

section not relevant

Section 4.55 Modification of Consent

Section 4.15(1) Matters for consideration - general

Description	Dwelling with attached garage and shed
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Matters for consideration						
GIS & System Check	Section 4.15(1) <small>EP&A Act 1979</small>	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment
◀	(b) (e)	DA History		○ <i>NR</i>	● <i>Sat</i>	

LEP 2010 Zones	(a)(i) (b) (c) (e)	Zoning	LEP 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	○ NR	● Sat	Zoning of land (cl 2.2): R5 The development is permissible in the zone (cl. 2.3(1)) The development is consistent with the following objectives of the zone (cl. 2.3(2)): <ul style="list-style-type: none"> • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

Land Parcels & DP	(b) (c) (e)	<p>Land Title</p> <p>Correct legal description and ownership</p> <p>Easements & Building Envelopes</p> <p>Open Deposited Plan (including 88b)</p> <p>Registered title (deferred commencement)</p>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	The subject site is not burdened by any easements.
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	<p>Heritage</p> <p>Conservation Area</p> <p>Listed item</p>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		<p><i>DCP 3 Heritage Conservation</i></p>	<p>LEP 5.10 Heritage conservation</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	<p>Urban Release Area</p>	<p>LEP 6.2 Public utility infrastructure</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			<p>LEP 6.3 Development control plan</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	<p>Natural Resource Sensitivity</p>	<p>LEP 7.3 Biodiversity</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		<p><i>DCP 5.4 Environmentally sensitive land</i></p>	<p>LEP 7.4 Vulnerable land</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			LEP 7.5 Riparian lands and waterways	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.6 Groundwater vulnerability	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	Flooding Overland flow <i>DCP 4.2 Flooding</i>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 7.2 Flood Planning	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire <i>DCP 4.1 Bushfire</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	The site is not mapped as bush fire prone land and a site inspection has confirmed that the site or surrounding area is not a bush fire risk. No further assessment is required.
Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP55	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites.
Airport Constraints	(a)(i) (b) (c) (e)	Airport Constraints	LEP 7.11 Airspace operations	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.12 Development in areas subject to aircraft noise	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

Assets – Sewer and Stormwater	(b) (c) (e)	<p>Services/Utilities</p> <p>(Septic area? Health referral))</p> <p>Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)</p> <p>Stormwater issues – overland flow</p> <p>Electricity infrastructure (including setbacks to substations) (Infrastructure SEPP referral)</p>		○ NR	● Sat	
Aerial Imagery (* Topographic – Hydrology)	(b) (c) (e)	<p>Existing site conditions</p> <p>Buildings on site</p> <p>Retaining walls</p> <p>Cut and fill</p> <p>Deposited fill</p> <p>Boundary fencing and walls</p> <p>Private open space</p> <p>Vegetation</p> <p>*Proximity to natural waterways</p> <p>Other observations</p>		○ NR	● Sat	<p>Site visit undertaken on: 15/12/2020</p> <p>Vacant block with no significant vegetation present on site.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Aerial Imagery (*Topographic – Hydrology)</p>	<p>(b) (c) (e)</p>	<p>Off site observations</p> <p>Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations</p>		<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	<p>Adjoining lot to the east has single storey dwelling and shed. The western lot is currently vacant with no development application lodged or approved. The southern lot has a single storey dwelling, in-ground swimming pool and shed.</p>
	<p>(a)(iii) (b) (c) (e)</p>	<p>Traffic, access and parking</p> <p>Manoeuvring</p> <p>Site Distance Issues</p> <p>Driveway grade</p> <p>Check Driveway location and grade</p> <ul style="list-style-type: none"> • Side entry pit • Service lids/pits • Poles/turrets/substations • Street Trees <p>DCP <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i></p>		<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	

