

# Report of Development Application

## *Environmental Planning and Assessment Act 1979*

<b>Application Details</b>	Application Number	DA23/0381	Applicant	Fernleigh Drafting PO Box 45 THIRROUL NSW 2515
	Date of Lodgement	10/08/2023		
	Proposal	Demolition of two existing sheds and construction of a new shed	Description of Mod.	N/A
	Development Cost	\$81,555.00	Other Approvals	N/A
<b>Site Details</b>	Subject Land	10 Henschke Ave SAN ISIDORE NSW 2650 Lot 18 DP 245101	Owner	Doris Akosua Adoma Amponn-Nyamekye

**Recommendation:** The application be approved subject to conditions of consent as detailed in the draft Notice of Determination.

**Delegation to Determine Application:-**

Section 4.55 Modification of Consent

Section 4.15(1) Matters for consideration - general

<b>Description</b>	Demolition of two existing shed and construction of a new shed
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<b>Matters for consideration</b>						
<b>GIS &amp; System Check</b>	<b>Section 4.15(1) EP&amp;A Act 1979</b>	<b>Issue</b>	<b>Legislative Provisions</b>	<b>Not Relevant</b>	<b>Satisfactory</b>	<b>Comment</b>
◀	(b) (c) (e)	<b>DA History</b>		○ NR	● Sat	DA12/0593 – Dwelling additions and alterations DA15/0197 – Alterations and additions DA22/0297 – Use of existing above ground swimming pool

LEP 2010 Zones	(a)(i) (b) (c) (e)	<b>Zoning</b>	<b>LEP</b> 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	○ NR	● Sat	<p>The development is located within the R5 zoned land and is permissible with consent in this zone (cl. 2.3(1))</p> <p>The development is consistent with the following objectives of the R5 zone (cl. 2.3(2)):</p> <ul style="list-style-type: none"> <li>• <i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i></li> <li>• <i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i></li> <li>• <i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i></li> <li>• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> <li>• <i>To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.</i></li> </ul>
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Land Parcels & DP	(b) (c) (e)	<b>Land Title</b>		<input type="radio"/>	<input checked="" type="radio"/>	<p>The subject site is identified as Lot 18 under DP245101.</p>
		<p>Correct legal description and ownership</p> <p>Easements &amp; Building Envelopes</p> <p>Open Deposited Plan (including 88b)</p> <p>Registered title (deferred commencement)</p>		NR	Sat	
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	<b>Heritage Conservation Area Listed item</b>		<input checked="" type="radio"/>	<input type="radio"/>	
		<p>LEP 5.10 Heritage conservation</p> <p><i>DCP 3 Heritage Conservation</i></p>		NR	Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	<b>Urban Release Area</b>	LEP 6.2 Public utility infrastructure	<input checked="" type="radio"/>	<input type="radio"/>	
			LEP 6.3 Development control plan	NR	Sat	

Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	<b>Natural Resource Sensitivity</b>  <i>DCP 5.4 Environmentally sensitive land</i>	<b>LEP 7.3 Biodiversity</b>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	The subject site is mapped as 'Biodiversity' on the <i>Terrestrial Biodiversity Map</i> however the proposal does not involve removal of any native vegetation from the site. As such, the proposal is unlikely to have any adverse impact on habitat of threatened species, wetland or biodiversity values resulting from the proposed development.
		<b>LEP 7.4 Vulnerable land</b>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>		
		<b>LEP 7.5 Riparian lands and waterways</b>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>		
		<b>LEP 7.6 Groundwater vulnerability</b>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>		
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	<b>Flooding</b>  Overland flow  <i>DCP 4.2 Flooding</i>		<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	
		<b>LEP 5.21 Flood Planning</b>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>		
Bushfire Prone Land	(a)(iii) (b) (c) (e)	<b>Bushfire</b>  <i>DCP 4.1 Bushfire</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	The subject site is identified as bushfire prone land. See section 4.1 below for further discussion.

Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	<b>Contaminated Land</b> PFAS Study Area Site observations	<b>SEPP (Resilience and Hazards) 2021</b>	○ NR	● Sat	<p>The site is within the PFAS Investigation Area. The investigation was carried out by the Department of Defence and identified key areas of concern and on recommendation a PFAS Management Plan was adopted in September 2019. The key areas of concern were surrounding water corridors, aquifers, water bodies close to the RAAF Base itself and overland flow paths. The subject site is not within these areas and therefore the risk of contamination is considered low.</p> <p>Furthermore, 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.</p>
Airport Constraints	(a)(i) (b) (c) (e)	<b>Airport Constraints</b>	<b>LEP 7.11</b> Airspace operations	○ NR	● Sat	
			<b>LEP 7.12</b> Development in areas subject to aircraft noise	○ NR	● Sat	

Assets – Sewer and Stormwater	(b) (c) (e)	<p><b>Services/Utilities</b></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) (Transport/infrastructure SEPP referral)</p>		○ NR	● Sat	
Aerial Imagery (* Topographic – Hydrology)	(b) (c) (e)	<p><b>Existing site conditions</b></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: 5/09/2023</p> <p>The subject site has single storey dwelling, two outbuildings and inground swimming pool. The proposal seeks to demolish two outbuilding to facilitate construction of the proposed new shed.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Aerial Imagery (*Topographic – Hydrology)</p>	<p>(b) (c) (e)</p>	<p><b>Off site observations</b></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>(a)(iii) (b) (c) (e)</p>	<p><b>Traffic, access and parking</b></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"> <li>• Side entry pit</li> <li>• Service lids/pits</li> <li>• Poles/turrets/substations</li> <li>• Street Trees</li> </ul> <p><b>DCP</b> 2.1 Vehicle access and movements 9.3.6 Front setbacks</p>		<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	



	(a)(iii) (b) (c) (e)	<b>Context, setting and streetscape</b>  <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 proposed shed does not comply with the height control under Section 9.4.4 of the DCP. The applicant has provided written justification seeking variation to the height control. See Section 9.4.4 below for further discussion.
	(a)(iii) (b) (c) (e)	<b>Public Domain</b>  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)	<b>Safety, security and crime prevention</b>  <i>DCP 2.5 Safety and security</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	<b>Site and internal design</b>  <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>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	<b>Solar impact</b>  <i>DCP</i> <i>9.3.4 Solar access</i> <i>9.3.7 Side and rear setbacks</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	<b>Visual Privacy</b>  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>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	<b>Noise and Vibration</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

		Acoustic privacy conflicts Impacting nearby land uses (Rail, Road, Transport and Infrastructure SEPP referrals)			
	(a)(i) (b) (c) (e)	<b>Air and microclimate</b> Impacting nearby land uses (Rail, Road, Transport and Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	(a)(i) (a)(iii) (b) (c) (e)	<b>Earthworks and Soils</b> Cut and fill Stability and erosion control Stormwater quality  <i>DCP</i> <i>9.4.6 Changing the landform – cut and fill</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat
			<b>LEP 7.1A Earthworks</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	(b) (c) (e)	<b>Landscaping</b>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat
	(b) (c) (e)	<b>Waste</b> Construction waste management		<input type="radio"/> NR	<input checked="" type="radio"/> Sat

		Asbestos				
	(a)(iii) (b) (c) (e)	<b>Energy &amp; Water</b>  <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>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(i) (b) (c) (e)	<b>BASIX</b> <i>(Use assessment checklist)</i>	<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	
	(b) (c) (e)	<b>Other hazards</b> Natural Technological		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(iii) (b) (c) (e)	<b>Flora and Fauna</b> (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>	<b>Section 1.7 (EP&amp;A Act) and Part 7 of the Biodiversity Conservation Act 2016</b>  <i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or</i>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	<b>Section 1.7 (EP&amp;A Act) 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)</b>

			<p><i>ecological communities, or their habitats)</i></p>		<p>There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.</p> <p><i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i></p> <p>No</p> <p><i>2. 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><i>3. 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 in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect</p>
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						<p>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.</p>
	(b) (c) (e)	<b>Social and economic impacts</b>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(b) (c) (e)	<b>Facilitation of Ecologically Sustainable Development</b>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(i) (b) (c) (e)	<b>Other LEP Clauses</b>	<b>LEP 2.7 Demolition requires development consent</b>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
			<b>LEP 4.3 Height of buildings</b>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
			<b>LEP 7.9 Primacy of Zone E2</b>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
			<b>LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental</b>	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	

			protection zones			
			<b>LEP 5.16</b> Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	● NR	○ Sat	
			<b>Other Clauses</b>	● NR	○ Sat	
	(a)(i) (b) (c) (e)	<b>Other EPIs</b>	SEPP (Transport and Infrastructure) 2021	● NR	○ Sat	
			SEPP (Precincts - Regional) 2021	● NR	○ Sat	
			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	<b>Draft EPIs</b>		○ NR	● Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
	(a)(iiia) (e)	<b>Planning agreements</b>		● NR	○ Sat	No related planning agreement has been entered into under section 7.4.
	(d) (e)	<b>Submissions</b>		○ NR	● Sat	Two submissions were received during the public notification period. The concerns raised

