

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA21/0610	Applicant	Csky Services Pty Ltd Po Box 8058 GRIFFITH NSW 2680
	Date of Lodgement	23/09/2021		
	Proposal	Outbuilding	Description of Mod.	N/A
	Development Cost	\$18000	Other Approvals	Nil
Site Details	Subject Land	2 Yabtree St WAGGA WAGGA NSW 2650 Lot 8 Sec B DP 13345	Owner	RM Moorfield & KM Moorfield

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

Delegation to Determine Application:-

Report Prepared by:



Hayden Bousfield
Town Planner

Date: 09/11/2021

Report Approved by:



Cameron Collins
Development Assessment Coordinator

Date: 9/11/2021

☒ section not relevant

☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

Description	DA21/0610 – The proposed development is for the demolition of an existing carport and replacement with a 49m ² outbuilding garage.
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Matters for consideration						
GIS & System Check	Section 4.15(1) <i>EP&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)	Zoning	LEP 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	○ NR	● Sat	Zoning of land (cl 2.2): R1 The development is permissible in the zone (cl. 2.3(1)) The development is consistent with the following objectives of the zone (cl. 2.3(2)): <ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities.
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)		○ NR	● Sat	Lot 8 Section B No Section 88B Instrument available
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item <i>DCP 3 Heritage Conservation</i>		● NR	○ Sat	
			LEP 5.10 Heritage conservation	● NR	○ Sat	

LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure	● NR	○ Sat	
			LEP 6.3 Development control plan	● NR	○ Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	Natural Resource Sensitivity	LEP 7.3 Biodiversity	● NR	○ Sat	
		<i>DCP 5.4 Environmentally sensitive land</i>	LEP 7.4 Vulnerable land	● NR	○ Sat	
			LEP 7.5 Riparian lands and waterways	● NR	○ Sat	
			LEP 7.6 Groundwater vulnerability	○ NR	● Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	Flooding		○ NR	● Sat	The site is impacted by a 1% major overland flow event. The depth of water is not substantial and requires no further assessment or additional conditions of consent. No unreasonable impacts are expected from the development.
		Overland flow <i>DCP 4.2 Flooding</i>	LEP 5.21 Flood Planning	● NR	○ Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire <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)	Contaminated Land PFAS Study Area Site observations	SEPP55	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites.
Airport Constraints	(a)(i) (b) (c) (e)	Airport Constraints	LEP 7.11 Airspace operations	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.12 Development in areas subject to aircraft noise	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
Assets – Sewer and Stormwater	(b) (c) (e)	Services/Utilities (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"/> NR	<input checked="" type="radio"/> Sat	

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		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Site visit undertaken on: 08/10/2021
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Offsite observations 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)	Traffic, access and parking Manoeuvring Site Distance Issues Driveway grade		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

		Check Driveway location and grade <ul style="list-style-type: none"> • Side entry pit • Service lids/pits • Poles/turrets/substations • Street Trees <p>DCP <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i></p>			
	(a)(iii) (b) (c) (e)	Context, setting and streetscape <p>DCP <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></p>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Public Domain <p>Impact on street or adjoining public place</p> <p>Condition/Dilapidation</p>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

		Construction access <i>DCP</i> <i>2.7 Development adjoining open space</i> <i>9.4.5 Site facilities</i>			
	(a)(iii) (b) (c) (e)	Safety, security and crime prevention <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)	Site and internal design <i>DCP</i> <i>9.2.1 Site layout</i> <i>9.4.1 Building elements</i> <i>9.4.4 Garages, carports, sheds and driveways</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Solar impact <i>DCP</i> <i>9.3.4 Solar access</i> <i>9.3.7 Side and rear setbacks</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Visual Privacy Private open space Boundary fencing and screening <i>DCP</i> <i>9.3.5 Private open space</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

		9.3.7 Side and rear setbacks 9.4.3 Privacy				
	(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (a)(iii) (b) (c) (e)	Earthworks and Soils 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	
			LEP 7.1A Earthworks	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	Landscaping		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(b) (c) (e)	Waste		<input type="radio"/>	<input checked="" type="radio"/>	

