

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA22/0473	Applicant	NJ Ryan 23 Nolan St LLOYD NSW 2650
	Date of Lodgement	11/08/2022		
	Proposal	In-ground swimming pool	Description of Mod.	N/A
	Development Cost	\$39400	Other Approvals	Nil
Site Details	Subject Land	46 Bonner St LLOYD NSW 2650 Lot 8951 DP 1262050	Owner	NJ Ryan

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:



Bikash Pokharel
Town Planner

Date: 16/08/2022

☒ section not relevant

☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

Description	In-ground swimming pool
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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>	DA22/0165 - Dwelling

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	<input type="radio"/> NR	<input checked="" type="radio"/> 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)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item <i>DCP 3 Heritage Conservation</i>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 5.10 Heritage conservation	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 6.3 Development control plan	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	Natural Resource Sensitivity <i>DCP 5.4 Environmentally sensitive land</i>	LEP 7.3 Biodiversity	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 7.4 Vulnerable land	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 7.5 Riparian lands and waterways	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 7.6 Groundwater vulnerability	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	Flooding Overland flow <i>DCP 4.2 Flooding</i>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 5.21 Flood Planning	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire <i>DCP 4.1 Bushfire</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	See section 4.1 below for further discussion.

Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP (Resilience and Hazards) 2021	<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) (Transport/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: 12/08/2022
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		<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 landuses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby landuses (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>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(b) (c) (e)	Other hazards Natural Technological		<input type="radio"/> NR	<input checked="" type="radio"/> 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>		<input type="radio"/> NR	<input checked="" type="radio"/> 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>	<input type="radio"/> NR	<input checked="" type="radio"/> 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 checked="" type="radio"/> NR	<input type="radio"/> Sat	
			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 (Transport and Infrastructure) 2021	● NR	○ Sat	
			SEPP (Precincts - Regional) 2021	● 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)(iii) (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	
	(a)(iv) (e)	The Regulation – Prescribed Matters <i>EP&A Regulation 2021</i>		○ NR	● Sat	
			<i>cl.61(1) - Demolition of a building, the provisions of AS 2601</i> <i>(ensure condition included requiring compliance with standard)</i>	● NR	○ Sat	
			<i>cl.61(7) - Consideration of Special Activation Precinct Master Plan</i>	● NR	○ Sat	
			<i>cl.64 - 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)	The Regulation – Prescribed Conditions <i>(ensure conditions of consent included)</i>	EP&A Regulation 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Other regulation matters	EP&A Regulation 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Council Policies		<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)	Other public interest matters		<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

<i>O1 Incorporate crime prevention strategies in new developments.</i> <i>O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.</i>	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 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

<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

<p><i>O1 Minimise risk to life, property and the environment from bush fire.</i></p> <p><i>O2 Ensure compliance with statutory obligations for development in bush fire prone areas.</i></p>	<p>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.</p>	<p>○ NR</p>	<p>● Sat</p>	<p>The controls in this section apply to land that is bush fire prone land. Development in bush fire prone areas is subject to <i>Planning for Bush Fire Protection 2019</i> (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).</p> <p>The subject land is located within the area mapped as bushfire prone. An on-site assessment was carried out on 12/08/2022 which has confirmed that</p>
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				<p>the primary vegetation is considered as grassland and located over 80m west from the edge of the proposed pool.</p> <p>Given the proposal is for Class 10 structure, Section 8 'Other Development' of Planning for Bush Fire Protection (PBP) 2019 applies and has been summarised below:</p> <p><i>8.3.2 Class 10 structures</i></p> <p><i>b. Class 10b – a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like</i></p> <p>Given the proposed swimming pool is classed as 10b structure therefore there are no bushfire protection requirements under the PBP (2019) for such structure.</p> <p>As such, no specific conditions have been included in the development consent and no further assessment is required.</p>
	C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006	● NR	○ Sat	

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

☒ 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</i></p>	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Orient living spaces to maximise solar access.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

<p><i>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>				
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☒ 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

☐ 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>	C1 At least 24m ² 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	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

<i>O3 Encourage good connection between dwellings and private open space.</i>	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.	● NR	○ Sat	

9.3.6 Front setbacks

9.3.7 Side and rear setbacks

<i>O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i> <i>O2 Ensure new development continues the rhythm or pattern of development in the locality.</i> <i>O3 Provide access for maintenance.</i> <i>O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.</i>	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

<i>O1 Encourage the use of external materials and finishes that are suited to their location and support consistent quality streetscapes.</i> <i>O2 Encourage use of materials that have good thermal performance.</i> <i>O3 Promote the use of materials that are climate responsive and contribute to innovative building design.</i> <i>O4 Discourage corporate colours in building facades.</i>	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 checked="" type="radio"/> NR	<input 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 checked="" type="radio"/> NR	<input type="radio"/> Sat	

