

Report of Development Application

Environmental Planning and Assessment Act 1979

	Application Number DA23/0152		Applicant	The Trustee For Spanline Weather Strong Building Systems Riverina No 2 Trust
Application	Date of Lodgement	05/04/2023		170-174 Hammond Avenue
Details				EAST WAGGA WAGGA NSW 2650
	Proposal	Enclosing existing patio	Description of Mod.	N/A
	Development Cost	\$26990	Other Approvals	Nil
Site Details	Subject Land	43 Gasnier Loop BOOROOMA NSW 2650 Lot 707 DP 1249099	Owner	KA Campbell & JG Campbell

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

Delegation to Determine Application:- Officer Delegation 7.39

Report Prepared & Approved by:

Bikash Pokharel Town Planner

Date: 1/05/2023

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

Description	Enclosing existing patio
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Mat	Matters for consideration						
GIS & System Check	Section 4.15(1) EP&A Act 1979	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment	
~	(b) (c) (e)	DA History		O NR	Sat	CDC20/0232 – New dwelling, attached garage and retaining wall. CDC22/0178 - Shed	

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	O NR	Sat	Zoning of land (cl 2.2): R1 The development is permissible in the zone (cl. 2.3(1)) The development is consistent with the following objectives of the zone (cl. 2.3(2)): • To provide for the housing needs of the community. • To provide for a variety of housing types and densities.
Land Parcels & DP	(a)(i)	Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b) Registered title (deferred commencement)		O NR	Sat	The subject site is identified as Lot 707 under DP 1249099. 650 707 708 709 The site is burdened by easement to drain sewer and water 2.5m wide. Proposed development is clear of the easement.
LEP 2010 Liste	(a)(i) (a)(iii) (b)	Heritage Conservation Area		NR NR	O Sat	

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	(c) (e)	Listed item	LEP 5.10 Heritage conservation	NR	O Sat	
Urban Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure	O NR	Sat	
LEP 2010 Urban release Area			LEP 6.3 Development control plan	O NR	Sat	
	(a)(i) (a)(iii) (b)	Natural Resource Sensitivity	LEP 7.3 Biodiversity	NR	O Sat	
Sensitivity	(c) (e)	DCP 5.4 Environmentally sensitive land	LEP 7.4 Vulnerable land	NR NR	Sat	
Natural resource Sensitivity			LEP 7.5 Riparian lands and waterways	NR NR	O Sat	
S S			LEP 7.6 Groundwater vulnerability	NR	O Sat	
ŝ	(a)(i) (a)(iii) (b)	Flooding			0	
ling MOFF	(c) (e)	Overland flow		NR	Sat	
Flooding (including MOFFS)		DCP 4.2 Flooding	LEP 5.21 Flood Planning	NR NR	O Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire DCP 4.1 Bushfire		O NR	Sat	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.

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Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP (Resilience and Hazards) 2021	O NR	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	O NR	Sat	
Airport			LEP 7.12 Development in areas subject to aircraft noise	O NR	Sat	
	(b) (c) (e)	Services/Utilities		0		
	(-)	(Septic area? Health referral))		NR	Sat	
Sewer and Stormawater		Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)				
Sewer and		Stormwater issues – overland flow				
Assets -		Electricity infrastructure (including setbacks to substations) (Transport/infrastructure SEPP referral)				

Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Existing site conditions Buildings on site Retaining walls Cut and fill Deposited fill Boundary fencing and walls Private open space Vegetation *Proximity to natural waterways Other observations	O NR	Sat	Site visit undertaken on: 20/04/2023
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Off site observations Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations	O NR	Sat	
	(a)(iii) (b) (c) (e)	Traffic, access and parking Manoeuvring Site Distance Issues Driveway grade	O NR	Sat	

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	Check Driveway location and grade			
(a)(iii) (b) (c) (e)	Context, setting and streetscape	O NR	Sat	
	DCP 9.2.2 Streetscape 9.2.3 Corner lots and secondary facades 9.2.4 Sloping Sites 9.3.1 Site area per dwelling 9.3.2 Site cover 9.3.6 Front setbacks 9.3.7 Side and rear setbacks 9.4.1 Building elements 9.4.2 Materials and finishes 9.4.4 Garages, carports, sheds and driveways 9.4.5 Site facilities			
(a)(iii) (b) (c) (e)	Public Domain Impact on street or adjoining public place	O NR	Sat	
	Condition/Dilapidation			