		Construction waste management		NR	Sat	
		Asbestos				
	(a)(iii) (b) (c) (e)	Energy & Water <i>DCP</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i>		○ NR	● Sat	
	(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	● NR	○ Sat	
	(b) (c) (e)	Other hazards Natural Technological		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	Flora and Fauna (on and off-site) Check for native veg requirements (R5 and RU4 Land) <i>DCP</i> <i>5.2 Preservation of trees</i> <i>5.3 Native Vegetation Cover</i>		○ NR	● Sat	
			Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 <i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i>	○ 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

					<p>Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.</p> <p><i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i></p> <p>No</p> <p><i>2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.</i></p> <p>No native vegetation is proposed to be removed.</p> <p><i>3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</i></p> <p>Given that no native vegetation is being removed and in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect threatened species or ecological communities or their habitats.</p>
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						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		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	Facilitation of Ecologically Sustainable Development		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Existing carport to be demolished
			LEP 4.3 Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.9 Primacy of Zone B3 Commercial Core	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 5.16 Subdivision of, or dwellings on, land in	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			certain rural, residential or environment protection zones			
			Other Clauses	● NR	○ Sat	
	(a)(i) (b) (c) (e)	Other EPIs	SEPP (Infrastructure) 2007	● NR	○ Sat	
			SEPP (Activation Precincts) 2020	● NR	○ Sat	
			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	Draft EPIs		○ 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	○ Sat	No related planning agreement has been entered into under section 7.4.
	(d) (e)	Submissions		○ NR	● Sat	Nil
	(e)	Section 68 Application made as part of DA	<i>Local Government Act 1993</i>	● NR	○ Sat	
	(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	● NR	○ Sat	

	(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	● NR	○ Sat	
	(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	● NR	○ Sat	
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	○ NR	● Sat	Section 64 stormwater contributions have been charged in accordance with Council's Stormwater contributions Development Servicing Plan (DSP).
	(a)(iv) (e)	The Regulation – Prescribed Matters <i>EP&A Regulation 2000</i>	<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.92A - Additional matters that consent authority must consider for Wagga Wagga</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	
			<i>EP&A Regulation 2000</i>	○ NR	● Sat	

	(a)(iv) (e)	The Regulation – Prescribed Conditions (ensure conditions of consent included)	EP&A Regulation 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Other regulation matters		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land. No declaration has been made that would require action under this policy.
	(e)	Council Policies		<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.
	(e)	Other public interest matters				

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	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP. Dates: 11/10/2021 -18/10/2021
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1.11 Complying with the Wagga Wagga Development Control Plan 2010

Compliance with the procedures, guidelines and delegations detailed in this section of the DCP	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The Development Application seeks a variation to Clause 9.4.4 to allow the following:</p> <ul style="list-style-type: none"> • a maximum floor area above 8% of the lot size • a minimum 900mm setback from the rear boundary • a maximum total cumulative floor area of all outbuildings over 8% of the lot size. <p>The proposed variations are only minor numerical violation to the controls and in this instance still achieve the objectives of Clause 9.4.4. As a result, the proposed variations are considered acceptable. (refer to Section 9.4.4 below for further discussion)</p>
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2.1 Vehicle access and movements

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

	C6 Ensure adequate sight lines for proposed driveways.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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☐ 2.2 Off-street parking

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

☐ 2.5 Safety and security

<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>	C1 Use good site planning to clearly define public, semi-public and private areas.	<input type="radio"/> NR	<input checked="" type="radio"/> 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 checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C3 Minimise blank walls along street frontages.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

<p><i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i></p>	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 checked="" type="radio"/> NR	<input 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

<p><i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i></p> <p><i>O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i></p>	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>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

