

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA22/0471	Applicant	J Nielsen PO Box 8634 KOORINGAL NSW 2650
	Date of Lodgement	11/08/2022		
	Proposal	Dwelling with attached garage, in-ground swimming pool, shed and water tank	Description of Mod.	N/A
	Development Cost	\$977000	Other Approvals	Nil
Site Details	Subject Land	165 Butterbush Rd GREGADOO NSW 2650 Lot 7 DP 1262880	Owner	LS Rainbird

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: 14/12/2022

☒ section not relevant

☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

Description	Dwelling with attached garage, in-ground swimming pool, shed and water tank
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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
◀	(b) (c) (e)	DA History		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <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	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Zoning of land (cl 2.2): RU4 The development is permissible in the zone (cl. 2.3(1)) The development is not inconsistent with the objectives of the zone (cl. 2.3(2)): <ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones.
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Land Parcels & DP	(b) (c) (e)	Land Title		<input type="radio"/>	<input checked="" type="radio"/>	<p>There are terms of restriction on the use of land under Section 88B of the <i>Conveyancing Act 1919</i> for this lot. Terms of restrictions that are most relevance are discussed as follows:</p> <ul style="list-style-type: none"> 88B requires that the whole property be maintained as an inner protection area. Relevant condition has been included in the development consent. 88B sets out native vegetation requirements, including location and number of plantings - Native vegetation planting plan supplied meets the requirement. Relevant condition has been included in the development consent. 88B requires a tank of 15,000 litres capacity with inlet no higher than 250m AHD and pressure pump systems to be installed where a residential development is proposed over an elevation of 240m - the proposed development meets these requirements as the applicant proposes a 15,000 litres rainwater tank and its inlet will be below 250m AHD. <p>In addition to 15,000 litres to meet the terms of positive covenant, the applicant is required to install a minimum capacity of 8,000 litres on site to meet the</p>
		<p>Correct legal description and ownership</p> <p>Easements & Building Envelopes</p> <p>Open Deposited Plan (including 88b)</p> <p>Registered title (deferred commencement)</p>		NR	Sat	

						<p>requirements of the BASIX Certificate. Relevant condition has been included in the development consent.</p> <ul style="list-style-type: none"> 88B requires the building to be within the designated building envelope – proposed development meets this requirement given all the buildings including swimming pool are located within the designated building envelope.
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 <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	See section 4.1 for further discussion.
Environmental -Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP (Resilience and Hazards) 2021	○ NR	● Sat	<p>Agricultural land is considered potentially contaminated land. Potential contamination and suitability of the site was considered in the assessment of the subdivision. There was no indication from the site visit that the location of the dwelling, swimming pool and shed was on a part of the site that had been used for an activity that would be considered potentially contaminating such as sheep dips or fuel storage.</p> <p>Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site.</p>
Airport Constraints	(a)(i) (b) (c) (e)	Airport Constraints	LEP 7.11 Airspace operations	○ NR	● 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		○ NR	● Sat	Site visit undertaken on:19/08/2022 The subject site is currently vacant with no significant vegetation present on the site. An overhead electricity powerline runs east to west along the southern (front) boundary and a power pole is located along the south-western corner of the subject site. Proposed development is clear of the electricity power pole and powerline. Given the proximity of overhead electricity powerline from the proposed development the application was referred to Essential Energy for comments.
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		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	Traffic, access and parking Manoeuvring		○ NR	● Sat	