					<p>relate to are summarised and addressed below.</p> <p><b>Issue:</b> Three matured trees were removed few years ago from the subject property where the new shed is proposed to be located. These trees previously provided a natural privacy screen to the adjoining property. The loss of screening provided by these trees will result in a visual impact on the adjoining property given the height of the shed which is taller than the existing dwelling.</p> <p>The height of the shed will also overshadow fruit trees that have been planted on the adjoining property adjacent to the boundary.</p> <p>The proposed shed will restrict adequate sunlight hindering the survival of these trees and therefore their ability to eventually screen the shed.</p> <p><b>Comment:</b> Given the location of the proposed shed, it will be immediately visible from the adjoining property to the west, particularly from the driveway. However, the adjoining dwelling is located in an elevated position to the rear of that property and over 150 metres from the</p>
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					<p>location of the proposed shed. As discussed later in this assessment report, the proposed variation to the height control for the shed proposed will have negligible impact on the character and setting of the area in comparison with a similar sized shed in this location that meets the overall height control. As a result of the separation, the shed will no impinge on the amenity of the adjoining dwelling.</p> <p>The shed will result in overshadowing of a small section of the adjoining property during early morning hours. There are fruit trees located within this area that will be shaded during these hours, however uninterrupted solar access will be available to the trees from mid-morning and throughout the remainder of the day. As such, it is not anticipated that the proposal will have adverse impact on the health of the fruit trees or other vegetation on the adjoining property to the west.</p> <p><b>Issue:</b> The intended use of the proposed shed does not match with the design of the proposed shed which includes the storage of a school bus as identified in the application. The height of the roller doors proposed will not cater for the storage of a school bus. This would require a door height of 4.7m.</p>
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					<p><b>Comment:</b> The capability of the shed to accommodate a school bus is not a matter of concern for this assessment. Despite this, the applicant has submitted an amended plan proposing a roller door of 4.8m in height. The overall height of the shed and the potential impacts resulting from this are addressed under Section 9.4.4 later in this report.</p> <p><b>Issue:</b> The size of the proposed shed is extremely large and as a result of the proposed development it is likely that the neighbouring property will be impacted by increased stormwater runoff and sediment escaping from the subject site. It is also unclear how and where the roof water from the proposed shed will be disposed of. The application identifies that stormwater from the shed will be connected to an existing rainwater tank however no rainwater tank is identified on the plan.</p> <p><b>Comment:</b> The application originally proposed to drain the stormwater from the proposed shed into an existing small rainwater tank located on the eastern side of the dwelling. Upon review of</p>
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						the submission, the applicant has amended their application and proposes to direct stormwater into a larger tank that exists on the site to the rear of the dwelling that has a capacity of 350,000 litres. In addition to this, any overflow from the tank will be directed to a proposed absorption trench that will be located centrally within the site. Any surcharge from the trench will be located at least 10 metres from the adjoining downslope property to the east. Noting that there is no piped drainage infrastructure available for this property or other surrounding properties in the area, it is satisfied that adequate arrangements have been proposed to address the potential impacts of stormwater generated by the proposed shed.
	(e)	<b>Section 68 Application made as part of DA</b>	<i>Local Government Act 1993</i>	● NR	○ Sat	
	(e)	<b>Section 7.11 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	● NR	○ Sat	
	(e)	<b>Section 7.12 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	● NR	○ Sat	
	(e)	<b>Section 64 sewer</b>	<i>s64 LG Act 1993 &amp; s306 Water Management Act</i>	● NR	○ Sat	

