

# Report of Development Application

## *Environmental Planning and Assessment Act 1979*

Application Details	Application Number	DA20/0308	Applicant	GP Xuereb 16 Sycamore Rd LAKE ALBERT NSW 2650
	Date of Lodgement	29/06/2020		
	Proposal	Use of Existing Additions to Shed	Description of Mod.	N/A
	Development Cost	\$40000	Other Approvals	Nil
Site Details	Subject Land	16 Sycamore Rd LAKE ALBERT NSW 2650 Lot 2 DP 716602	Owner	GP Xuereb & AM Xuereb

**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: 10/5/21



## Description

## Matters for consideration

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"/> NR	<input checked="" type="radio"/> 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"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.</li> </ul>
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Land Parcels & DP	(b) (c) (e)	<b>Land Title</b>  Correct legal description and ownership  Easements & Building Envelopes  Open Deposited Plan (including 88b)  Registered title (deferred commencement)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	The site does not contain a building envelope.
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	<b>Heritage</b> Conservation Area Listed item		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		<b>LEP 5.10 Heritage conservation</b>  <i>DCP 3 Heritage Conservation</i>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	<b>Urban Release Area</b>	<b>LEP 6.2 Public utility infrastructure</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			<b>LEP 6.3 Development control plan</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	<b>Natural Resource Sensitivity</b>	<b>LEP 7.3 Biodiversity</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		<i>DCP 5.4 Environmentally sensitive land</i>	<b>LEP 7.4 Vulnerable land</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			<b>LEP 7.5 Riparian lands and waterways</b>	● NR	○ Sat	
			<b>LEP 7.6 Groundwater vulnerability</b>	● 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	The site is impacted by a 1% major overland flow event at the very front of the lot well clear of the building the subject of this application. No unreasonable impacts are expected from the development.
			<b>LEP 7.2 Flood Planning</b>	● 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 Airspace operations</b>	○ NR	● Sat	
			<b>LEP 7.12 Development in areas subject to aircraft noise</b>	○ 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) (Infrastructure SEPP referral)</p>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The site contains no restrictive easements.</p> <p>The dwelling is currently on a septic system. A sewer main exists to the front property boundary. Councils sewer policy states the following:</p> <p><i>Council POL 036 Sewer Policy.</i></p> <p><b>PART 2: SEWER SERVICE AREAS</b></p> <p><b>2.2 Connection</b></p> <p><i>It is a policy requirement that developments in the public Sewer Service Area be connected to sewer. Connection shall be in accordance with the requirements of Clause 7.4, and must be prior to occupancy of the property.</i></p> <p>Further, Council has the power under the Orders provisions of the LG Act to enforce the requirement for connection. Based on the above the following condition has been included on the consent.</p> <p>“The premises, and all sanitary fixtures thereon, is required to be connected to Council’s sewerage system, which is situated within 75 meters of premises, within 6 months of the date of this consent or prior to the issue</p>
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						of an Occupation Certificate, whichever is the earliest.”
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		○ NR	● Sat	Site visit undertaken on: 1/7/20
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		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	<b>Traffic, access and parking</b>  Manoeuvring		○ NR	● Sat	

		<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></p> <p><i>2.1 Vehicle access and movements</i></p> <p><i>9.3.6 Front setbacks</i></p>			
	<p>(a)(iii)</p> <p>(b)</p> <p>(c)</p> <p>(e)</p>	<p><b>Context, setting and streetscape</b></p> <p><b>DCP</b></p> <p><i>9.2.2 Streetscape</i></p> <p><i>9.2.3 Corner lots and secondary facades</i></p> <p><i>9.2.4 Sloping Sites</i></p> <p><i>9.3.1 Site area per dwelling</i></p> <p><i>9.3.2 Site cover</i></p> <p><i>9.3.6 Front setbacks</i></p> <p><i>9.3.7 Side and rear setbacks</i></p> <p><i>9.4.1 Building elements</i></p> <p><i>9.4.2 Materials and finishes</i></p> <p><i>9.4.4 Garages, carports, sheds and driveways</i></p> <p><i>9.4.5 Site facilities</i></p>		<p>○</p> <p>NR</p>	<p>●</p> <p>Sat</p>
	<p>(a)(iii)</p> <p>(b)</p>	<b>Public Domain</b>		<p>○</p>	<p>●</p>



