcc- attach max 6m, design to appear as single dwelling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4 Building Materials	-	A1. No zincalume	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 surfmst/white haven/cl.cream)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.5 Fences	P1	A1.1 1.2m forward of building line, 1.8m behind	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The applicant has not identified that a fence is proposed. The submitted SEE under DA0094/25 does not include an assessment of this section.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>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.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b>  <i>To ensure that fences make a positive contribution to the streetscape and nearby buildings.</i></p> <p><b>Performance objectives:</b>  <i>P1 the design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.</i></p>
	-	A1.2 Acoustic fencing setback 1.5m + landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	P2	A2. Unmodulated solid fence >1.2m high & >15m length recessed = 1m x 1m, planting ect	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.6 Adapt.Housing	P1	A1. 4 more units, 25% to be adaptable housing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>5.0 Amenity</b>						
5.1 Visual Privacy	P1	A1.1 Transparent doors & windows within 9m	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>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.</p> <p>Site visit photos indicate both neighbouring sites to the north and south contain windows that are side facing:  No. 217 Beach Road (north)</p>

						 <p>No. 219 Beach Road (south):</p>  <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To maximise the private enjoyment of residential development.</i></p> <p><b>Performance objectives:</b> <i>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.</i></p>
	-	A1.2 Privacy screening (within 9m/45degrees)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Overshadows no. 219 Beach Road.
	P2	A2.1 Maintain solar access to solar panels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial photograph solar panels:
	-	A2.2 Maintain solar access to north roof	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	 <p><b>S8.2 review</b> – additional information submitted in relation to solar access/shadow diagrams.</p> <p>The proposal has failed to demonstrate the proposal meets the requirements of this section. Further clarification required.</p> <ul style="list-style-type: none"> <li>- Overshadowing occurs throughout the day. (note: the 'red' line is the proposed shadow to the ground floor)</li> <li>- The survey plan submitted does not identify the parapet or roof ridge heights of neighbouring development.</li> </ul>

						<ul style="list-style-type: none"> <li>- The shadow diagrams lodged do not illustrate all of the solar panels on the adjoining property No. 219 Beach Rd.</li> <li>- The applicant has not located the living areas on the plans, but clearly shows POS areas overshadowed including to the rear.</li> <li>- The overshadowing in the cliff -edge sloped area is unclear in relation to source information.</li> </ul> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To maximise solar access to adjacent residential development.</i></p> <p><b>Performance objectives:</b> <i>P1.1 The use of natural light is maximised and the need for artificial lighting is reduced.</i> <i>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.</i></p>
<b>6.0 Site Considerations</b>						
6.1 Flood, Ocean & Climate Change	-	A1.Comply with Cl. 6.5 ELEM 2012 & Moruya floodplain DCP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Refer to comments in the SEPP section of this report. The site is in a coastal area subject to coastal processes.</p> <p>The site is not in a flood mapped area.</p>
6.2 Tree Preserv.	-	A1.Comply with Cl. 5.9 ELEM 2012 & Tree Preservation Code	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Unauthorised tree and vegetation removal in a mapped native vegetation area (Council mapping).</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p><b>s8.2 review</b> - Additional information is required in relation to the lodged s8.2 documentation including flora and fauna reports, arborist and revegetation plans.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To minimise impacts on native flora and fauna, particularly threatened species.</i></p> <p><b>Performance objectives:</b> <i>A1 All development on land to which the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies must comply with that policy..</i></p> <p><i>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:</i> <i>(a) If it is found to be likely to significantly affect threatened species according to the</i></p>