		(Development Servicing Plan – Sewerage Services – July 2013)	2000			
	(e)	<b>Section 64 stormwater</b> (Development Servicing Plan – Stormwater – November 2007)	s64 LG Act 1993 & s306 Water Management Act 2000	● NR	○ Sat	
	(a)(iv) (e)	<b>The Regulation – Prescribed Matters</b> EP&A Regulation 2021		○ NR	● Sat	
cl.61(1) - Demolition of a building, the provisions of AS 2601  (ensure condition included requiring compliance with standard)			○ NR	● Sat		
cl.64 - Require existing building to be brought into total or partial conformity with BCA  (check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)			● NR	○ Sat		
	(a)(iv) (e)	<b>The Regulation – Prescribed Conditions</b> (ensure conditions of consent included)	EP&A Regulation 2021	○ NR	● Sat	
	(e)	<b>Other regulation matters</b>	EP&A Regulation 2021	○ NR	● Sat	
	(e)	<b>Council Policies</b>		○	●	<b>Policy 046 - Processing Development</b>

				NR	Sat	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)	<b>Other public interest matters</b>		<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"/> NR	<input checked="" type="radio"/> Sat	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP.
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		Dates: 10/11/2024 to 17/11/2024
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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"/>	<input checked="" type="radio"/>	<p>The applicant seeks variation to C6 of Section 9.4.4 of the DCP that relates to height permitted for an outbuilding on a residential lot.</p> <p>The applicant has provided written justification and issues surrounding the variations have been discussed under Section 9.4.4 below.</p> <p>As the applicant proposes to vary the numerical standard contained under Control C6 of Section 9.4.4 by more than 10% and given that Council has received an objection to the application raising a specific concern with the overall height of the shed, staff do not have delegation to determine the application. The application will therefore be referred to Council for determination.</p>
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## 2.1 Vehicle access and movements

<i>O1 Ensure the safety and efficiency of urban and rural roads.</i>	C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.	<input checked="" type="radio"/>	<input type="radio"/>	
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<i>O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.</i>	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	
<i>O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.</i>				

## 2.3 Landscaping

## 2.5 Safety and security

<i>O1 Incorporate crime prevention strategies in new developments.</i>	C1 Use good site planning to clearly define public, semi-public and private areas.	○ NR	● Sat	
<i>O2 Encourage active, pedestrian oriented environments where developments are designed</i>	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	

<p><i>to integrate into the public domain.</i></p> <p><i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i></p>				
	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,</i></p>	Consistent with the objectives of this section of the DCP.	○ NR	● Sat	
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<p><i>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 prevent the loss of soil from the site.</i></p>				
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2.7 Development adjoining open space

3 Heritage Conservation

4.1 Bushfire

<p><i>O1 Minimise risk to life, property and the environment from bush fire.</i></p>	<p>C1 Applications are to satisfy the relevant provisions of <i>Planning for Bush Fire Protection 2019</i> (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	<p>The controls in this section apply to land that is bush fire prone land. Development in bush fire prone areas is subject to <i>Planning for Bush Fire Protection 2019</i> (or any later versions) and Australian</p>
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<p><i>O2 Ensure compliance with statutory obligations for development in bush fire prone areas.</i></p>				<p>Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).</p> <p>A site inspection was carried out by the assessing officer on 5/09/2023 which has confirmed that the lot to the south-west is combination of partially managed and unmanaged land. The primary vegetation is considered grassy woodland.</p> <p>Given the proposal is for Class 10 structure, Section 8 'Other Development' of Planning for Bush Fire Protection (PBP) 2019 applies and has been summarised below:</p> <p><i>8.3.2 Class 10 structures</i>  <i>...Where a Class 10a building is located within 6m of a dwelling it must be constructed in accordance with the NCC...</i></p> <p>Given the proposed shed is located over 6m from the dwelling, there is no bushfire protection requirements under the PBP (2019).</p> <p>As such, no specific conditions have been included in the development consent and no further assessment is required.</p>
	<p>C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly</p>	<p>● NR</p>	<p>○ Sat</p>	

	within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2019.			
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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

<p><i>O1 To support the controls and objective for both the C2 and C4 Zone and the provisions in Clauses 7.3 to and inclusive of Clause 7.6 of the LEP.</i></p> <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>	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the C2 zone.	● NR	○ Sat	
	Land Identified as "Biodiversity" on the Terrestrial Biodiversity Map (WWLEP 2010 Clause 7.3)	○ NR	● Sat	
	Land Identified as "Vulnerable Land" on the Vulnerable Land Map (WWLEP 2010 Clause 7.4)	● NR	○ Sat	
	Land Identified as "Waterway" on the Water Resources Map (WWLEP 2010 Clause 7.5)	● NR	○ Sat	
	Land Identified as "Groundwater" on the Water Resources Map (WWLEP 2010 Clause 7.6)	● NR	○ Sat	

