

Report of Development Application

Environmental Planning and Assessment Act 1979

App	olication	Application Number Date of Lodgement	DA21/0615 23/09/2021	Applicant	Al Campbell 20 Eugene Ave SAN ISIDORE NSW 2650
	etails -	Proposal	Shed	Description of Mod.	N/A
		Development Cost	\$80940	Other Approvals	Nil
Site	e Details	Subject Land	17 Cummins Dr SAN ISIDORE NSW 2650 Lot 5 DP 244397	Owner	Al Campbell & K Campbell

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 by:

Jenna Clarke

Cadet Town Planner

Date:1/11/2021

Report Approved by:

Sam Robins

Senior Town Planner

Date: 1/11/21

- Section 4.55 Modification of Consent
- ☐ Section 4.15(1) Matters for consideration general

Description	Shed

Mat	Matters for consideration								
GIS & System Check	Section 4.15(1) <i>EP&A Act 1979</i>	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment			
~	(b) (c) (e)	DA History		O NR	Sat				

	(a)(i)	Zoning	LEP	0		Zoning of land (cl 2.2): R5
LEP 2010 Zones	(b) (c) (e)		2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table) NR	Sat	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)): • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

Land Parcels & DP	(b) (c) (e)	Land Title Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b) Registered title (deferred commencement)		O _{NR}	Sat	
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item DCP 3 Heritage Conservation	LEP 5.10 Heritage conservation	NR NR	Sat O Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure LEP 6.3 Development control plan	NR NR	O Sat O Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	Natural Resource Sensitivity DCP 5.4 Environmentally sensitive land	LEP 7.3 Biodiversity LEP 7.4 Vulnerable land	O NR O NR	Sat Sat	

	1	T	_			
			LEP 7.5 Riparian lands and waterways	NR NR	O Sat	
			LEP 7.6 Groundwater vulnerability	O NR	Sat	
<u> </u>	(a)(i) (a)(iii)	Flooding			0	
ding MOFFS	(a)(iii) (b) (c) (e)	Overland flow		NR	Sat	
Flooding (including MOFFS)		DCP 4.2 Flooding	LEP 5.21 Flood Planning	NR NR	O Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire DCP 4.1 Bushfire		O NR	Sat	See discussion below
Environmental -Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP55	O _{NR}	Sat	The land is identified to be within a PFAS Study Area. Results of the study are publicly available with the recommendation of a PFAS Management Area Plan which is yet to be developed. However, the subject land does not raise any particular concerns as the land does not contain any water corridors, aquafers, water bodies or overland flow paths. Therefore, the risk of contamination is considered low and the site is suitable for the proposed development.
Airport Constraints	(a)(i) (b) (c) (e)	Airport Constraints	LEP 7.11 Airspace operations	O NR	Sat	

			LED 7.40 Development !			
			LEP 7.12 Development in	0		
			areas subject to aircraft	NR	Sat	
			noise			
	(b) (c) (e)	Services/Utilities		O NR	0	
		(Septic area? Health referral))		NR	Sat	
Sewer and Stormawater		Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)				
		Stormwater issues – overland flow				
Assets -		Electricity infrastructure (including setbacks to substations) (Infrastructure SEPP referral)				
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Existing site conditions Buildings on site Retaining walls Cut and fill Deposited fill Boundary fencing and walls Private open space Vegetation *Proximity to natural waterways Other observations		O NR	Sat	Site visit undertaken on: 6/10/2021

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Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Off site observations Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations	O NR	Sat	
	(a)(iii) (b) (c) (e)	Traffic, access and parking Manoeuvring Site Distance Issues Driveway grade Check Driveway location and grade Side entry pit Service lids/pits Poles/turrets/substations Street Trees DCP 2.1 Vehicle access and movements 9.3.6 Front setbacks	O NR	Sat	