		<p>Site Distance Issues</p> <p>Driveway grade</p> <p>Check Driveway location and grade</p> <ul style="list-style-type: none">• Side entry pit• Service lids/pits• Poles/turrets/substations• Street Trees <p>DCP</p> <p><i>2.1 Vehicle access and movements</i></p> <p><i>9.3.6 Front setbacks</i></p>				
	(a)(iii) (b) (c) (e)	<p>Context, setting and streetscape</p> <p>DCP</p> <p><i>9.2.2 Streetscape</i></p> <p><i>9.2.3 Corner lots and secondary facades</i></p> <p><i>9.2.4 Sloping Sites</i></p> <p><i>9.3.1 Site area per dwelling</i></p> <p><i>9.3.2 Site cover</i></p> <p><i>9.3.6 Front setbacks</i></p> <p><i>9.3.7 Side and rear setbacks</i></p> <p><i>9.4.1 Building elements</i></p> <p><i>9.4.2 Materials and finishes</i></p> <p><i>9.4.4 Garages, carports, sheds and driveways</i></p> <p><i>9.4.5 Site facilities</i></p>		<div><div></div><div>NR</div></div>	<div><div></div><div>Sat</div></div>	See section 9.3.6 below for further discussion.
	(a)(iii) (b)	<p>Public Domain</p>		<div><div></div></div>	<div><div></div></div>	

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

		Boundary fencing and screening <i>DCP</i> <i>9.3.5 Private open space</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.3 Privacy</i>			
	(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(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>	LEP 7.1A Earthworks	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

	(b) (c) (e)	Landscaping		● NR	○ Sat	
	(b) (c) (e)	Waste Construction waste management Asbestos		○ NR	● Sat	
	(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 <i>(Use assessment checklist)</i>	BASIX SEPP 2004	○ NR	● Sat	A valid BASIX Certificate (Certificate No. 1320411S) is received and assessed as being compliant.
	(b) (c) (e)	Other hazards Natural Technological		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	Flora and Fauna (on and off-site)		○ NR	● Sat	

	<p>Check for native veg requirements (R5 and RU4 Land)</p> <p><i>DCP</i> <i>5.2 Preservation of trees</i> <i>5.3 Native Vegetation Cover</i></p>	<p>Section 5AA and Part 7 of the Biodiversity Conservation Act 2016</p> <p><i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i></p>	<p>○ NR</p>	<p>● Sat</p>	<p>Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)</p> <p>There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.</p> <p><i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i></p> <p>No</p> <p><i>2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold?</i></p> <p>No native vegetation is proposed to be removed.</p> <p><i>3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</i></p>
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						<p>Given that no native vegetation is being removed and 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> <p>Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.</p>
	(b) (c) (e)	Social and economic impacts		○ NR	● Sat	
	(b) (c) (e)	Facilitation of Ecologically Sustainable Development		○ NR	● Sat	
	(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	● NR	○ Sat	
			LEP 4.3 Height of buildings	○ NR	● Sat	
			LEP 7.9 Primacy of Zone B3 Commercial Core	○ NR	● Sat	
			LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural	○ NR	● Sat	The dwelling has been proposed on a lot that meets the required minimum lot size.

			and environmental protection zones			
			LEP 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Proposed development is consistent with the prevailing land uses in the locality, of small lot rural-residential living.
			Other Clauses	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Other EPIs	SEPP (Transport and Infrastructure) 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Proposed development was referred to Essential Energy given the proximity of proposed development from an overhead electricity powerline. Essential Energy raised no objection and comments should be imposed as conditions of consent where relevant.
			SEPP (Precincts - Regional) 2021	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			Other SEPPs	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(ii) (b) (c) (e)	Draft EPIs		<input type="radio"/> NR	<input checked="" type="radio"/> 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)(iia) (e)	Planning agreements		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	No related planning agreement has been entered into under section 7.4.

