

# Report of Development Application

## *Environmental Planning and Assessment Act 1979*

Application Details	Application Number	DA20/0518	Applicant	JJ Barclay PO Box 6081 WAGGA WAGGA BC NSW 2650
	Date of Lodgement	25/09/2020		
	Proposal	Alterations and additions to rear of dwelling	Description of Mod.	N/A
	Development Cost	\$160000	Other Approvals	Nil
Site Details	Subject Land	82 Trail St WAGGA WAGGA NSW 2650 Lot A DP 166238	Owner	AM Barclay & JJ Barclay

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

**Delegation to Determine Application:-** Officer Delegation 7.39

**Report Prepared & approved by:**



Sam Robins  
Senior Town Planner

Date: 13/10/20

☒ section not relevant

☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

<b>Description</b>	Alterations and additions to rear of dwelling including demolition
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Matters for consideration						
GIS & System Check	Section 4.15(1) <i>EP&amp;A Act 1979</i>	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment
◀	Ⓜ Ⓜ	DA History		○ <i>NR</i>	● <i>Sat</i>	

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	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	Zoning of land (cl 2.2): R3  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"> <li>• To provide for the housing needs of the community within a medium density residential environment.</li> <li>• To provide for a variety of housing types within a medium density residential environment.</li> <li>• To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.</li> </ul>
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Land Parcels & DP	(b) (c) (e)	<b>Land Title</b>		<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	Easement to drain sewer 2m wide located in south eastern corner of site – development does not impact easement.
		Correct legal description and ownership				
		Easements & Building Envelopes				
		Open Deposited Plan (including 88b)				
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	<b>Heritage</b>		<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	
		Conservation Area				
		Listed item	<b>LEP 5.10 Heritage conservation</b>	<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	<b>Urban Release Area</b>	<b>DCP 3 Heritage Conservation</b>			
			<b>LEP 6.2 Public utility infrastructure</b>	<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)		<b>LEP 6.3 Development control plan</b>	<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	<b>Natural Resource Sensitivity</b>	<b>LEP 7.3 Biodiversity</b>	<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	
		<b>DCP 5.4 Environmentally sensitive land</b>				
			<b>LEP 7.4 Vulnerable land</b>	<div><div></div></div> <div>NR</div>	<div><div></div></div> <div>Sat</div>	

			<b>LEP 7.5</b> Riparian lands and waterways	● NR	○ Sat	
			<b>LEP 7.6</b> Groundwater vulnerability	○ NR	● Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	<b>Flooding</b>  Overland flow  <i>DCP 4.2 Flooding</i>		○ NR	● Sat	There is a minor encroachment of the 1% event onto the lot that would make this clause relevant. However, given that the application is for alterations and additions to an existing dwelling within the CBD protected by the levee, the impacts will be negligible. The proposal would comply with this clause.
			<b>LEP 7.2</b> Flood Planning	○ NR	● Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	<b>Bushfire</b>  <i>DCP 4.1 Bushfire</i>		○ NR	● 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)	<b>Contaminated Land</b> PFAS Study Area Site observations	<b>SEPP55</b>	○ NR	● 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)	<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)	<b>Services/Utilities</b>  (Septic area? Health referral))  Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)  Stormwater issues – overland flow  Electricity infrastructure (including setbacks to substations) (Infrastructure SEPP referral)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	<b>Existing site conditions</b>  Buildings on site Retaining walls Cut and fill Deposited fill Boundary fencing and walls Private open space Vegetation *Proximity to natural waterways Other observations		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	Site visit undertaken on: 7/10/20

Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	<b>Off site observations</b>  Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	<b>Traffic, access and parking</b>  Manoeuvring  Site Distance Issues  Driveway grade  Check Driveway location and grade <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> <i>DCP</i> <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	(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>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(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>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(iii) (b) (c) (e)	<b>Safety, security and crime prevention</b>  <i>DCP 2.5 Safety and security</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	



	(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"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(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"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(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"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(i) (b) (c) (e)	<b>Noise and Vibration</b>  Acoustic privacy conflicts  Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

	(a)(i) (b) (c) (e)	<b>Air and microclimate</b>  Impacting nearby landuses (Rail, Road, 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  Asbestos		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(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"/> NR	<input checked="" type="radio"/> Sat	

	(a)(i) (b) (c) (e)	<b>BASIX</b> (Use assessment checklist)	<b>BASIX SEPP 2004</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	A valid certificate has been lodged with the application and assessed as compliant.
	(b) (c) (e)	<b>Other hazards</b> Natural Technological		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(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>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>Section 5AA 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 ecological communities, or their habitats)</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the Biodiversity Conservation Act 2016, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the Biodiversity Conservation Act 2016. The subject site falls within an area subject to the Biodiversity Certification Order.  The effect of the Biodiversity Certification, as set out by Section 8.4 of the Biodiversity Conservation Act 2016 is that:  <i>An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes</i>