☒ 9.4.3 Privacy

☒ 9.4.4 Garages, carports, sheds and driveways

☒ 9.4.5 Site facilities

☐ 9.4.6 Changing the landform – cut and fill

<i>O1 Encourage site responsive development and</i>	C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows:	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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<p><i>protect the amenity of adjoining land.</i></p> <p><i>O2 Avoid excessive earthworks and minimise changes to the natural landform.</i></p> <p><i>O3 Encourage site layout and building design that is appropriate to the site conditions, including use of split levels, pier foundation or suspended floor house designs.</i></p>	<p>(a) If located no more than 1m from boundary – 1.5m, and (b) If located more than 1m but not more than 1.5m from any boundary – 2m, and (c) If located more than 1.5m from any boundary – 3m.</p> <p>Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).</p>			
<p><i>O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.</i></p> <p><i>O5 Avoid inappropriate fill being introduced to sites.</i></p> <p><i>O6 Ensure adequate provision of drainage in relation to cut and fill practices.</i></p>	<p>C2 Fill is not to exceed: (a) 1.5m above ground level (existing), and (b) Must be contained by either: (i) A retaining wall or other form of structural support that does not extend more than 1.5m from the closest external wall of the dwelling house, or (ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.</p> <p>Variations to the above setbacks can be considered where the applicant can demonstrate that there is an acceptable impact on the amenity of the adjoining properties (privacy, overshadowing).</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C3 Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that: (a) has been certified by a professional engineer, and (b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is: (i) more than 1.5m in height and within 1m from a side or rear boundary, or (ii) more than 3m in height at any other location.			
	C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.	● NR	○ Sat	
	C5 No cut or fill to take place within easements.	○ NR	● Sat	
	C6 To encourage site responsive development, excavation and retaining walls greater than that specified in C1 to C3 above can be considered where the design responds to the slope (or incorporates split levels). The additional retaining wall height is to facilitate basements, garages or the like at the lower level. The excavation is to be adequately retained and drained, in accordance with approved engineering details.	● NR	○ Sat	
	C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to minimise the impact on the amenity of the adjoining properties.	● NR	○ Sat	
	C8 All retained material is to have a gradient of at least 5%.	● NR	○ Sat	
	C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.	○	●	

		NR	Sat	
	C10 Cut and fill outside the building envelope is not to exceed 600mm.	● NR	○ Sat	
	C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.	○ NR	● Sat	
	C12 Earthworks should not be carried out within the angle of repose of adjoining property. Unless such works are supported by certified structural engineer reports and do not impact on neighbouring property.	○ NR	● Sat	

14 Boorooma Urban Release Area

15 Lloyd Urban Release Area

Topography and landscape character				
<p><i>O1 Protect the landscape character of Lloyd and land immediately abutting it by means of appropriate landscape separation.</i></p> <p><i>O2 Encourage subdivision and development to create vistas on the lower slopes where possible.</i></p>	C5 The landscaped buffer strip established as part of the Deed of Agreement, shall be replenished by the owner of the affected allotment, to replace any identified lost plantings on affected allotments to the south of stages 14 and 15. The works shall be completed prior to the release of the subdivision certificate.	● NR	○ Sat	
	C6 A covenant shall be created over all allotments containing the landscaped buffer strip as required under the terms of the Deed of Agreement including all the lots west of Indigo Drive and the area immediately north of Senna Place, (shown shaded on Figure 3) which do not fall within the Lloyd Urban Release Area. The covenants shall be created over the subject	● NR	○ Sat	

	<p>allotments requiring the ongoing maintenance of the landscaped buffer by the landowner.</p> <p>For all lots located immediately north of Senna Place and immediately south of the boundary of the Lloyd Urban Release Area (see shaded area west of Indigo Drive on Figure 3), in addition to the provisions of the Deed of Agreement referred to in C4 above, all provisions elsewhere in this DCP applying to land zoned R5 Large Lot Residential, apply.</p>			
Environmental conservation and natural resources management				
<p><i>O1 Ensure trees and vegetation contributing to the environmental and amenity value of the locality and region are preserved.</i></p> <p><i>O2 Maintain and enhance the ecological values of waterways and wetlands, including water quality, stream integrity, biodiversity and habitat, within the Lloyd Urban Release area.</i></p> <p><i>O3 Maintain and enhance riparian buffers to preserve the environmental values associated with waterway and wetlands, having specific regard to fauna and flora habitats and ecosystems, stream integrity (including erosion management), land use impacts and recreational/visual amenity.</i></p>	C1 All development requiring development consent is to be in accordance with the Lloyd Urban Release Area Conservation Management Plan.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 All construction and management activities are to be in accordance with the Lloyd Urban Release Area Conservation Management Plan recommendations.	<input type="radio"/>	<input checked="" type="radio"/>	
	C3 Development applications in the area zoned R1 General Residential are to identify and set aside for protection and management the trees in the area of identified Squirrel Glider habitat falling outside the E2 zone at Lloyd (shown in Figure 4 and 5).	<input checked="" type="radio"/>	<input type="radio"/>	
	C4 In addition to complying with the requirements of the Companion Animals Act 1998, owners of domestic cats resident in the Lloyd Urban release area to manage their cats so that they are not to roam freely outdoors between sunset and sunrise. In this regard Council will, as a condition of development consent, require the imposition of a Section 88B Restriction On Use for all residential subdivisions within the Lloyd Urban Release Area.	<input checked="" type="radio"/>	<input type="radio"/>	