	(d) (e)	Submissions		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Nil
	(e)	Section 68 Application made as part of DA	<i>Local Government Act 1993</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	Contribution paid at subdivision stage.
	(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	Subject site is outside the DSP area.
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	Contribution paid at subdivision stage.
cl.	(a)(iv) (e)	The Regulation – Prescribed Matters <i>EP&A Regulation 2021</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			cl.61(1) - Demolition of a building, the provisions of AS 2601 <i>(ensure condition included requiring compliance with standard)</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			cl.61(7) - Consideration of Special Activation Precinct Master Plan	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			cl.64 - require existing building to be brought into	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			total or partial conformity with BCA (check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)			
	(a)(iv) (e)	The Regulation – Prescribed Conditions (ensure conditions of consent included)	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	<p>The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP.</p> <p>Dates: 21/11/2022 to 28/11/2022</p>
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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>Proposed development does not comply with C3 of 9.3.6 of the DCP that relates to garage protruding in front of the face of the forward most wall of the dwelling enclosing a habitable room.</p> <p>The applicant seeks variation to the control and have provided written justification. Issues surrounding variation request will be discussed under Section 9.3.6 below.</p>
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2.1 Vehicle access and movements



<p><i>O1 Ensure the safety and efficiency of urban and rural roads.</i></p> <p><i>O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.</i></p>	C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.	 NR	 Sat	
	C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.	 NR	 Sat	
	C6 Ensure adequate sight lines for proposed driveways.	 NR	 Sat	

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.	 NR	 Sat	
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2.3 Landscaping

2.5 Safety and security

	C1 Use good site planning to clearly define public, semi-public and private areas.	 NR	 Sat	
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<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> <p><i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i></p>		NR	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	
	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</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>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> <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

	C1 Applications are to satisfy the relevant provisions of <i>Planning for Bush Fire Protection 2006</i> (or any later	<input type="radio"/>	<input checked="" type="radio"/>	Development in bush fire prone areas is subject to <i>Planning for Bush Fire Protection 2019</i> (or any later
		NR	Sat	

<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>versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.</p>			<p>versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).</p> <p>The proposal is on small rural block. If unmanaged the site and adjoining land could develop into a grassland hazard. The 88B, however, has a requirement that the whole site, and adjoining properties are maintained as an inner protection area including native vegetation plantings required for the lot. Therefore, the subject site and adjoining land within 100m is considered to be managed land and not considered to be a bushfire threat. Therefore, no further bushfire protection measures are required.</p> <p>A condition of consent will ensure the site is maintained as an inner protection area.</p>
	<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</p>	<p>○ NR</p>	<p>● Sat</p>	

4.2 Flooding

5.1 Development on ridges and prominent hills

5.2 Preservation of trees

☐ 5.3 Native Vegetation Cover

Refer to this section of the DCP.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Native vegetation requirements for each lot are set out on the 88B instrument. A plan showing planting consistent with this plan has been received. Relevant condition will be imposed on the development consent.
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☒ 5.4 Environmentally sensitive land

☒ 6 Villages

☒ 8 Rural Development

☒ 9.1.5 R3 Zone – Staunton Estate

☐ 9.2.1 Site layout

<i>O1 Encourage site responsive development that is compatible with existing or desired built form.</i> <i>O2 Facilitate sustainable development through passive solar design.</i> <i>O3 Integrate landscaping and built form.</i>	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 type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<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>				
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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> <p><i>O4 In locations where front fences are an important feature of the established streetscape, ensure that new fences complement the character of the streetscape.</i></p>	<p>C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>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.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C3 Fence height at and behind the building line is not to exceed 1800mm in height.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

9.2.3 Corner lots and secondary facades

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

☒ 9.3.2 Site cover

☐ 9.3.4 Solar access

<p><i>O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.</i></p> <p><i>O2 Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living</i></p>	C1 Locate garages, laundries and bathrooms to provide insulation from western sun.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints,	<input checked="" type="radio"/>	<input type="radio"/>	

<p><i>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>	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>The proposal does not comply with C3 of Section 9.3.6 of the DCP as the front of the garage protrudes in front of the face of the forward most wall of the dwelling enclosing a habitable room. The applicant has provided written justification in the SEE report seeking variation to this control.</p> <p>Summary of justification provided as follows:</p> <ul style="list-style-type: none"> - Whilst the garage is set forward 4.4m from the front bedroom wall, it is not only practical to meet the occupants need but also visually appealing on a larger block. - The garage is setback 20m from road therefore no impact on the streetscape. - There is no impact on adjoining properties given adequate setback (over 70m) is