	(c) (e)	<p>Impact on street or adjoining public place</p> <p>Condition/Dilapidation</p> <p>Construction access</p> <p><i>DCP</i></p> <p><i>2.7 Development adjoining open space</i></p> <p><i>9.4.5 Site facilities</i></p>		NR	Sat	
	(a)(iii) (b) (c) (e)	<p><b>Safety, security and crime prevention</b></p> <p><i>DCP 2.5 Safety and security</i></p>		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	<p><b>Site and internal design</b></p> <p><i>DCP</i></p> <p><i>9.2.1 Site layout</i></p> <p><i>9.4.1 Building elements</i></p> <p><i>9.4.4 Garages, carports, sheds and driveways</i></p>		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	<p><b>Solar impact</b></p> <p><i>DCP</i></p> <p><i>9.3.4 Solar access</i></p> <p><i>9.3.7 Side and rear setbacks</i></p>		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	<p><b>Visual Privacy</b></p> <p>Private open space</p>		○ NR	● Sat	

		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>			
	(a)(i) (b) (c) (e)	<b>Noise and Vibration</b>  Acoustic privacy conflicts  Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		○ NR	● Sat
	(a)(i) (b) (c) (e)	<b>Air and microclimate</b>  Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		○ NR	● 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>		○ NR	● Sat
		<b>LEP 7.1A Earthworks</b>		○ NR	● Sat

	(b) (c) (e)	<b>Landscaping</b>		● NR	○ Sat	
	(b) (c) (e)	<b>Waste</b>  Construction waste management  Asbestos		○ NR	● 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>		○ NR	● Sat	
	(a)(i) (b) (c) (e)	<b>BASIX</b> <i>(Use assessment checklist)</i>	<b>BASIX SEPP 2004</b>	● NR	○ Sat	
	(b) (c) (e)	<b>Other hazards</b> Natural Technological		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	<b>Flora and Fauna</b> (on and off-site)		○ NR	● Sat	

	<p>Check for native veg requirements (R5 and RU4 Land)</p> <p><i>DCP</i>  <i>5.2 Preservation of trees</i>  <i>5.3 Native Vegetation Cover</i></p>	<p><b>Section 5AA and Part 7 of the Biodiversity Conservation Act 2016</b></p> <p><i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i></p>	<p>○ NR</p>	<p>● Sat</p>	<p>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)</p> <p>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.</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>
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						<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)	<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 Demolition requires development consent</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			<b>LEP 4.3 Height of buildings</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>LEP 7.9 Primacy of Zone B3 Commercial Core</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>LEP 4.2A Erection of dwelling houses and dual</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			occupancies on land in certain residential, rural and environmental protection zones			
			<b>LEP 5.6</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 (Infrastructure) 2007	● NR	○ Sat	
			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	<b>Draft EPIs</b>		○ NR	● Sat	
	(a)(iii) (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	Nil
	(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> (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 &amp; s306 Water Management Act 2000</i>	● NR	○ 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>	● NR	○ Sat	The lot was created post 12/9/84 and therefore no contribution is required.
	(a)(iv) (e)	<b>The Regulation – Prescribed Matters</b> <i>EP&amp;A Regulation 2000</i>		○ NR	● Sat	
			<i>cl.92(1)(b) - Demolition of a building, the provisions of AS 2601</i> <i>(ensure condition included requiring compliance with standard)</i>	● NR	○ Sat	
			<i>cl.94 require existing building to be brought into total or partial conformity with BCA</i> <i>(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)</i>	● NR	○ Sat	
	(a)(iv) (e)	<b>The Regulation – Prescribed Conditions</b>	<i>EP&amp;A Regulation 2000</i>	○ NR	● Sat	

		(ensure conditions of consent included)				
	(e)	<b>Other regulation matters</b>	EP&A Regulation 2000	<input type="radio"/>	<input checked="" type="radio"/>	
	(e)	<b>Council Policies</b>		<input type="radio"/>	<input checked="" type="radio"/>	<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.  No declaration has been made that would require action under this policy.
	(e)	<b>Other public interest matters</b>		<input type="radio"/>	<input checked="" type="radio"/>	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"/>	<input checked="" type="radio"/>	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP.  Dates: 21/4/21 – 28/4/21
	NR	Sat	