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

9.3.2 Site cover

<p><i>O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.</i></p> <p><i>O2 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.</i></p> <p><i>O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.</i></p>	C1 Maximum site cover is to be in accordance with Table 9.3.2a.	○ NR	● Sat	<p>Site Area = 537.5m² Maximum permitted site coverage 60%</p> <p><u>Proposed</u> Dwelling Area = 202m² Shed Area = 35m² Proposed garage area = 49m² Total = 286m²</p> <p>$(286 / 537.5) \times 100 = 53\%$</p>
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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

<i>O1 Provide quality, useable private open space.</i>	C1 At least 24m ² of private open space is required per dwelling. The private open space is to be directly	○ NR	● Sat	
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<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>	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.	● NR	○ Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	● NR	○ Sat	

9.3.6 Front setbacks

9.3.7 Side and rear setbacks

<p><i>O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i></p> <p><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>	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	● Sat	Side and rear setbacks comply with the objectives
	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.	● NR	○ Sat	

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

□ 9.4.4 Garages, carports, sheds and driveways

<p><i>O1 Minimise the visual dominance of garages and driveways in the streetscape.</i></p> <p><i>O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.</i></p>	<p>C1 Where garage doors form part of the facade of a dwelling fronting a public road - the garage door is to be:</p> <p>less than 50% of the width of the house* no wider than 6m # maximum 2.4m high # - double garages are only permitted on lots 12.5m wide or greater* - single fronted tandem garages with one space behind the other are permitted</p> <p>* - Variations to these controls may be considered for multi storey dwellings # - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.</p>	<p>● NR</p>	<p>○ Sat</p>	
	<p>C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.</p>	<p>○ NR</p>	<p>● Sat</p>	<p>The proposal is for a minimum 900mm setback to Yathong Lane, resulting in a variation of 100mm.</p> <p>The applicant has provided the following justification:</p> <p><i>“The landowner requires these exceedances to satisfy his vehicle and domestic storage requirements and to maintain his private open space between the dwelling and outbuildings. “</i></p> <p>The proposed development does not comply with the C2; however, the proposal is considered acceptable in this instance as it will not result in an unreasonable amenity impact to the laneway.</p> <p>Additionally, the 900mm setback is not considered to result in unreasonable traffic impacts. The laneway is an approx. 6m wide, which allows for sufficient area for the turning of vehicles in an out of the garage. The proposal was reviewed by Councils Engineers who have raised no objection to the setback.</p>

	<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 600m²,</p> <p>(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,</p> <p>(c) Lots greater than 4000m² will be considered on their merits.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The proposal is for a maximum floor area of 49m² which does not comply with the maximum 8% (43m²) of the lot size requirement. The proposal therefore results in a variation of 6m² or an additional 1.1% of the site area.</p> <p>The applicant has provided the following justification:</p> <p><i>“The land owner requires these exceedances to satisfy his vehicle and domestic storage requirements and to maintain his private open space between the dwelling and outbuildings. “</i></p> <p>The proposed development does not comply with the controls of control C3; however, the proposed variation is minor and does not result in an unreasonable amenity impact to the site or adjoining sites. Additionally, the proposal will still achieve the objectives under Clause 9.4.4 despite the numerical variation.</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 300m², whichever is the lesser.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The subject site contains an existing shed that is 35m². The proposal is to add an additional 49m² outbuilding which will result in a total cumulative floor area of 84m² or 15.2% of the site area. The proposal thus results in a variation of 41m² or 7.2% of the site area.</p> <p>The applicant has provided the following justification:</p> <p><i>“The land owner requires these exceedances to satisfy his vehicle and domestic storage requirements and to maintain his private open space between the dwelling and outbuildings. “</i></p> <p>The proposal does not comply with control C4. However, in this instance the proposal does not result in an unreasonable amenity impact to streetscape or adjoining sites and maintains an appropriate area of useable POS.</p> <p>Additionally, the proposal is consistent with other similar developments in the locality, including the adjoining sites at 3 and 4 Yathong Street, where DA15/0711 and DA04/1341 were approved for outbuilding in exceedance of the 8% total floor area. Accordingly, the proposal at 2 Yabtree considered development consistent with the locality.</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.	<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