<i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i>				
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6 Villages

8 Rural Development

9.1.5 R3 Zone – Staunton Estate

9.2.1 Site layout

<i>O1 Encourage site responsive development that is compatible with existing or desired built form.</i>	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O2 Facilitate sustainable development through passive solar design.</i>	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O3 Integrate landscaping and built form.</i>	C3 Orient living spaces to maximise solar access.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<i>O4 Encourage designs which respond to the physical context and characteristics of the particular site.</i>	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<i>O5 Encourage design that maximises the opportunity for passive surveillance of</i>				

<i>communal spaces from private living areas.</i>				
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## 9.2.2 Streetscape

<i>O1 Encourage compatibility with existing built form.</i>	C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O2 Encourage attractive streetscapes.</i>	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.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<i>O3 Ensure a strong street edge with good definition between the public and private domain.</i>	C3 Fence height at and behind the building line is not to exceed 1800mm in height.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<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>	C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

## 9.2.3 Corner lots and secondary facades

## 9.2.4 Sloping sites

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

9.3.2 Site cover

9.3.4 Solar access

<p>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.</p> <p>O2 Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.</p>	<p>C1 Locate garages, laundries and bathrooms to provide insulation from western sun.</p>	<p>● NR</p>	<p>○ Sat</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>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.</p>	<p>○ NR</p>	<p>● Sat</p>	
	<p>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.</p>	<p>● NR</p>	<p>○ Sat</p>	
	<p>C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the</p>	<p>○</p>	<p>●</p>	

<p><i>O3 Maintain reasonable sunlight access to adjoining properties.</i></p>	windows of the living areas between 9am and 3pm in mid-winter (June 22).	NR	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.	● NR	○ Sat	
	C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.	○ NR	● Sat	A small portion of the adjoining lot to the west along the western boundary of subject site is likely to be overshadowed during early morning by the proposed shed however the impact is not considered to be unreasonable. The position of the adjoining dwelling including its main area of private open space is sited on an elevated site to the northwest and over 150 metres from the shed.

### □ 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><i>O3 Encourage good connection between dwellings and private open space.</i></p>	C1 At least 24m <sup>2</sup> 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.	○ NR	● Sat	
	C2 Enclosure of approved private open space will be permitted, however at least one side of the approved 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.	● NR	○ Sat	

9.3.6 Front setbacks

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>	<p><input checked="" type="radio"/> NR</p>	<p><input type="radio"/> Sat</p>	
<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><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>	<p>C2 Any point of a building must have a setback from the side boundary nearest to that point of at least: a) If the lot is in Zone R5 a setback of 2m, or b) If the lot is in Zone RU4 a setback of 10m.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	<p>A minimum of 2m setback is proposed from the western lot. Complies.</p>

9.4.1 Building elements

9.4.2 Materials and finishes

<p><i>O1 Encourage the use of external materials and finishes that are suited to their location and support</i></p>	<p>C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.</p>	<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	
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<p><i>consistent quality streetscapes.</i></p> <p><i>O2 Encourage use of materials that have good thermal performance.</i></p> <p><i>O3 Promote the use of materials that are climate responsive and contribute to innovative building design.</i></p>	C2 Avoid large unbroken expanses of any single material.	<input type="radio"/>	<input checked="" type="radio"/>	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	<input type="radio"/>	<input checked="" type="radio"/>	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	<input type="radio"/>	<input checked="" type="radio"/>	

### □ 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>	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	<input type="radio"/>	<input checked="" type="radio"/>	The proposal is for a shed. Given its intended use for domestic storage purposes in association with the existing dwelling and give the position of the adjoining dwelling over 150 metres to the northwest, the development is unlikely to cause any privacy impact on neighbouring properties.
	C2 Provide adequate building separation within the development and from neighbouring buildings/adjacent land uses. Alternate design elements, including (but not limited to) opaque screens of appropriate dimensions, translucent or highlight windows may be used to improve privacy.	<input type="radio"/>	<input checked="" type="radio"/>	Adequate separation is maintained between buildings on adjoining properties and the proposed shed.
	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.	<input checked="" type="radio"/>	<input type="radio"/>	