(a)(iii	Context, setting and	0		
(a)(iii (b) (c) (e)	streetscape	NR	Sat	
(e)	DCP 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 9.3.6 Front setbacks 9.3.7 Side and rear setbacks 9.4.1 Building elements 9.4.2 Materials and finishes 9.4.4 Garages, carports, sheds and driveways 9.4.5 Site facilities			
(a)(iii) (b) (c) (e)	Public Domain Impact on street or adjoining public place Condition/Dilapidation Construction access DCP 2.7 Development adjoining open space 9.4.5 Site facilities	O NR	Sat	
(a)(iii (b) (c) (e)	Safety, security and crime prevention DCP 2.5 Safety and security	O NR	Sat	

(a)(iii) (b) (c) (e)	DCP 9.2.1 Site layout 9.4.1 Building elements 9.4.4 Garages, carports, sheds and driveways	O NR	Sat	
(a)(iii) (b) (c) (e)	Solar impact DCP 9.3.4 Solar access 9.3.7 Side and rear setbacks	O NR	Sat	
(a)(iii) (b) (c) (e)	Visual Privacy Private open space Boundary fencing and screening DCP 9.3.5 Private open space 9.3.7 Side and rear setbacks 9.4.3 Privacy	O NR	Sat	
(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)	NR NR	Sat	

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

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

						Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold. No native vegetation is proposed to be
						removed. 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.
						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 threatened species or ecological communities or their habitats.
						Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.
(b) (c) (e)	Social and economic impacts			O NR	Sat	
(b) (c) (e)	Facilitation of Ecologically Sustainable Development			O NR	Sat	
(a)(i) (b)	Other LEP Clauses	LEP 2.7	Demolition		0	

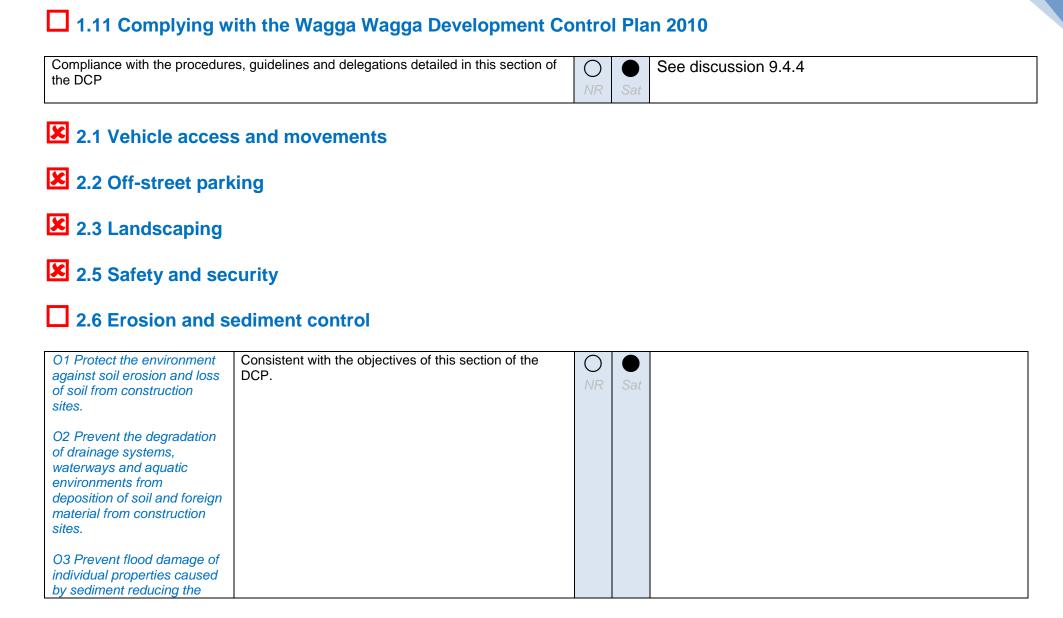
(c) (e)		requires development	NR	Sat	
		consent			
		LEP 4.3 Height of	0		
		buildings	NR	Sat	
			7 47 3	Jat	
		LEP 7.9 Primacy of Zone	0		
		B3 Commercial Core			
		Bo commercial core	NR	Sat	
		LED 4 CA E (i)			
		LEP 4.2A Erection of		\circ	
		dwelling houses and dual	NR	Sat	
		occupancies on land in			
		certain residential, rural and environmental			
		protection zones			
		protection zones			
		LEP 5.16 Subdivision of,		\circ	
		or dwellings on, land in	NR	Sat	
		certain rural, residential or			
		environment protection			
		zones			
		Other Clauses		\circ	
			NR	Sat	
(a)(i) (b)	Other EPIs	SEPP (Infrastructure) 2007		0	
(c) (e)			NR	Sat	
(0)		SEPP (Activation		0	
		Precincts) 2020	NR	Sat	
			7 77 1	Odi	