	(a)(iii) (b) (c) (e)	Context, setting and streetscape <i>DCP</i> <i>9.2.2 Streetscape</i> <i>9.2.3 Corner lots and secondary facades</i> <i>9.2.4 Sloping Sites</i> <i>9.3.1 Site area per dwelling</i> <i>9.3.2 Site cover</i> <i>9.3.6 Front setbacks</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i> <i>9.4.4 Garages, carports, sheds and driveways</i> <i>9.4.5 Site facilities</i>		○ NR	● Sat	The proposal is non-compliant with section 9.3.7 of the DCP. See section 9.3.7 below for further discussion.
	(a)(iii) (b) (c) (e)	Public Domain Impact on street or adjoining public place Condition/Dilapidation Construction access <i>DCP</i> <i>2.7 Development adjoining open space</i> <i>9.4.5 Site facilities</i>		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	Safety, security and crime prevention <i>DCP 2.5 Safety and security</i>		○ NR	● Sat	

	(a)(iii) (b) (c) (e)	Site and internal design <i>DCP</i> <i>9.2.1 Site layout</i> <i>9.4.1 Building elements</i> <i>9.4.4 Garages, carports, sheds and driveways</i>		○ <i>NR</i>	● <i>Sat</i>	
	(a)(iii) (b) (c) (e)	Solar impact <i>DCP</i> <i>9.3.4 Solar access</i> <i>9.3.7 Side and rear setbacks</i>		○ <i>NR</i>	● <i>Sat</i>	See section 9.3.4 and 9.3.7 below for further discussion.
	(a)(iii) (b) (c) (e)	Visual Privacy Private open space Boundary fencing and screening <i>DCP</i> <i>9.3.5 Private open space</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.3 Privacy</i>		○ <i>NR</i>	● <i>Sat</i>	
	(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		○ <i>NR</i>	● <i>Sat</i>	An objection has been received regarding the potential noise impacts from the use of the shed. The shed is proposed to be built for the storage of personal goods and items therefore it is not expected that the proposal will cause any unreasonable audible impact within the residential environment.

	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		○ NR	● Sat	
	(a)(i) (a)(iii) (b) (c) (e)	Earthworks and Soils Cut and fill Stability and erosion control Stormwater quality		○ NR	● Sat	
		<i>DCP</i> <i>9.4.6 Changing the landform – cut and fill</i>	LEP 7.1A Earthworks	○ NR	● Sat	
	(b) (c) (e)	Landscaping		● NR	○ Sat	
	(b) (c) (e)	Waste Construction waste management Asbestos		○ NR	● Sat	
		Energy & Water <i>DCP</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i>		○ NR	● Sat	

	(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	(b) (c) (e)	Other hazards Natural Technological		<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	(a)(iii) (b) (c) (e)	Flora and Fauna (on and off-site) Check for native veg requirements (R5 and RU4 Land) <i>DCP</i> <i>5.2 Preservation of trees</i> <i>5.3 Native Vegetation Cover</i>	Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 <i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat
					Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats) There are a number of tests to determine whether the proposed triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets. <i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i> No

						<p>2. <i>Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold?</i></p> <p>No native vegetation is proposed to be removed.</p> <p>3. <i>Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</i></p> <p>Given that no native vegetation is being removed and the absence of any recorded endangered flora or fauna on the site of the proposed development, is not anticipated to significantly affect threatened species or ecological communities or their habitats.</p> <p>Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme and no further evidence is required regarding the proposed vegetation removal.</p>
	(b) (c) (e)	Social and economic impacts		<input type="radio"/>	<input checked="" type="radio"/>	
	(b) (c) (e)	Facilitation of Ecologically Sustainable Development		<input type="radio"/>	<input checked="" type="radio"/>	

(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		LEP 4.3 Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		LEP 7.9 Primacy of Zone B3 Commercial Core	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		LEP 5.6 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		Other Clauses	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
(a)(i) (b) (c) (e)	Other EPIs	SEPP (Infrastructure) 2007	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		Other SEPPs	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	(a)(ii) (b) (c) (e)	Draft EPIs		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. With the exception of the following, none of these are applicable to this application.</p> <p>Remediation of Land SEPP and repeal of State Environmental Planning Policy 55</p> <p>The draft SEPP will not impact on the assessment of this application under SEPP 55 with regard to the potential contamination of this site and its suitability for the proposed development.</p>
	(a)(iiiia) (e)	Planning agreements		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	<p>No related planning agreement has been entered into under section 7.4.</p>
	(d) (e)	Submissions		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>One submission was received during the notification period.</p> <p>Below is the summary of concerns raised:</p> <ul style="list-style-type: none"> Proposed reduced setback of the shed will obstruct northerly aspect/views of the main living and entertainment areas. Sheds built within the surrounding area do not cause amenity impacts on adjoining properties given their positioning however the proposed shed