						<p><i>of Part 4 of the Environmental Planning and Assessment Act 1979.</i></p> <p><i>A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.</i></p> <p>Therefore, no further consideration of these matters is required.</p>
	(b) (c) (e)	<b>Social and economic impacts</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	<b>Facilitation of Ecologically Sustainable Development</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	<b>Other LEP Clauses</b>	<b>LEP 2.7</b> Demolition requires development consent	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>LEP 4.3</b> Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>LEP 7.9</b> Primacy of Zone B3 Commercial Core	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

			<b>LEP 4.2A</b> Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	● NR	○ Sat	
			<b>Other Clauses</b>	● NR	○ Sat	
	(a)(i) (b) (c) (e)	<b>Other EPIs</b>	SEPP (Infrastructure) 2007	● NR	○ Sat	
			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	<b>Draft EPIs</b>		○ NR	● 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><b>Remediation of Land SEPP and repeal of State Environmental Planning Policy 55</b></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)	<b>Planning agreements</b>		● NR	○ Sat	No related planning agreement has been entered into under section 7.4.

	(d) (e)	<b>Submissions</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Nil
	(e)	<b>Section 68 Application made as part of DA</b>	<i>Local Government Act 1993</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	<b>Section 7.11 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	<b>Section 7.12 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution will apply to this development as the declared value of works is \$160,000. The calculation is therefore</p> <p>Calculation 0.5% of 160,000 = 800</p>
	(e)	<b>Section 64 sewer</b> (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 &amp; s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	<b>Section 64 stormwater</b> (Development Servicing Plan – Stormwater – November 2007)	<i>s64 LG Act 1993 &amp; s306 Water Management Act 2000</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	There is a marginal increase of 8.5m <sup>2</sup> of floor area in this proposal but the additional area will be over existing hardstand and therefore no charge applies.

	(a)(iv) (e)	<b>The Regulation – Prescribed Matters</b>	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iv) (e)	<b>The Regulation – Prescribed Conditions</b> <i>(ensure conditions of consent included)</i>	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iv) (e)	<b>Other regulation matters</b>	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	<b>Council Policies</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p><b>Policy 046</b> - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.</p> <p>No declaration has been made that would require action under this policy.</p>
	(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
(☒ 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	In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was not required to be notified.
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## ☒ 1.11 Complying with the Wagga Wagga Development Control Plan 2010

### ☒ 2.1 Vehicle access and movements

### ☒ 2.2 Off-street parking

### ☒ 2.3 Landscaping

### ☐ 2.5 Safety and security

	C1 Use good site planning to clearly define public, semi-public and private areas.	<input type="radio"/>	<input checked="" type="radio"/>	
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<p><i>O1 Incorporate crime prevention strategies in new developments.</i></p> <p><i>O2 Encourage active, pedestrian oriented environments where developments are designed 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>		NR	Sat	
	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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Minimise blank walls along street frontages.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Avoid areas of potential concealment and 'blind' corners.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

## 2.6 Erosion and sediment control

<i>O1 Protect the environment against soil erosion and loss</i>	Consistent with the objectives of this section of the DCP.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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<p><i>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 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

## ☐ 4.2 Flooding

Refer to this section of the DCP.	<input type="radio"/>	<input checked="" type="radio"/>	As discussed above, no additional controls are relevant.
	NR	Sat	

## ☒ 5.1 Development on ridges and prominent hills

## ☒ 5.2 Preservation of trees

## ☒ 5.3 Native Vegetation Cover

## ☒ 5.4 Environmentally sensitive land

## ☒ 6 Villages

## ☒ 8 Rural Development

## ☒ 9.1.5 R3 Zone – Staunton Estate

## ☐ 9.2.1 Site layout

01 Encourage site responsive development that is compatible with existing or desired built form.	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"/>	
		NR	Sat	

<p><i>O2 Facilitate sustainable development through passive solar design.</i></p> <p><i>O3 Integrate landscaping and built form.</i></p> <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>	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	NR	Sat	
		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

## 9.2.2 Streetscape

<p><i>O1 Encourage compatibility with existing built form.</i></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><i>O4 In locations where front fences are an important feature of the established streetscape, ensure that new</i></p>	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	
	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	
	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	
	C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<i>fences complement the character of the streetscape.</i>				
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### 9.2.3 Corner lots and secondary facades