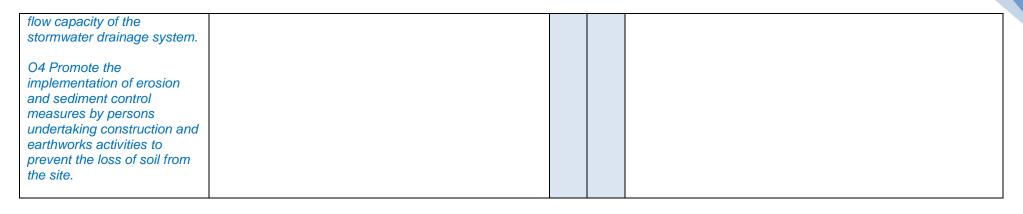
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		Other SEPPs	NR	O Sat	
(a)(ii) (b) (c) (e)	Draft EPIs		O NR	Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
(a)(iiia) (e)	Planning agreements		NR NR	O Sat	No related planning agreement has been entered into under section 7.4.
(d) (e)	Submissions		O NR	Sat	Nil
(e)	Section 68 Application made as part of DA	Local Government Act 1993	NR NR	O Sat	
(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	EP&A Act 1979	NR NR	O Sat	
(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	EP&A Act 1979	NR NR	O Sat	
(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	s64 LG Act 1993 & s306 Water Management Act 2000	NR	Sat	
(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	s64 LG Act 1993 & s306 Water Management Act 2000	NR NR	O Sat	
(a)(iv) (e)	The Regulation – Prescribed Matters		O NR	Sat	

	T				
	EP&A Regulation 2000	cl.92(1)(b) - Demolition of a building, the provisions of AS 2601	NR NR	Sat	
		(ensure condition included requiring compliance with standard)			
		cl.92A - Additional matters that consent authority must consider for Wagga Wagga	NR NR	O Sat	
		cl.94 require existing building to be brought into total or partial conformity with BCA (check with Building Surveyor for development proposing the	NR NR	Sat	
		rebuilding, alteration, enlargement or extension of an existing building)			
(a)(iv) (e)	The Regulation – Prescribed Conditions (ensure conditions of consent included)	EP&A Regulation 2000	O NR	Sat	
(e)	Other regulation matters	EP&A Regulation 2000	O NR	Sat	
(e)	Council Policies		O NR	Sat	Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.

							No declaration has been made that would require action under this policy.
	(e)	Other public interest matters			O NR	Sat	It is considered that this application will not have a detrimental effect on the public interest.
		pment Control Plan 20					
Sect	ion 4.1	5(1)(a)(iii) of the Environmental Plai	nning and Assessment Ad	ct 1979	9		
DCP	Section	on (Objectives and Controls)				Cor	nment
				r	>		
				Not Relevant	Satisfactory		
				ele	fac		
				بر ج	ıtis		
(X S	ection r	not relevant)		2	Sa		
(- 3							
ш	1.10 N	lotification of a Developmen	t Application				
Comp		ith the advertising and notification procedu	res detailed in this section of	0			ccordance with the Council's advertising and
lile De	<i>)</i>			NR	Sat		fication provisions outlined in Section 1.10 of the /DCP the application was required to be notified.
						\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	TOOF the application was required to be notified.
1							
						Date	es- 15/10/2021-22/10/2021