					<p>will create sense of enclosure given its size, height and location.</p> <ul style="list-style-type: none">• The proposed shed will have audible, aesthetic and resale implications to the property.• Proposed shed will be significantly higher than the existing boundary fence (the height of proposed shed up to the eave above the existing colorbond fence will be approximately 1600mm) and building shed over the existing natural ground level will increase the impact as opposed to building the shed at the same level as the dwelling which sits slightly lower than the shed due to proposed site cut.• Due to presence of the existing colorbond boundary fence, an area of the backyard does not receive adequate sunlight. The proposed shed on adjoining property will cause additional overshadowing impact in this area and add further cost for remediation.• The shed should be relocated to provide a 2000mm setback to both the western and southern boundaries to position it further away from the main living areas of the dwelling and to minimise impacts. <p>Concerns raised by the objector have been addressed within this assessment report</p>
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						including discussion under Sections 9.3.4 and 9.3.7 below.
	(e)	Section 68 Application made as part of DA	<i>Local Government Act 1993</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	AA20/0848 – Part B4 (Sewer) and Part B5 (Stormwater) – Private is lodged with the application.
	(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(iv) (e)	The Regulation – Prescribed Matters EP&A Regulation 2000		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			cl.92(1)(b) - Demolition of a building, the provisions of AS 2601 (ensure condition included requiring compliance with standard)	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			cl.94 require existing building to be brought into total or partial conformity with BCA	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			<i>(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)</i>			
	(a)(iv) (e)	The Regulation – Prescribed Conditions <i>(ensure conditions of consent included)</i>	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Other regulation matters	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Council Policies		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land. No declaration has been made that would require action under this policy.
	(e)	Other public interest matters		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	It is considered that this application will not have a detrimental effect on the public interest.

Development Control Plan 2010

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979

DCP Section (Objectives and Controls)	Not Relevant	Satisfactory	Comment
<input checked="" type="checkbox"/> section not relevant			

1.10 Notification of a Development Application

Compliance with the advertising and notification procedures detailed in this section of the DCP	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	<p>The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP.</p> <p>Dates: 21/01/2021 to 29/01/2021</p> <p>One submission was received during the notification period.</p>
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1.11 Complying with the Wagga Wagga Development Control Plan 2010

Compliance with the procedures, guidelines and delegations detailed in this section of the DCP	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	<p>The applicant has proposed a variation to control C2 of section 9.3.7 of the DCP that relates to side setback requirement.</p> <p>9.3.7 - C2</p>
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			<p>C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:</p> <p>a) If the lot is in Zone R5 a setback of 2m</p> <p>The applicant proposes a 1m setback from the southern boundary to the external wall of proposed shed. The applicant has provided justification for the variations and issues surrounding the variations will be discussed under Section 9.3.7 below.</p>
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2.1 Vehicle access and movements

<p><i>O1 Ensure the safety and efficiency of urban and rural roads.</i></p> <p><i>O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.</i></p>	C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.	● NR	○ Sat	
	C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.	○ NR	● Sat	
	C6 Ensure adequate sight lines for proposed driveways.	○ NR	● Sat	

2.2 Off-street parking

<i>O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.</i>	C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.	○ NR	● Sat	
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O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.				
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2.3 Landscaping

2.5 Safety and security

O1 Incorporate crime prevention strategies in new developments.	C1 Use good site planning to clearly define public, semi-public and private areas.	○ NR	● Sat	
O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.	C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.	○ NR	● Sat	
O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.	C3 Minimise blank walls along street frontages.	○ NR	● Sat	
	C4 Avoid areas of potential concealment and 'blind' corners.	○ NR	● Sat	
	C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.	● NR	○ Sat	
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	○ NR	● Sat	

