

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA22/0483	Applicant	Bramwell Homes Pty Ltd Po Box 191 THORNLEIGH NSW 2120
	Date of Lodgement	12/08/2022		
	Proposal	Construction of primary dwelling and attached secondary dwelling	Description of Mod.	N/A
	Development Cost	\$364156	Other Approvals	AA22/0488 - Part B4 Sewer / Part B5 Stormwater (Private)
Site Details	Subject Land	115 Raye St TOLLAND NSW 2650 Lot 184 DP 705940	Owner	F Azarcon & WM Azarcon

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:



Hayden Bousfield
Town Planner

Date: 10/10/2022

☒ section not relevant

☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

Description	The Development Application seeks consent for the construction of a single storey dwelling house and attached secondary dwelling on a vacant allotment at 115 Raye Street, Tolland.
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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		○ NR	● Sat	

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	The subject site is Lot 184 under Deposited Plan 705940. No Section 88B Instrument is associated with the DP; however, the site does contain an easement to drain sewage along the southern boundary and an easement for electrical purposes 2.5 wide on the western boundary. The proposed development is clear of the subject easements.
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	● NR	○ Sat	
			LEP 6.3 Development control plan	● NR	○ 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	● NR	○ Sat	
			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 Overland flow <i>DCP 4.2 Flooding</i>		○ NR	● Sat	
			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	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: 28/08/2022
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	

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

		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	BASIX Certificate – 1327975M
	(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 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 certain rural, residential or	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			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)(iii) (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	AA22/0488 – Part B4 Sewer / Part B5 Stormwater (Private)
	(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)	s64 LG Act 1993 & s306 Water Management Act 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	As per the Implementation Guide Development Servicing Plan Stormwater May 2022, dwellings and secondary dwellings are exempt from Section 64 Sewer charges.
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	s64 LG Act 1993 & s306 Water Management Act 2000	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	As per the Implementation Guide Development Servicing Plan Stormwater May 2022, dwellings and secondary dwellings are exempt from Section 64 Stormwater charges.
cl.	(a)(iv) (e)	The Regulation – Prescribed Matters EP&A Regulation 2021		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			cl.61(1) - Demolition of a building, the provisions of AS 2601 (ensure condition included requiring compliance with standard)	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			cl.61(7) - Consideration of Special Activation Precinct Master Plan	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			cl.64 - require existing building to be brought into total or partial conformity with BCA (check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)	<input checked="" type="radio"/> NR	<input type="radio"/> 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	<p>Policy 046 - Processing Development Applications lodged by Councillors, staff, and individuals of which a conflict of interest may arise, or on Council owned land.</p> <p>No declaration has been made that would require action under this policy.</p>
	(e)	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	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP. Dates: 18/08/2022 – 01/09/2022
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☒ 1.11 Complying with the Wagga Wagga Development Control Plan 2010

☐ 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	
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O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.	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	

2.2 Off-street parking

O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands. O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.	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	

2.3 Landscaping

2.5 Safety and security

O1 Incorporate crime prevention strategies in new developments. O2 Encourage active, pedestrian oriented environments where developments are designed	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 type="radio"/> NR	<input checked="" type="radio"/> Sat	

<i>to integrate into the public domain.</i> <i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i>	C3 Minimise blank walls along street frontages.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Avoid areas of potential concealment and 'blind' corners.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C5 Provide lighting to external entry areas, driveways, and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

2.6 Erosion and sediment control

<i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i> <i>O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign</i>	Consistent with the objectives of this section of the DCP.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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<p><i>material from construction sites.</i></p> <p><i>O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i></p> <p><i>O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.</i></p>				
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2.7 Development adjoining open space

3 Heritage Conservation

4.1 Bushfire

4.2 Flooding

5.1 Development on ridges and prominent hills

5.2 Preservation of trees

5.3 Native Vegetation Cover

☐ 5.4 Environmentally sensitive land

<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> <i>O2 Protect, maintain or improve the diversity of the native flora and fauna.</i> <i>O3 Protect the ecological processes necessary for their continued existence.</i> <i>O4 Encourage the recovery of threatened species, communities or populations and their habitats.</i> <i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i>	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 type="radio"/>	<input checked="" type="radio"/>	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input type="radio"/>	<input checked="" type="radio"/>	

9.2.2 Streetscape

<p><i>O1 Encourage compatibility with existing built form.</i></p> <p><i>O2 Encourage attractive streetscapes.</i></p> <p><i>O3 Ensure a strong street edge with good definition between the public and private domain.</i></p>	C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm, and form of the street.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.	<input checked="" type="radio"/>	<input type="radio"/>	