- 2.7 Development adjoining open space
- **3** Heritage Conservation
- 4.1 Bushfire

O1 Minimise risk to life, property and the environment from bush fire. O2 Ensure compliance with statutory obligations for development in bush fire prone areas.	C1 Applications are to satisfy the relevant provisions of <i>Planning for Bush Fire Protection 2006</i> (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.	O NR	Sat	Development in bush fire prone areas is subject to Planning for Bush Fire Protection 2019 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959). 8.3.2 of Class 10 structures There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas.
				Given that the shed is located more than 6m from the dwelling there are no bush fire requirements

Sat	NR S	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 within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006
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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

O1 To support the controls and objective for both the E2 and E4 Zone and environmentally sensitive	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.	NR NR	O Sat	
land provisions in Clauses 7.3 to and inclusive of Clause 7.6 of the LEP.	Environmentally sensitive land – biodiversity (Outside "biocertified area")	O NR	Sat	
O2 Protect, maintain or improve the diversity of the native flora and fauna.	Natural Resources Sensitivity - land	O NR	Sat	
nativo nota ana tauna.	Natural Resources Sensitivity - waterways	● NR	O Sat	

Natural Resources Sensitivity - groundwater Society of their continued existence. 4 Encourage the recovery interested species, communities or populations and their habitats. 5 Protect, maintain or approve the diversity and

- **E** 6 Villages
- **8** Rural Development
- 9.1.5 R3 Zone Staunton Estate
- 9.2.1 Site layout

O1 Encourage site responsive development that is compatible with existing or	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	O NR	Sat	
desired built form. O2 Facilitate sustainable	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	O NR	Sat	
development through passive solar design.	C3 Orient living spaces to maximise solar access.	NR	O Sat	
O3 Integrate landscaping and built form.	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	NR	O Sat	
O4 Encourage designs which respond to the physical				

context and characteristics of the particular site.		
O5 Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.		

- 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

O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so	C1 Locate garages, laundries and bathrooms to provide insulation from western sun.	NR	O Sat	
that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	NR NR	Sat	
space areas.	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.	O NR	Sat	

O2 Ensure non-habitable				
	CAN/ariations and he considered to CA CO at 100			
rooms such as garages,	C4 Variations can be considered to C1, C2 and C3		()	
laundries and bathrooms are	where it can be demonstrated that site constraints,	NR	Sat	
positioned so that living	existing built form and good design practices limit the	IVI	Sal	
areas, open space and	ability of the proposal to comply with these controls.			
habitable rooms receive				
maximum winter solar	C6 For any adjacent dwellings that have north facing	\bigcirc		
access and ventilation.	living areas, maintain 3 hours sunlight access to the	_		
	windows of the living areas between 9am and 3pm in	NR	Sat	
O3 Maintain reasonable	mid-winter (June 22).			
sunlight access to adjoining	Tilla Willer (bulle 22).			
properties.	C7 Variations to C6 above can be considered where it		$\overline{}$	
properties.			\bigcirc	
	can be demonstrated that any form of reasonable	NR	Sat	
	development on the lot would cause non-compliance	7 47 4	Out	
	with C6. In this instance the impacts are to be			
	minimised where possible.			
	C8 Proposed development design should take into	\bigcirc		
	account the location of any adjacent private open	_	0	
	space and avoid excess overshadowing of that space.	NR	Sat	
9.3.5 Private open	i space			
O1 Provide quality, useable	C1 At least 24m2 of private open space is required per			

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O1 Provide quality, useable

O2 Ensure adequate areas for recreation and outdoor living.

private open space.

O3 Encourage good connection between dwellings and private open space.

C1 At least 24m2 of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.

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.

C3 Use screening where necessary to ensure the privacy of private open space areas.