	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	● NR	○ Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	● NR	○ Sat	

2.6 Erosion and sediment control

<p><i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i></p> <p><i>O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i></p> <p><i>O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i></p> <p><i>O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to</i></p>	Consistent with the objectives of this section of the DCP.	○ NR	● Sat	
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prevent the loss of soil from the site.				
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2.7 Development adjoining open space

3 Heritage Conservation

4.1 Bushfire

4.2 Flooding

5.1 Development on ridges and prominent hills

5.2 Preservation of trees

5.3 Native Vegetation Cover

5.4 Environmentally sensitive land

<i>O1 To support the controls and objective for both the E2 and E4 Zone and environmentally sensitive land provisions in Clauses 7.3 to and inclusive of Clause 7.6 of the LEP.</i>	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.	● NR	○ Sat	
	Environmentally sensitive land – biodiversity (Outside “biocertified area”)	○ NR	● Sat	
	Natural Resources Sensitivity - land	● NR	○ Sat	

<p><i>O2 Protect, maintain or improve the diversity of the native flora and fauna.</i></p> <p><i>O3 Protect the ecological processes necessary for their continued existence.</i></p> <p><i>O4 Encourage the recovery of threatened species, communities or populations and their habitats.</i></p> <p><i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i></p>	Natural Resources Sensitivity - waterways	<input type="radio"/>	<input checked="" type="radio"/>	
	Natural Resources Sensitivity - groundwater	<input checked="" type="radio"/>	<input type="radio"/>	

6 Villages

8 Rural Development

9.1.5 R3 Zone – Staunton Estate

9.2.1 Site layout

<p><i>O1 Encourage site responsive development that is compatible with existing or desired built form.</i></p> <p><i>O2 Facilitate sustainable development through passive solar design.</i></p> <p><i>O3 Integrate landscaping and built form.</i></p>	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	<input type="radio"/>	<input checked="" type="radio"/>	
	C3 Orient living spaces to maximise solar access.	<input type="radio"/>	<input checked="" type="radio"/>	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input type="radio"/>	<input checked="" type="radio"/>	

<p><i>O4 Encourage designs which respond to the physical context and characteristics of the particular site.</i></p> <p><i>O5 Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.</i></p>				
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9.2.2 Streetscape

<p><i>O1 Encourage compatibility with existing built form.</i></p>	<p>C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	
<p><i>O2 Encourage attractive streetscapes.</i></p> <p><i>O3 Ensure a strong street edge with good definition between the public and private domain.</i></p>	<p>C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.</p>	<p><input checked="" type="radio"/> NR</p>	<p><input type="radio"/> Sat</p>	
<p><i>O4 In locations where front fences are an important feature of the established streetscape, ensure that new fences complement the character of the streetscape.</i></p>	<p>C3 Fence height at and behind the building line is not to exceed 1800mm in height.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	
	<p>C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	

9.2.3 Corner lots and secondary facades

□ 9.2.4 Sloping sites

<p><i>O1 Encourage site responsive development.</i></p> <p><i>O2 Encourage building design that is appropriate to the site conditions.</i></p> <p><i>O3 If an alternate design is possible, avoid development that would require cutting into the site.</i></p>	<p>C1 Use pier, split level or suspended floor designs on sloping sites.</p>	<p>● NR</p>	<p>○ Sat</p>	<p>The building design is appropriate to the site and generally meets the objectives.</p>
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✗ 9.3.1 Site area per dwelling

✗ 9.3.2 Site cover

□ 9.3.4 Solar access

<p><i>O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.</i></p>	<p>C1 Locate garages, laundries and bathrooms to provide insulation from western sun.</p>	<p>○ NR</p>	<p>● Sat</p>	<p>Whilst the ensuite and bathroom is located on the eastern elevation garage and laundry is located on the western elevation which will provide insulation from western sun. As such, the proposal is considered satisfactory as it meets the intent of the control.</p>
<p><i>O2 Ensure non-habitable rooms such as garages,</i></p>	<p>C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.</p>	<p>○ NR</p>	<p>● Sat</p>	