## ATTACHMENT B – DCP TABLE

						<p><i>test in Section 7.3 of the Biodiversity Conservation Act 2016;</i></p> <p><i>(b) If the area of clearing exceeds the threshold described in Clause 7.2 of the Biodiversity Conservation Act 2016; or</i></p> <p><i>(c) If the clearing is of native vegetation on land included on the Biodiversity Values Map</i></p>
6.3 Biodiversity	-	A2 Avoid, minimise or mitigate adverse environmental impact to land mapped on Native Vegetation Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Unauthorised tree and vegetation removal in a mapped native vegetation area (Council mapping).</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p><b>s8.2 review</b> - Additional information is required in relation to the lodged s8.2 documentation including flora and fauna reports, arborist and revegetation plans.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b></p> <ul style="list-style-type: none"> <li>• To maintain terrestrial and aquatic biodiversity, including the following:               <ul style="list-style-type: none"> <li>(a) protecting native fauna and flora,</li> <li>(b) protecting the ecological processes necessary for their continued existence,</li> <li>(c) encouraging the recovery of native fauna and flora and their habitats,</li> <li>(d) maximising connectivity, and minimising fragmentation, of habitat.</li> </ul> </li> </ul> <p><b>Performance criteria:</b></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) native ecological communities,</i></li> <li><i>(b) the habitat of any threatened species, populations or ecological community,</i></li> <li><i>(c) regionally significant species of fauna and flora or habitat,</i></li> <li><i>(d) habitat elements providing connectivity.</i></li> </ul> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</i></li> <li><i>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</i></li> <li><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></li> </ul>
6.4 Retention of Habitat Features (Broulee)	P1	Comply with Biodiversity Conservation Strategy (Broulee)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not within Broulee Cert Area
<b>7.0 Siteworks</b>						
7.1 Sustainability	P1	A1 Connect to electricity supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No objection to electricity supply.
	P2	A2 Separate Water meter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

7.2 Earthworks	P1	A1 Max cut 1m & max fill 1m	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>Extensive excavation and retaining walls (fill) are illustrated on the plans including earthworks. Substantial earthworks have been undertaken without consent and use of as built works is sought under s8.2 review.</p> <p>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.</p> <p>Council engineers are not in support of the proposal following the s8.2 review.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To retain the natural slope of the land, and ensure that the bulk and scale of new development is responsive to site topography.</i></p> <p><b>Performance criteria</b> <i>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.</i></p>
7.3 Stormwater Management	P1.1	A1.1 Connect to drainage, or manage post runoff =/≤ pre condition	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The stormwater design including as-built works have been undertaken without consent.</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p>The proposal includes stormwater water management however disposal is proposed to the beach front (including as-built).</p> <p>A site visit indicates this may include the neighbouring property stormwater which has not been incorporated in to this proposal.</p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To ensure that stormwater run-off has no detrimental impact on neighbouring properties, public spaces and Council infrastructure.</i></p> <p><b>Performance criteria</b> <i>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</i></p>
	P1.2	A1.2 AS3500 P&D Code+ ESC Rainwater Design Guide	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

						<p><i>integrated management of stormwater in order to:</i></p> <ul style="list-style-type: none"> <li><i>- minimise flooding;</i></li> <li><i>- protect and enhance environmental values of receiving waters;</i></li> <li><i>- maximise the use of water sensitive urban design principles;</i></li> <li><i>- maximise the use of natural waterway corridors and natural channel design principles;</i></li> <li><i>- maximise community benefit; and</i></li> <li><i>- minimise public safety risk.</i></li> </ul> <p><i>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.</i></p> <p><i>P1.3 The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.</i></p>
7.4 W,S,SW (Broulee)	P1	A1 Avoid detrimental impact on land zoned E2	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.5 Waste	P1	Comply with waste minimization code	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal involves unauthorised works. This section has not been complied with, including in relation to importation of materials during construction of the as-built works (contamination).</p> <p><b>s8.2 review – the review documents do not change the findings of the assessment under DA0095-24</b></p> <p><b>The proposal fails to meet the intent and objectives of this section.</b></p> <p><b>Intent:</b> <i>To further the objectives of the Site Waste Minimisation and Management Code.</i></p> <p><b>Performance criteria</b> <i>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.</i></p>