## ☐ 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"/>	See discussion under Sections 9.3.7 and 9.4.4
	NR	Sat	

## ☒ 2.1 Vehicle access and movements

## ☒ 2.2 Off-street parking

## ☐ 2.3 Landscaping

Refer to this section of the DCP.	<input type="radio"/>	<input checked="" type="radio"/>	
	NR	Sat	

## ☐ 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.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	
<i>O2 Encourage active, pedestrian oriented</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-	<input checked="" type="radio"/>	<input type="radio"/>	
		NR	Sat	

<i>environments where developments are designed to integrate into the public domain.</i>  <i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i>	residential uses, administration offices or showroom are to be located at the front of the building.			
	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

<i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i>  <i>O2 Prevent the degradation of drainage systems,</i>	Consistent with the objectives of this section of the DCP.	● NR	○ Sat	Works have been completed.
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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











### 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 E2 and E4 Zone and environmentally sensitive land 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> <p><i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i></p>	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	
	Natural Resources Sensitivity - waterways	 NR	 Sat	
	Natural Resources Sensitivity - groundwater	 NR	 Sat	

## 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> <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>	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 checked="" type="radio"/>	<input type="radio"/>	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input checked="" type="radio"/>	<input type="radio"/>	

## 9.2.2 Streetscape















## 9.2.3 Corner lots and secondary facades

## 9.2.4 Sloping sites

## 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><i>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.</i></p> <p><i>O3 Maintain reasonable sunlight access to adjoining properties.</i></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	
	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	

### 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.	<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 checked="" type="radio"/> NR	<input type="radio"/> 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><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>	C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	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 RU1, RU2 or RU4 a setback of 10m.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The building has been located 1.8m from the side boundary and therefore does not comply with this control.</p> <p>The applicant has provided the following justification for the variation:</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"> <li>I followed the existing shed that was approved with the house. It is at 1.8 meters from the boundary.</li> </ul> <p>Council is comfortable with the justification and adds that the building is a substantial distance (approximately 50m) from the dwelling to the south. The reduction in setback will not raise any amenity issues. The variation can be supported.</p>
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### 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 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.	○ NR	● Sat	
	C2 Avoid large unbroken expanses of any single material.	○ NR	● Sat	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	○ NR	● Sat	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	○ NR	● 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.	● NR	○ Sat	The outbuilding raises no privacy concerns given its use.
	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.	● NR	○ 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> <ul style="list-style-type: none"> <li>- the garage door is to be:</li> </ul> <p>less than 50% of the width of the house*</p> <p>no wider than 6m #</p> <p>maximum 2.4m high #</p> <ul style="list-style-type: none"> <li>- double garages are only permitted on lots 12.5m wide or greater*</li> <li>- single fronted tandem garages with one space behind the other are permitted</li> </ul> <p>* - Variations to these controls may be considered for multi storey dwellings</p> <p># - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.</p>	● NR	○ Sat	
	C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.	● NR	○ Sat	

	<p>C3 The floor area of an outbuilding on a residential lot must not be more than the following:</p> <p>(a) 8% of the site area if the lot has an area of less than 600m<sup>2</sup>,</p> <p>(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>,</p> <p>(c) 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 lot is greater than 4000m<sup>2</sup> and therefore the building is considered on its merit.</p> <p>The simple design of the building in this location on a lot of this size raises no concerns.</p>
	<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>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The extension to the existing garage has resulted in an outbuilding measuring 168m<sup>2</sup>. The site also contains an outbuilding that measures 176m<sup>2</sup> resulting in a total cumulative floor area of 344m<sup>2</sup>. Therefore the control has not been met.</p> <p>The applicant has provided the following justification for the variation:</p> <ul style="list-style-type: none"> <li>Considering the size of the lot that we own, please give consideration to the expanse of space we have here. As you can see on the site plan, the buildings do not cover much of the property.</li> </ul> <p>The lot is large and can easily accommodate the outbuildings on site without having unreasonable impacts. Council has no issues with the variation of this 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	

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

#### 9.4.5 Site facilities

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

#### 14 Boorooma Urban Release Area

#### 15 Lloyd Urban Release Area

#### 16 Gobbagombalin Urban Release Area