<p><i>laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.</i></p> <p><i>O3 Maintain reasonable sunlight access to adjoining properties.</i></p>	C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints, existing built form and good design practices limit the ability of the proposal to comply with these controls.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C7 Variations to C6 above can be considered where it can be demonstrated that any form of reasonable development on the lot would cause non-compliance with C6. In this instance the impacts are to be minimised where possible.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>Whilst the proposed dwelling is unlikely to cause any impact on adjoining properties, a small area of the lots/properties to the west and south will be overshadowed at certain times of the day as a result of the proposed shed. Noting that the proposed shed is of a compliant height and size, it is satisfied that this impact would be minimal and not dissimilar to the impact caused by other comparable sheds throughout the residential areas of the city.</p> <p>Further to this it is noted the lot to the south will retain a large area of private open space which will be unaffected by any shading cause by the proposed shed and its location.</p>

				<p>The western lot is currently vacant therefore it is difficult to anticipate potential impacts of the proposed development however it is noted that the proposed shed is located to the rear of the lot, away from likely living areas and private open space areas of any future dwelling. As such, the proposal is considered reasonable.</p> <p>The objector claims that the proposed shed will also obstructs the northerly aspects/views of their main living and entertainment areas given the height, size and location of the shed. Despite the proposed reduced setback, it is satisfied that the shed will not cause any unreasonable amenity impact on this property on the basis that it will not overshadow the outdoor living and private open space area or any north facing living area. All windows will retain sunlight access as they will be unaffected by the proposed shed (in accordance with Control C6 above).</p> <p>Further discussion surrounding the reduced setback is discussed under section 9.3.7.</p>
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9.3.5 Private open space

<p><i>O1 Provide quality, useable private open space.</i></p> <p><i>O2 Ensure adequate areas for recreation and outdoor living.</i></p>	<p>C1 At least 24m² of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 Enclosure of approved private open space will be permitted, however at least one side of the approved</p>	<input checked="" type="radio"/>	<input type="radio"/>	

<i>O3 Encourage good connection between dwellings and private open space.</i>	private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.	NR	Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	<input type="radio"/>	<input checked="" type="radio"/>	

9.3.6 Front setbacks

<p><i>O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.</i></p> <p><i>O2 Encourage attractive residential streets and quality public domain.</i></p> <p><i>O3 Ensure that new developments complement the established built patterns</i></p> <p><i>O4 Maintain lines of sight for vehicle safety.</i></p>	<p>C1 Minimum front setbacks for residential development (site area smaller than 2000m2):</p> <p>Primary frontage to a main or arterial road 9m #</p> <p>Primary street frontage (other roads) 6m #</p> <p>Secondary frontage (corner site) 3m</p> <p># - For residential accommodation in R3 Zones a minimum setback of 3m may be considered.</p>	<input type="radio"/>	<input checked="" type="radio"/>	
	<p>C2 In the older areas of Wagga Wagga front setbacks are typically 7.5m. where the setback of existing adjoining buildings is greater than 6m increase the front setback to the setback of the adjoining building closest to the street boundary.</p>	NR	Sat	
	<p>C3 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line. Refer to diagrams opposite.</p>	<input type="radio"/>	<input checked="" type="radio"/>	

	<p>C4 Variations to the minimum setback can be considered in the following circumstances:</p> <ul style="list-style-type: none"> • Within Urban Release Areas where it can be demonstrated that the reduced setback will be generally consistent with the character of the area or likely or desired future character of the area consistent with those generally allowed under the SEPP (Exempt and Complying Code) 2008 or relevant Code at the time of lodgement of a development application. • Areas where it can be demonstrated that the setback is consistent with neighbouring properties. This situation is typical to older established areas of Central Wagga and large lot residential land. • Corner lots where it can be demonstrated that the reduced setback on either or both frontages provides a more attractive streetscape without impacting unreasonably on the amenity of the neighbouring properties. This is relevant to designs that address both frontages without boundary fencing. 	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
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9.3.7 Side and rear setbacks