<i>O1 Encourage development on corner sites to respond to all street frontages.</i>  <i>Note: this objective relates to both building lines and fences.</i>	C1 Houses on corner lots are to ensure an acceptable address to both frontages. Continue materials around the corner to the secondary road so that the building “turns the corner”.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Use articulation to avoid excessively long blank walls.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 A fence on the secondary frontage is permitted to have a height not exceeding 1800mm except in the following circumstances where its height is not to exceed 1200mm: <ul style="list-style-type: none"> <li>• Where it enters and is within the building line of the primary road - within the building line a fence will be permitted to taper down from 1800mm maximum permitted height to the 1200mm maximum permitted height at the primary road boundary”</li> <li>• Where a dwelling “addresses” the secondary road</li> </ul>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

### 9.2.4 Sloping sites

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













<i>O1 Ensure adequate area to provide separation between buildings, landscaping and private open space.</i>  <i>O2 Maintain development patterns that are compatible with the established character of established residential areas.</i>  <i>O3 Encourage maximum utilisation of land in the R3 Zone.</i>	C1 The minimum area of any site in an R1 Zone on which development is carried out is to be in accordance with Table 9.3.1a.	● NR	○ Sat	
	C2 The maximum site of any land in an R3 Zone on which development is carried out is to be in accordance with Table 9.3.1a.	○ NR	● Sat	
	C3 On larger sites the site area per dwelling may be distributed to provide a range of lot sizes, and to respond to site conditions and context.	● NR	○ Sat	

### 9.3.2 Site cover

<i>O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.</i>  <i>O2 Ensure adequate areas for access, parking, landscaping, useable garden</i>	C1 Maximum site cover is to be in accordance with Table 9.3.2a.	○ NR	● Sat	

<p>and outdoor areas and natural runoff.</p> <p>O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.</p>				
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### 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>O3 Maintain reasonable sunlight access to adjoining properties.</p>	C1 Locate garages, laundries and bathrooms to provide insulation from western sun.	 NR	 Sat	
	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	 NR	 Sat	
	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.	 NR	 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.	 NR	 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).	 NR	 Sat	The dwelling to the south will be marginally more impacted by the pitch roof design as opposed to the current skillion roof, however this impact would be considered acceptable.
	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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

### 9.3.5 Private open space

<i>O1 Provide quality, useable private open space.</i>  <i>O2 Ensure adequate areas for recreation and outdoor living.</i>  <i>O3 Encourage good connection between dwellings and private open space.</i>	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.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

### 9.3.6 Front setbacks

<i>O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.</i>  <i>O2 Encourage attractive residential streets and quality public domain.</i>	C1 Minimum front setbacks for residential development (site area smaller than 2000m <sup>2</sup> ):  Primary frontage to a main or arterial road 9m # Primary street frontage (other roads) 6m # Secondary frontage (corner site) 3m # # - For residential accommodation in R3 Zones a minimum setback of 3m may be considered.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	See discussion below.
	C2 In the older areas of Wagga Wagga front setbacks are typically 7.5m. where the setback of existing	<input checked="" type="radio"/>	<input type="radio"/>	



<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>	adjoining buildings is greater than 6m increase the front setback to the setback of the adjoining building closest to the street boundary.	NR	Sat	
	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.	○ NR	● Sat	
	<p>C4 Variations to the minimum setback can be considered in the following circumstances:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	○ NR	● Sat	<p>The application proposes adjustable sun louvres and a deck on the northern elevation that is forward of the current setback and 1.8m from the northern boundary. this is a variation to the 3m required for secondary frontage setbacks that can be considered under this control as an acceptable variation as it is a simple flat roof structure that is below the eaves of the dwelling and modest in size. It provides a useable outdoor space that is well screened from the street by vegetation and 1.8m high boundary fencing. The open style structure provides articulation to the building and does not unreasonably impact on the streetscape and character of the area. The variation can be supported under this control.</p>

### 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><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>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	Side and rear setbacks comply with the objectives
	<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 checked="" type="radio"/> NR	<input type="radio"/> Sat	

### 9.4.1 Building elements

<p><i>O1 Encourage quality and visually interesting buildings through the use of building elements.</i></p> <p><i>O2 Facilitate passive solar design principles.</i></p>	<p>C1 Use verandahs or pergolas to link internal and external living areas.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.</p>	<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	
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## 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 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> <p><i>O4 Discourage corporate colours in building facades.</i></p>	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	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

## 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"/> NR	<input checked="" type="radio"/> Sat	
	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"/> NR	<input type="radio"/> Sat	

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

#### ☐ 9.4.5 Site facilities

<p><i>O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.</i></p> <p><i>O2 Encourage an attractive residential setting and quality public domain.</i></p> <p><i>O3 Minimise duplication of trenches for services and the like.</i></p>	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.	● NR	○ Sat	
	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.	○ NR	● Sat	
	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.	○ NR	● Sat	

#### ☒ 9.4.6 Changing the landform – cut and fill

#### ☒ 14 Boorooma Urban Release Area

#### ☒ 15 Lloyd Urban Release Area

#### ☒ 16 Gobbagombalin Urban Release Area