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		T			
	Construction access DCP 2.7 Development adjoining open space 9.4.5 Site facilities				
(a)(iii) (b) (c) (e)	Safety, security and crime prevention DCP 2.5 Safety and security		O NR	Sat	
(a)(iii) (b) (c) (e)	DCP 9.2.1 Site layout 9.4.1 Building elements 9.4.4 Garages, carports, sheds and driveways		O NR	Sat	
(a)(iii) (b) (c) (e)	DCP 9.3.4 Solar access 9.3.7 Side and rear setbacks		O NR	Sat	
(a)(iii) (b) (c) (e)	Visual Privacy Private open space Boundary fencing and screening DCP 9.3.5 Private open space		O NR	Sat	

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	9.3.7 Side and rear setbacks 9.4.3 Privacy				
(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts		O NR	Sat	
	Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)				
(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		O NR	Sat	
(a)(i) (a)(iii) (b) (c) (e)	Earthworks and Soils Cut and fill Stability and erosion control Stormwater quality		O NR	Sat	
	DCP 9.4.6 Changing the landform – cut and fill	LEP 7.1A Earthworks	O NR	Sat	
(b) (c) (e)	Landscaping		NR NR	O Sat	
(b) (c) (e)	Waste		0	•	

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	Construction waste management Asbestos		NR	Sat	
(a)(iii) (b) (c) (e)	DCP 9.3.7 Side and rear setbacks 9.4.1 Building elements 9.4.2 Materials and finishes		O NR	Sat	
(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	NR NR	O Sat	
(b) (c) (e)	Other hazards Natural Technological		O NR	Sat	
(a)(iii) (b) (c) (e)	U		O NR	Sat	
	DCP 5.2 Preservation of trees 5.3 Native Vegetation Cover	Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)	O NR	Sat	Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats) There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW

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	Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets. 1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?
	No 2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold?
	No native vegetation is proposed to be removed. 3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.
	Given that no native vegetation is being removed and in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect threatened species or ecological communities or their habitats.

					Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.
(b) (c) (e)	Social and economic impacts		O NR	Sat	
(b) (c) (e)	Facilitation of Ecologically Sustainable Development		O NR	Sat	
(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	NR NR	O Sat	
		LEP 4.3 Height of buildings	O NR	Sat	
		LEP 7.9 Primacy of Zone B3 Commercial Core	O NR	Sat	
		LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	NR NR	Sat	
		LEP 5.16 Subdivision of, or dwellings on, land in	NR	O Sat	

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		certain rural, residential or environment protection zones			
		Other Clauses	NR	O Sat	
(a)(i) (b) (c) (e)	Other EPIs	SEPP (Transport and Infrastructure) 2021	NR NR	O Sat	
		SEPP (Precincts - Regional) 2021	● NR	O Sat	
		Other SEPPs	● NR	O Sat	
(a)(ii) (b) (c) (e)	Draft EPIs		O NR	Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
(a)(iiia) (e)	Planning agreements		NR NR	O Sat	No related planning agreement has been entered into under section 7.4.
(d) (e)	Submissions		O NR	Sat	Nil
(e)	Section 68 Application made as part of DA	Local Government Act 1993	NR NR	O Sat	
(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	EP&A Act 1979	NR	O Sat	

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	(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	EP&A Act 1979	NR	O Sat	
	(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	s64 LG Act 1993 & s306 Water Management Act 2000	NR NR	O Sat	
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	s64 LG Act 1993 & s306 Water Management Act 2000	NR NR	O Sat	
cl.	(a)(iv) (e)	The Regulation – Prescribed Matters		O NR	Sat	
		EP&A Regulation 2021	cl.61(1) - Demolition of a building, the provisions of AS 2601	NR	O Sat	
			(ensure condition included requiring compliance with standard)			
			cl.61(7) - Consideration of Special Activation Precinct Master Plan	NR NR	Sat	
			cl.64 - require existing building to be brought into total or partial conformity with BCA	NR NR	Sat	
			(check with Building Surveyor for development proposing the rebuilding, alteration,			
			enlargement or extension of an existing building)			
	(a)(iv) (e)	The Regulation – Prescribed Conditions	EP&A Regulation 2021	O NR	Sat	

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	(ensure conditions of consent included)				
(e)	Other regulation matters	EP&A Regulation 2021	0		
			NR	Sat	
(e)	Council Policies		O NR	Sat	Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land. No declaration has been made that would require action under this policy.
(e)	Other public interest matters		O NR	Sat	It is considered that this application will not have a detrimental effect on the public interest.