				<p>maintained from eastern and western boundary.</p> <ul style="list-style-type: none"> - There are similar developments within the vicinity and within large lot residential subdivision like Governors Hill therefore the proposal will have minimal impact as opposed to smaller lot sizes which will have greater impact. - Typical landscaping will also soften the bulk of the dwelling. - The subject site is on a rural style lot and <p>Having undertaken a merits assessment of the requested variation, it is considered that the proposal be supported given the following reasons:</p> <ul style="list-style-type: none"> - The subject block is within RU4 zone (Primary Production Small Lots) with an area of 4 Ha. Whilst garage protrudes forward of the forward most wall of habitable room, the front façade of the dwelling is well presented in the street from a design perspective. The roof form, articulation and inclusion of porch/entry within the front façade helps to minimise potential visual impact on the streetscape. - The dwelling maintains reasonable setback from the front boundary and the encroachment of garage forward of the forward most wall of habitable room will not be hugely noticeable due to the inclusion of
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				<p>design element, attractive roof form and proposed distance from the boundary.</p> <ul style="list-style-type: none"> - There are similar examples of development within the vicinity and large lot residential blocks with garages forward of the front wall of habitable room of the dwelling in different shapes and forms. As such, the proposal will not be out of character or detrimental to streetscape. - Proposed development maintains adequate separation from respective boundaries therefore the proposal is unlikely to cause any adverse impact on adjoining properties.
	<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. • 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 	<p>● NR</p>	<p>○ Sat</p>	

	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>	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	
	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

<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.	○ NR	● Sat	
	C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.	○ NR	● Sat	

	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"/> NR	<input checked="" type="radio"/> Sat	
	C5 Secondary dwellings are to appear as a single occupancy from the public domain.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

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

<i>O1 Ensure privacy within new developments, and</i>	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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<p><i>avoid potential impacts to existing properties.</i></p> <p><i>O2 Ensure adequate acoustic privacy within dwellings.</i></p>	<p>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.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
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9.4.4 Garages, carports, sheds and driveways

<p><i>O1 Minimise the visual dominance of garages and driveways in the streetscape.</i></p> <p><i>O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.</i></p>	<p>C1 Where garage doors form part of the facade of a dwelling fronting a public road</p> <p>- the garage door is to be:</p> <p>less than 50% of the width of the house*</p> <p>no wider than 6m #</p> <p>maximum 2.4m high #</p> <p>- double garages are only permitted on lots 12.5m wide or greater*</p> <p>- 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</p> <p># - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C3 The floor area of an outbuilding on a residential lot must not be more than the following:</p> <p>(a) 8% of the site area if the lot has an area of less than 600m²,</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	(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.			
	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	Proposed shed is 54m ² which is 0.13%. The proposed shed is the only outbuilding on the property therefore complies.
	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	Maximum height of proposed outbuilding is 4.732m. Complies.
	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

<i>O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.</i>	C3 Locate mail boxes 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.	○ NR	● Sat	
	C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area	○ NR	● Sat	

<i>O2 Encourage an attractive residential setting and quality public domain.</i>	should be visually screened from adjoining developments and public spaces.			
<i>O3 Minimise duplication of trenches for services and the like.</i>	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.	○ NR	● Sat	

9.4.6 Changing the landform – cut and fill

<i>O1 Encourage site responsive development and protect the amenity of adjoining land.</i>	C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows: (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.	○ NR	● Sat	
<i>O2 Avoid excessive earthworks and minimise changes to the natural landform.</i>	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).			
<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>	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.	○ NR	● Sat	
<i>O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.</i>				
<i>O5 Avoid inappropriate fill being introduced to sites.</i>				

O6 Ensure adequate provision of drainage in relation to cut and fill practices.	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).			
	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 (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.	● NR	○ Sat	
	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.	<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