<p><i>O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i></p>	<p>C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<p><i>O2 Ensure new development continues the rhythm or pattern of development in the locality.</i></p> <p><i>O3 Provide access for maintenance.</i></p>	<p>C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:</p> <p>a) If the lot is in Zone R5 a setback of 2m, or</p> <p>b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The applicant seeks variation to the 2m side setback requirement for the R5 zone. The proposed dwelling meets the side setback requirement however the shed has been designed with a 1m setback from the southern and western boundary.</p> <p>The applicant has provided written justification for the variation, summarised as follows:</p>

<p><i>O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.</i></p>			<ul style="list-style-type: none"> - <i>The subject site has no easements on the property.</i> - <i>The shed is positioned 1m off the southern and western boundary, in keeping with the adjoining properties and to enable larger yard space for recreation.</i> - <i>Dwelling are setback 4m off the eastern and western boundary to allow better vehicular access to the shed for boat storage etc.</i> - <i>The shed will provide parking space for the boat without having to park on the street affecting street appeal.</i> <p>As identified earlier, an objection has been received claiming that the proposed shed is likely to cause potential impacts on the adjoining property due to the reduced setback (see details of objection provided earlier).</p> <p>Having undertaken a merits assessment of the requested variation, it is considered that strict compliance with the control is considered unreasonable and that a reduced setback should be supported give the following reasons:</p> <ul style="list-style-type: none"> - The proposed shed does not exceed the size and height controls permitted under the current DCP provisions. The current DCP allows outbuildings to be built up to maximum of 4.8m in height from the existing ground
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				<p>level whereas the proposed shed is 4.167m in height.</p> <ul style="list-style-type: none"> - The shed is considered to be ancillary to the proposed use of the land and meets the objectives of the control given the reduced side setback still maintains adequate separation between adjoining buildings for landscaping, privacy, natural light and ventilation needs. Similarly, this reduced setback also allows access for maintenance. - Whilst the shed will be prominent when viewed from adjoining properties, it will not unreasonably restrict views (which are not deemed to be significant views) and will not cause unreasonable impact with respect to the aspect enjoyed by adjoining properties. Increasing the setback of the shed to 2 metres (as required under the control) will have minimal impact on these matters. - The proposal is a continuation of the pattern of development within the locality with a number of outbuildings (sheds) approved in this area with reduced setbacks on the basis that amenity impacts were deemed minimal. - The proposed shed is located to the rear of the backyard of the property and is therefore unlikely to cause any detrimental impact on the streetscape or character of the area.
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				- Having regard to the overall assessment of the application under section 4.15 of the Act.
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□ 9.4.1 Building elements

<i>O1 Encourage quality and visually interesting buildings through the use of building elements.</i> <i>O2 Facilitate passive solar design principles.</i>	C1 Use verandahs or pergolas to link internal and external living areas.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C5 Secondary dwellings are to appear as a single occupancy from the public domain.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

□ 9.4.2 Materials and finishes

<i>O1 Encourage the use of external materials and finishes that are suited to their location and support consistent quality streetscapes.</i> <i>O2 Encourage use of materials that have good thermal performance.</i>	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Avoid large unbroken expanses of any single material.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<p><i>O3 Promote the use of materials that are climate responsive and contribute to innovative building design.</i></p> <p><i>O4 Discourage corporate colours in building facades.</i></p>	<p>C4 Use contrasting materials in combination with design elements for features such as corner elements.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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9.4.3 Privacy

<p><i>O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.</i></p> <p><i>O2 Ensure adequate acoustic privacy within dwellings.</i></p>	<p>C1 Offset windows, balconies and private open space areas between adjoining dwellings.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