O4 In locations where front fences are an important feature of the established streetscape, ensure that new fences complement the character of the streetscape.	C3 Fence height at and behind the building line is not to exceed 1800mm in height.	○ NR	● Sat	
	C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.	○ NR	● Sat	

9.2.3 Corner lots and secondary facades

<p>O1 Encourage development on corner sites to respond to all street frontages.</p> <p><i>Note: this objective relates to both building lines and fences.</i></p>	C1 Houses on corner lots are to ensure an acceptable address to both frontages. Continue materials around the corner to the secondary road so that the building "turns the corner".	○ NR	● Sat	<p>The proposal is not considered the best outcome for a corner lot as the design includes a boundary fence along the secondary façade. However, in this instance the proposal is considered acceptable as the boundary fence will be screened by landscaping from the public domain side to mitigate concerns that the proposal will result in an excessive blank wall.</p> <p>Furthermore, the proposed secondary frontage fencing is consistent with other corner site within the area, such as the adjoining corner site at 117 Raye Street.</p>
	C2 Use articulation to avoid excessively long blank walls.	○ NR	● Sat	
	<p>C3 A fence on the secondary frontage is permitted to have a height not exceeding 1800mm except in the following circumstances where its height is not to exceed 1200mm:</p> <ul style="list-style-type: none"> • Where it enters and is within the building line of the primary road - within the building line a fence will be 	○ NR	● Sat	<p>The 1800mm high secondary frontage fence is considered reasonable as it will provide the proposed dwelling with private open space and does not enter within the building line of the primary road.</p>

	permitted to taper down from 1800mm maximum permitted height to the 1200mm maximum permitted height at the primary road boundary" • Where a dwelling "addresses" the secondary road			
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9.2.4 Sloping sites

<p><i>O1 Encourage site responsive development.</i></p> <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>	C1 Use pier, split level or suspended floor designs on sloping sites.	● NR	○ Sat	The building design is appropriate to the site and generally meets the objectives.
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9.3.1 Site area per dwelling

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

O3 Encourage maximum utilisation of land in the R3 Zone.				
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9.3.2 Site cover

9.3.4 Solar access

<p>O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.</p>	C1 Locate garages, laundries, and bathrooms to provide insulation from western sun.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	<input type="radio"/>	<input checked="" type="radio"/>	
	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.	<input type="radio"/>	<input checked="" type="radio"/>	

<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>	C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints, existing built form and good design practices limit the ability of the proposal to comply with these controls.	● NR	○ Sat	
	C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).	○ NR	● Sat	
	C7 Variations to C6 above can be considered where it can be demonstrated that any form of reasonable development on the lot would cause non-compliance with C6. In this instance the impacts are to be minimised where possible.	● NR	○ Sat	
	C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.	○ NR	● Sat	

9.3.5 Private open space

<p><i>O1 Provide quality, useable private open space.</i></p> <p><i>O2 Ensure adequate areas for recreation and outdoor living.</i></p> <p><i>O3 Encourage good connection between dwellings and private open space.</i></p>	C1 At least 24m 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.	○ NR	● Sat	
	C2 Enclosure of approved private open space will be permitted, however at least one side of the approved private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.	● NR	○ Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	○ NR	● Sat	

9.3.6 Front setbacks

<p><i>O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.</i></p> <p><i>O2 Encourage attractive residential streets and quality public domain.</i></p> <p><i>O3 Ensure that new developments complement the established built patterns.</i></p> <p><i>O4 Maintain lines of sight for vehicle safety.</i></p>	<p>C1 Minimum front setbacks for residential development (site area smaller than 2000m²):</p> <p>Primary frontage to a main or arterial road 9m #</p> <p>Primary street frontage (other roads) 6m #</p> <p>Secondary frontage (corner site) 3m</p> <p># - For residential accommodation in R3 Zones a minimum setback of 3m may be considered.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 In the older areas of Wagga Wagga front setbacks are typically 7.5m. where the setback of existing adjoining buildings is greater than 6m increase the front setback to the setback of the adjoining building closest to the street boundary.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C3 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line. Refer to diagrams opposite.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C4 Variations to the minimum setback can be considered in the following circumstances:</p> <ul style="list-style-type: none"> • Within Urban Release Areas where it can be demonstrated that the reduced setback will be generally consistent with the character of the area or likely or desired future character of the area consistent with those generally allowed under the SEPP (Exempt and Complying Code) 2008 or relevant Code at the time of lodgement of a development application. 	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	<ul style="list-style-type: none"> • Areas where it can be demonstrated that the setback is consistent with neighbouring properties. This situation is typical to older established areas of Central Wagga and large lot residential land. • Corner lots where it can be demonstrated that the reduced setback on either or both frontages provides a more attractive streetscape without impacting unreasonably on the amenity of the neighbouring properties. This is relevant to designs that address both frontages without boundary fencing. 			
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9.3.7 Side and rear setbacks