Development Control Plan 2010 Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979					
DCP Section (Objectives and Controls) (Example section not relevant)	Not Relevant	Satisfactory	Comment		

1.10 Notification of a Development Application

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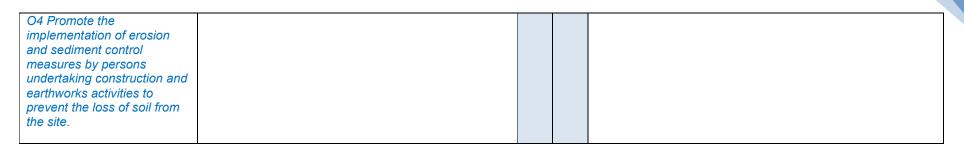
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Compliance with the advertising and notification procedures detailed in this section of the DCP	O NR	Sat	In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was not required 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

O1 Incorporate crime prevention strategies in new developments.	C1 Use good site planning to clearly define public, semi-public and private areas.	O NR	Sat
O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public	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.	NR NR	Sat
domain. O3 Maximise opportunities	C3 Minimise blank walls along street frontages.	NR	Sat
for natural surveillance of public spaces and building or site entrances.	C4 Avoid areas of potential concealment and 'blind' corners.	O NR	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	NR NR	O Sat

	and sited to minimise spill and potential nuisance to adjoining properties.		
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	NR NR	O 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.	NR NR	O Sat
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	NR NR	Sat
2.6 Erosion and s	ediment control		
O1 Protect the environment against soil erosion and loss of soil from construction sites.	Consistent with the objectives of this section of the DCP.	O NR	Sat
O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.			
O3 Prevent flood damage of individual properties caused by sediment reducing the			



- 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
- **8** 6 Villages
- **8** Rural Development

9.2.1 Site layout				
O1 Encourage site responsive development that is compatible with existing or	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	O NR	Sat	
desired built form. O2 Facilitate sustainable	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	O NR	Sat	
development through passive solar design.	C3 Orient living spaces to maximise solar access.	O NR	Sat	
O3 Integrate landscaping and built form.	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	O NR	Sat	
O4 Encourage designs which respond to the physical context and characteristics of the particular site.				
O5 Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.				

9.2.3 Corner lots and secondary facades

9.1.5 R3 Zone – Staunton Estate

9.2.2 Streetscape

9.2.4 Sloping sites

9.3.2 Site cover	C1 Maximum site cover is to be in accordance with	0		
ites are of sufficient size for dual occupancy, multi dwelling housing and esidential flat developments.	Table 9.3.2a.	NR	Sat	
D2 Ensure adequate areas for access, parking, andscaping, useable garden and outdoor areas and natural runoff.				
O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.				
9.3.4 Solar access	5			
O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so	C1 Locate garages, laundries and bathrooms to provide insulation from western sun.	NR NR	O Sat	
that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	O NR	Sat	
space areas. O2 Ensure non-habitable rooms such as garages,	C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.	O NR	Sat	

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laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation. O3 Maintain reasonable sunlight access to adjoining properties.	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. 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 O NR	Sat Sat	
properties.	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 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 NR	Sat	
9.3.5 Private open	space			
O1 Provide quality, useable private open space. O2 Ensure adequate areas for recreation and outdoor	C1 At least 24m2 of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.	O NR	Sat	
living. O3 Encourage good connection between dwellings and private open space.	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 NR	Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	O NR	Sat	

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3.3.7 Side and lea	ii sethacks			
O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.	C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.	NR NR	Sat	Side and rear setbacks comply with the objectives
O2 Ensure new development continues the rhythm or pattern of development in the locality.	C2 Any point of a building must have a setback from the side boundary nearest to that point of at least: a) If the lot is in Zone R5 a setback of 2m, or b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.	NR NR	O Sat	
O3 Provide access for maintenance.				
O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.				
9.4.1 Building ele				
O1 Encourage quality and visually interesting buildings through the use of building	C1 Use verandahs or pergolas to link internal and external living areas.	O NR	Sat	
elements. O2 Facilitate passive solar design principles.	C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.	NR NR	O Sat	

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9.3.6 Front setbacks

	C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.	NR Sat
	C5 Secondary dwellings are to appear as a single occupancy from the public domain.	NR Sat
9.4.2 Materials an	d finishes	
O1 Encourage the use of external materials and finishes that are suited to their location and support	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	NR Sat
consistent quality streetscapes.	C2 Avoid large unbroken expanses of any single material.	NR Sat
O2 Encourage use of materials that have good thermal performance.	C3 Minimise use of highly reflective or glossy materials on building exteriors.	O NR Sat
O3 Promote the use of materials that are climate responsive and contribute to innovative building design.	C4 Use contrasting materials in combination with design elements for features such as corner elements.	NR Sat
O4 Discourage corporate colours in building facades.		
9.4.3 Privacy		
O1 Ensure privacy within new developments, and	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	NR Sat

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ows and door openings

- 9.4.4 Garages, carports, sheds and driveways
- 9.4.5 Site facilities
- 9.4.6 Changing the landform cut and fill
- 14 Boorooma Urban Release Area
- 15 Lloyd Urban Release Area
- 16 Gobbagombalin Urban Release Area