9.4.4 Garages, carports, sheds and driveways

<p><i>O1 Minimise the visual dominance of garages and driveways in the streetscape.</i></p> <p><i>O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.</i></p>	<p>C1 Where garage doors form part of the facade of a dwelling fronting a public road</p> <p>- the garage door is to be:</p> <p>less than 50% of the width of the house*</p> <p>no wider than 6m #</p> <p>maximum 2.4m high #</p> <p>- double garages are only permitted on lots 12.5m wide or greater*</p> <p>- single fronted tandem garages with one space behind the other are permitted</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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	* - Variations to these controls may be considered for multi storey dwellings # - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.			
	C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.	● NR	○ Sat	
	C3 The floor area of an outbuilding on a residential lot must not be more than the following: (a) 8% of the site area if the lot has an area of less than 600m ² , (b) 8% of the area or a maximum area of 175m ² , whichever is the lesser, if the lot has an area of at least 600m ² but less than 4000m ² , (c) Lots greater than 4000m ² will be considered on their merits.	○ NR	● Sat	Proposed shed is 70m ² which is 5.34 % of the total site area. Complies with the control.
	C4 The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area or a maximum area of 300m ² , whichever is the lesser.	○ NR	● Sat	Proposed shed is the only outbuilding proposed to be built on the site. Complies with the control.
	C5 Sheds may only be erected on residential land where a dwelling house is constructed or under construction and must be used for purposes ancillary to the residential use of the land.	○ NR	● Sat	
	C6 The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing). The building shall be single storey construction with a maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.	○ NR	● Sat	Shed height – 4.167m and roof pitch – 10 degrees. Complies with the control.
	C7 An outbuilding shall not be located in front of the main building line. Variations may be considered for a balcony, deck, patio, pergola, terrace or verandah.	○ NR	● Sat	

9.4.5 Site facilities

<i>O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.</i>	C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O2 Encourage an attractive residential setting and quality public domain.</i>	C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O3 Minimise duplication of trenches for services and the like.</i>	C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

9.4.6 Changing the landform – cut and fill

<i>O1 Encourage site responsive development and protect the amenity of adjoining land.</i>	C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows: (a) If located no more than 1m from boundary – 1.5m, and (b) If located more than 1m but not more than 1.5m from any boundary – 2m, and (c) If located more than 1.5m from any boundary – 3m. Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O2 Avoid excessive earthworks and minimise changes to the natural landform.</i>				
<i>O3 Encourage site layout and building design that is appropriate to the site conditions, including use of</i>				

<p><i>split levels, pier foundation or suspended floor house designs.</i></p> <p><i>O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.</i></p> <p><i>O5 Avoid inappropriate fill being introduced to sites.</i></p> <p><i>O6 Ensure adequate provision of drainage in relation to cut and fill practices.</i></p>	<p>C2 Fill is not to exceed: (a) 1.5m above ground level (existing), and (b) Must be contained by either: (i) A retaining wall or other form of structural support that does not extend more than 1.5m from the closest external wall of the dwelling house, or (ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.</p> <p>Variations to the above setbacks can be considered where the applicant can demonstrate that there is an acceptable impact on the amenity of the adjoining properties (privacy, overshadowing).</p>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	<p>C3 Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that: (a) has been certified by a professional engineer, and (b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and (c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is: (i) more than 1.5m in height and within 1m from a side or rear boundary, or (ii) more than 3m in height at any other location.</p>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	
	<p>C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.</p>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	

	C5 No cut or fill to take place within easements.	● <i>NR</i>	○ <i>Sat</i>	
	C6 To encourage site responsive development, excavation and retaining walls greater than that specified in C1 to C3 above can be considered where the design responds to the slope (or incorporates split levels). The additional retaining wall height is to facilitate basements, garages or the like at the lower level. The excavation is to be adequately retained and drained, in accordance with approved engineering details.	● <i>NR</i>	○ <i>Sat</i>	
	C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to minimise the impact on the amenity of the adjoining properties.	● <i>NR</i>	○ <i>Sat</i>	
	C8 All retained material is to have a gradient of at least 5%.	○ <i>NR</i>	● <i>Sat</i>	
	C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.	● <i>NR</i>	○ <i>Sat</i>	
	C10 Cut and fill outside the building envelope is not to exceed 600mm.	● <i>NR</i>	○ <i>Sat</i>	
	C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.	○ <i>NR</i>	● <i>Sat</i>	
	C12 Earthworks should not be carried out within the angle of repose of adjoining property. Unless such	○ <i>NR</i>	● <i>Sat</i>	

	works are supported by certified structural engineer reports and do not impact on neighbouring property.			
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14 Boorooma Urban Release Area

15 Lloyd Urban Release Area

16 Gobbagombalin Urban Release Area