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<i>IR</i>	Sat
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		NR	Sat	
9.3.6 Front setbacks				
9.3.7 Side and rea	r setbacks			
O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.	C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.	NR NR	O Sat	Side and rear setbacks comply with the objectives
O2 Ensure new development continues the rhythm or pattern of development in the locality.	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.	O NR	Sat	
O3 Provide access for maintenance.				
O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.				
9.4.1 Building elements 9.4.2 Materials and finishes				
O1 Encourage the use of external materials and finishes that are suited to	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	O NR	Sat	

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their location and support consistent quality	C2 Avoid large unbroken expanses of any single			
streetscapes.	material.	0		
Sireeiscapes.	material.	NR	Sat	
O2 Encourage use of	CO Minimina was of highly pollective on alconomy statistics			
O2 Encourage use of	C3 Minimise use of highly reflective or glossy materials	\circ		
materials that have good	on building exteriors.	NR	Sat	
thermal performance.			Oat	
	C4 Use contrasting materials in combination with			
O3 Promote the use of	design elements for features such as corner elements.	NR	Sat	
materials that are climate		IVI	Sal	
responsive and contribute to				
innovative building design.				
O4 Discourage corporate				
colours in building facades.				
9.4.3 Privacy				
O1 Ensure privacy within	C1 Offset windows, balconies and private open space			The configuration of the confi
new developments, and	areas between adjoining dwellings.		\circ	The outbuilding raises no privacy concerns given
avoid potential impacts to	areas between adjoining dwellings.	NR	Sat	its use.
	C2 Caraching is required where there is direct line of			
existing properties.	C3 Screening is required where there is direct line of sight between neighbouring balconies or private open			
00.5	I SIANT NATWAAN NAIANNAHTINA NAICANIAS AT NTIVATA ANAN			
		NR	_	
O2 Ensure adequate	space areas, or between windows and door openings	NR	Sat	
acoustic privacy within		NR	_	
	space areas, or between windows and door openings	NR	_	
acoustic privacy within	space areas, or between windows and door openings	NR	_	
acoustic privacy within dwellings.	space areas, or between windows and door openings	NR	_	
acoustic privacy within dwellings.	space areas, or between windows and door openings of habitable rooms.	NR	_	
acoustic privacy within dwellings. 9.4.4 Garages, ca	space areas, or between windows and door openings of habitable rooms. rports, sheds and driveways	NR	Sat	
acoustic privacy within dwellings. 9.4.4 Garages, call of Minimise the visual	space areas, or between windows and door openings of habitable rooms. rports, sheds and driveways C1 Where garage doors form part of the facade of a	NR NR	_	
acoustic privacy within dwellings. 9.4.4 Garages, call of Minimise the visual dominance of garages and	space areas, or between windows and door openings of habitable rooms. rports, sheds and driveways C1 Where garage doors form part of the facade of a dwelling fronting a public road	NR NR	Sat	
acoustic privacy within dwellings. 9.4.4 Garages, call of Minimise the visual	space areas, or between windows and door openings of habitable rooms. rports, sheds and driveways C1 Where garage doors form part of the facade of a		Sat	

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O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.	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 * - Variations to these controls may be considered for multi storey dwellings # - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.			
	C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.	NR NR	O Sat	
	C3 The floor area of an outbuilding on a residential lot must not be more than the following: (a) 8% of the site area if the lot has an area of less than 600m2, (b) 8% of the area or a maximum area of 175m2, whichever is the lesser, if the lot has an area of at least 600m2 but less than 4000m2, (c) Lots greater than 4000m2 will be considered on their merits.	O NR	Sat	
	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 300m2, whichever is the lesser.	O NR	Sat	
	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.	O NR	Sat	
	C6 The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing). The	O NR	Sat	The proposed shed exceeds the maximum height of 4.8 metres. The proposed height of the shed is 4.93 metres.

building shall be single storey of maximum roof pitch of 27 degres the roof pitch of the house.	
C7 An outbuilding shall not be main building line. Variations m balcony, deck, patio, pergola, t	be considered for a

- 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