<p><i>O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i></p> <p><i>O2 Ensure new development continues the rhythm or pattern of development in the locality.</i></p> <p><i>O3 Provide access for maintenance.</i></p> <p><i>O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.</i></p>	<p>C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.</p> <p>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.</p>	<p>● NR</p>	<p>○ Sat</p>	<p>Side and rear setbacks comply with the objectives</p>
		<p>● NR</p>	<p>○ Sat</p>	

9.4.1 Building elements

<p><i>O1 Encourage quality and visually interesting buildings through the use of building elements.</i></p> <p><i>O2 Facilitate passive solar design principles.</i></p>	C1 Use verandahs or pergolas to link internal and external living areas.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 Porches are to be integrated into the building design and are to be used to create a sheltered and clearly visible entry.	<input type="radio"/>	<input checked="" type="radio"/>	
	C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.	<input type="radio"/>	<input checked="" type="radio"/>	
	C5 Secondary dwellings are to appear as a single occupancy from the public domain.	<input checked="" type="radio"/>	<input type="radio"/>	

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>	C1 Select materials for their environmental performance, durability, detail, and appearance to achieve quality appearance.	<input type="radio"/>	<input checked="" type="radio"/>	
	C2 Avoid large unbroken expanses of any single material.	<input type="radio"/>	<input checked="" type="radio"/>	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	<input type="radio"/>	<input checked="" type="radio"/>	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	<input type="radio"/>	<input checked="" type="radio"/>	

O4 Discourage corporate colours in building facades.				
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9.4.3 Privacy

O1 Ensure privacy within new developments, and avoid potential impacts to existing properties. O2 Ensure adequate acoustic privacy within dwellings.	C1 Offset windows, balconies, and private open space areas between adjoining dwellings.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

9.4.4 Garages, carports, sheds, and driveways

O1 Minimise the visual dominance of garages and driveways in the streetscape. O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.	C1 Where garage doors form part of the facade of a dwelling fronting a public road - the garage door is to be: 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 * - 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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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	C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.	● NR	○ 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 600m ² , (b) 8% of the area or a maximum area of 175m ² , whichever is the lesser, if the lot has an area of at least 600m ² but less than 4000m ² , (c) Lots greater than 4000m ² will be considered on their merits.	● 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 300m ² , whichever is the lesser.	● 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.	● 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 building shall be single storey construction with a maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.	● NR	○ 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.	● NR	○ Sat	

9.4.5 Site facilities

<p><i>O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.</i></p> <p><i>O2 Encourage an attractive residential setting and quality public domain.</i></p> <p><i>O3 Minimise duplication of trenches for services and the like.</i></p>	<p>C3 Locate mailboxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C4 Garbage areas are to be easily accessible within the site and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

9.4.6 Changing the landform – cut and fill

<p><i>O1 Encourage site responsive development and 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>C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows:</p> <ul style="list-style-type: none"> (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>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>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 Fill is not to exceed:</p> <ul style="list-style-type: none"> (a) 1.5m above ground level (existing), and (b) Must be contained by either: 	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<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>(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</p> <p>(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>			
	<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:</p> <p>(a) has been certified by a professional engineer, and</p> <p>(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(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:</p> <p>(i) more than 1.5m in height and within 1m from a side or rear boundary, or</p> <p>(ii) more than 3m in height at any other location.</p>	○ NR	● Sat	
	<p>C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.</p>	○ NR	● Sat	
	<p>C5 No cut or fill to take place within easements.</p>	○ 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.	<input checked="" type="radio"/> NR	<input type="radio"/> 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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C8 All retained material is to have a gradient of at least 5%.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C10 Cut and fill outside the building envelope is not to exceed 600mm.	<input checked="" type="radio"/> NR	<input type="radio"/> 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.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

 14 Boorooma Urban Release Area

 15 Lloyd Urban Release Area

 16 Gobbagombalin Urban Release Area