<p><i>O4 Protect and manage biodiversity in and adjacent to urban areas.</i></p> <p><i>O5 Comply with the Biodiversity Certification Report.</i></p>				
Salinity Management				
<p><i>O1 Encourage Salinity Sensitive Urban Design.</i></p> <p><i>O2 Minimise the volume of surface water subject to infiltration and subsequent deep drainage by maximising surface water drainage across the entire Lloyd area.</i></p> <p><i>O3 Minimise earthwork based disturbance to existing undeveloped areas.</i></p>	<p>C2 Development on land zoned R1 General Residential within the Lloyd Urban Release Area must conform with the 80:20 impervious to pervious development ratio (see Appendix 2 map).</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C5 All impervious areas on individual house lots must be drained into the internal stormwater system and directed to the piped stormwater system.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C11 Built features must be drained to stormwater rather than to lawn or other pervious areas.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C12 All planned and future impervious areas included in the 80:20 ratio (impervious : pervious) are to be drained to stormwater.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C17 Gardens calculated towards impervious surface in the release area must have an impervious liner and be drained to Council's storm water system.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C18 Residential development within the release area must feature predominantly native or 'water wise' gardens to help reduce urban recharge significantly OR the use of rock style gardens utilising low water use plant varieties as an alternative 'water wise' option where the garden is calculated towards pervious surface.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	C19 Rock gardens and similar decorative gardens are to have impervious liners drained to the storm water system.	● NR	○ Sat	
	C20 All gardens and landscaping should be constructed and maintained using the landscaping and garden design guidelines available from the Council and approved for the Lloyd release area. The guidelines demonstrate how the 80:20 rule can be maintained for the minimising of infiltration of water to the groundwater table.	○ NR	● Sat	
	C21 Fixed irrigation systems between the front property boundary and the road reserve are not permitted. This area is to be impervious and will not require watering.	● NR	○ Sat	
	C22 Grey water reuse systems are not appropriate within the Lloyd urban release area.	● NR	○ Sat	
Bushfire Management in Lloyd				
<i>O1 Ensure appropriate relationships between asset protection zones on residential land that adjoins land zoned for Environmental Conservation.</i> <i>O2 Avoid adverse impacts from adjoining development on land in the E2 Environmental Conservation zone.</i>	C1 Asset Protection Zones are to be wholly within the development lot.	● NR	○ Sat	
	C2 If the Asset Protection Zone cannot be located wholly within the Residential zone, the APZ can extend into the E2 zone provided that that no trees are removed in that zone.	● NR	○ Sat	
	C3 The location of building envelopes within Residential zones that adjoin Environmental Protection zones must consider the potential impact of the associated asset protection zone (APZ) on the adjacent E2 zone.	● NR	○ Sat	
Acoustic Environment				

<i>O1 Avoid adverse impacts from road or rail noise.</i>	C1 Dwellings must be set back at least 60m from the centre line of the Great Southern Railway line, and must be set back at least 40m from the centre line of Red Hill Road, as shown by the Open Space plan in Appendix 3.	● NR	○ Sat	
Site cover and landscaped area				
<i>O1 Achieve a site cover of 80:20 impermeable to permeable ratio required to minimise infiltration of water to groundwater and thereby reduce salinity impacts.</i>	C1 Site cover on all land zoned R1 is to achieve a minimum impermeable to permeable material ratio of 80:20, based on the various controls in this section.	○ NR	● Sat	
	C2 The large R1 zoned buffer lots in the western edge of the release area (adjoining Red Hill Road and the Great Southern Rail Line) and at the south western abutment of the Lloyd Urban Release Area with the R5 zoned land of Glenoak, are to have a maximum 1,000m ² development envelope nominated which will be requires to meet the 80:20 calculation. The remaining land, provided it is planted to 100% with native vegetation, will not be included in the 80:20 calculation as its infiltration rate will be the same or lower than the pre-development land.	● NR	○ Sat	
	C3 Building envelopes shall be nominated on all lots within the R5 Large Lot Residential zone. No building envelopes shall encroach on any of the following: <ul style="list-style-type: none"> • Existing or proposed service easements, • An area that will require the removal of existing trees, • Setbacks identified for the purposes of noise buffering, • Land situated above the 280 metre AHD contour, unless the building envelope can be serviced with reticulated water and individual approval for each envelope has been obtained from the water supply authority in this regard, 	● NR	○ Sat	

	<ul style="list-style-type: none"> • Land within 10 metres of the front boundary of the allotment or land within 10 metres of another building envelope, or • Bushfire prone land. 			
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16 Gobbagombalin Urban Release Area