## 9.4.4 Garages, carports, sheds, driveways and outbuildings

<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 - the garage door is to be:</p> <p>less than 50% of the width of the house* no wider than 6m # maximum 2.4m high # - double garages are only permitted on lots 12.5m wide or greater* - single fronted tandem garages with one space behind the other are permitted</p> <p>* - 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.</p>	<p>● NR</p>	<p>○ Sat</p>	
	<p>C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.</p>	<p>● NR</p>	<p>○ Sat</p>	
	<p>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<sup>2</sup>, (b) 8% of the area or a maximum area of 175m<sup>2</sup>, whichever is the lesser, if the lot has an area of at least 600m<sup>2</sup> but less than 4000m<sup>2</sup>, (c) Lots greater than 4000m<sup>2</sup> will be considered on their merits.</p>	<p>○ NR</p>	<p>● Sat</p>	<p>The subject site is greater than 4000m<sup>2</sup> therefore the proposal may be considered on its merits. The size of the shed is considered reasonable for the following reasons:</p> <ul style="list-style-type: none"> <li>The total floor area of proposed shed is 216m<sup>2</sup> which is 1.04% of the total site area. There will be no other outbuildings on the site once as the 2 existing sheds will be demolished. Having regard to the overall</li> </ul>

				<p>assessment undertaken in this report of the potential impacts of the shed, it is satisfied that the proposal will not result in over development of the site.</p> <ul style="list-style-type: none"> <li>• The proposed shed is located behind the building line and is sited more than 35m from the front (southern) boundary of the site. It is satisfied that the shed will not result in detrimental impact on the streetscape.</li> <li>• The proposal is unlikely to cause any adverse impact on the amenity of the adjoining properties as discussed elsewhere in this report.</li> <li>• Other outbuildings of a comparable size not uncommon in large lot residential areas such as San Isidore. The shed is consistent with the existing built form and character of the area.</li> </ul>
	<p>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<sup>2</sup>, whichever is the lesser.</p> <p>Lots greater than 4000m<sup>2</sup> will be considered on their merits.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The proposed shed will be the only outbuilding on the site as the existing 2 sheds will be demolished. The floor area of proposed shed is 216m<sup>2</sup> and therefore complies with the control.</p>
	<p>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.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	<p>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.</p>	<p>○ NR</p>	<p>● Sat</p>	<p>The height of the proposed shed is 6m to the peak of the roof and therefore exceeds the numerical standard 4.8m under this control. The applicant seeks variation to this control and has provided written justification as summarised below:</p> <ul style="list-style-type: none"> <li>- The structure's height is necessary for the storage of vehicles and household items. The shed also includes a mezzanine as a storage solution, therefore a reduction in height is undesirable.</li> <li>- The shed has been appropriately sited so as not to be close to nearby residences. The development does not impede any views enjoyed by neighbouring properties and does not encroach on any significant ridgelines.</li> <li>- Despite its height, the structure won't cast excessive shadowing on adjoining properties.</li> <li>- The structure will be smaller than the dwelling on the property to maintain the visual consistency of the area.</li> <li>- The existing mature vegetation on the site will ensure that the structure is not inappropriately sized in terms of height.</li> </ul>
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				<ul style="list-style-type: none"> <li>- The structure is designed to securely store a 4.7m high school bus for insurance purposes.</li> <li>- The roller doors' height must be adjusted to accommodate the structure, ensuring vehicle access.</li> <li>- The design incorporates incorporated masking mechanisms to shield the structure from the primary road.</li> </ul> <p>Based on the justification provided above and for the following reasons discussed below the proposal is considered satisfactory:</p> <ul style="list-style-type: none"> <li>- The shed incorporates a skillion roof design which varies from 5 meters in height to a maximum of 6 metres at its peak (highest point). Despite the variation in roof form above the 4.8m maximum control, the application has been assessed as being acceptable given that there will be no detrimental impact on the surrounding area.</li> <li>- Existing vegetation within the front setback area and proposed hedging along the external walls of the shed will assist in</li> </ul>
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				<p>reducing the visual impact of the building when viewed from surrounding areas.</p> <p>Given the circumstances of the development, it is recommended that the variation to the height control from 4.8m to 6m be supported.</p>
	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
- ✘ 9.4.6 Changing the landform – cut and fill
- ✘ 9.5 Large Lot Residential Zone – Intensification areas
- ✘ 14 Boorooma Urban Release Area
- ✘ 15 Lloyd Urban Release Area
- ✘ 16 Gobbagombalin Urban Release Area