

Report of Development Application

Environmental Planning and Assessment Act 1979

	Application Number	DA23/0229	Applicant	PJ Mowbray 18 Dundale Cres
Application	Date of Lodgement	15/05/2023		ESTELLA NSW 2650
Details	Proposal	Swimming Pool	Description of Mod.	N/A
	Development Cost	\$51770	Other Approvals	Nil
Site Details	Subject Land	18 Dundale Cres ESTELLA NSW 2650 Lot 315 DP 1113057	Owner	PJ Mowbray & ER Mowbray

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 by:

Victoria Rice Cadet Town Planner

Date: 31/5/2023

Report Approved by:

Amanda Gray

Senior Town Planner

Date:31.5.2023

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

Description	In-ground pool

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	CDC08/0096 – Proposed Dwelling CDC08/0097 – Proposed Shed DA18/0538 – Demolition of existing shed, construct new shed

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
LEP 2010 Zones						 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	(b) (c) (e)	Land Title Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b)		O NR	Sat	According to Council records the subject site is not burdened by any easements.
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Registered title (deferred commencement) Heritage Conservation Area Listed item DCP 3 Heritage Conservation	LEP 5.10 Heritage conservation	NR NR	O Sat O Sat	

	(-)(:)	T	T - =			
	(a)(i) (b)	Urban Release Area	LEP 6.2 Public utility			
u B	(c) (e)		infrastructure	NR	Sat	
Jrba	(e)		aoti dotaro	NR	Sal	
0 U						
LEP 2010 Urban release Area			LEP 6.3 Development		\circ	
iele :			control plan		_	
느 "			Control plan	NR	Sat	
	(a)(i)	Natural Resource Sensitivity	LEP 7.3 Biodiversity			
	(a)(i) (a)(iii)	Natural Nesource Sensitivity	LLF 7.3 blodiversity		0	
<u>.</u>	(c)	5055454544444		NR	Sat	
Natural resource Sensitivity	(e)	DCP 5.4 Environmentally sensitive	LEP 7.4 Vulnerable land		0	
ens		land			_	
Ο̈				NR	Sat	
nic			LEP 7.5 Riparian lands		\circ	
ose			and waterways	MD	_	
al re			and materinaye	NR	Sat	
tur						
Z			LEP 7.6 Groundwater		0	
					_	
			vulnerability	NR	Sat	
	(a)(i) (a)(iii)	Flooding			\bigcirc	
(S:	(a)(iii) (b)			MD	_	
) FF	(c)	Overland flow		NR	Sat	
Ming	(e)	Overland now				
Flooding (including MOFFS)			LEP 5.21 Flood Planning		\circ	
E pn		DCP 4.2 Flooding	LEI 3.2111000111aillillig		_	
(inc				NR	Sat	
	(a)(iii)	Descriptions				The site is not assessed as book fine your look
pu	(b)	Bushfire		\circ		The site is not mapped as bush fire prone land
Bushfire Prone Land	(c)			NR	Sat	and a site inspection has confirmed that the
sust	(e)	DCP 4.1 Bushfire				site or surrounding area is not a bush fire risk.
Pro						No further assessment is required.
						ino iditiloi dosessificiti is required.

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 LEP 7.12 Development in	O NR	Sat	
Airpo			areas subject to aircraft noise	NR	Sat	
	(b) (c) (e)	Services/Utilities (Septic area? Health referral))		O 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: 24 May 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	

	Check Driveway location and grade Side entry pit Service lids/pits Poles/turrets/substations Street Trees DCP 2.1 Vehicle access and movements 9.3.6 Front setbacks			
(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			

		, 			
	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	

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

	1 O martin attack		MD	0-1	
	Construction waste		NR	Sat	
	management				
	Asbestos				
(a)(iii) (b) (c) (e)	Energy & Water DCP 9.3.7 Side and rear setbacks 9.4.1 Building elements 9.4.2 Materials and finishes		O NR	Sat	
	o. n.z waterials and immeries				
(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	NR NR	Sat	Pool capacity is less than 40,000L and does not require BASIX.
(b)					
(b) (c) (e)	Other hazards Natural		0		
	Technological		NR	Sat	
(a)(iii)	Flora and Fauna		0		
(b) (c) (e)	(on and off-site)		NR	Sat	
(6)					
	Check for native veg				
	requirements (R5 and RU4				
	Land)	Section 5AA and Part 7			Section 5AA and Part 7 of the Biodiversity
		of the Biodiversity	NR	Sat	Conservation Act 2016 (Test for determining
	DCP	Conservation Act 2016			whether proposed development or activity
	5.2 Preservation of trees				likely to significantly affect threatened species
	5.3 Native Vegetation Cover	Test for determining whether proposed development or			or ecological communities, or their habitats)
		activity is likely to significantly			There are a remaining of the state to determine
		affect threatened species or			There are a number of tests to determine
		ecological communities, or their habitats)			whether the proposal triggers the NSW
		าเลมแลเง)			Biodiversity Offset Scheme under the NSW

	Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.
	in the need for further assessments of onsets.
	1. Is the subject site identified as an area
	of outstanding biodiversity value on the biodiversity values map?
	No No
	2. Does the amount of native vegetation
	being removed exceed the biodiversity offsets scheme threshold.
	onsets scheme uneshold.
	No native vegetation is proposed to be removed.
	Terrioved.
	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	

		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	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	

(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan	EP&A Act 1979		\circ	
	2019 - 2034)		NR	Sat	
(e)	Section 64 sewer	s64 <i>LG Act 1993</i> & s306		0	
	(Development Servicing Plan – Sewerage Services – July 2013)	Water Management Act 2000	NR	Sat	
(e)	Section 64 stormwater	s64 <i>LG Act 1993</i> & s306		0	
	(Development Servicing Plan – Stormwater – November 2007)	Water Management Act 2000	NR	Sat	
(a)(iv) (e)	The Regulation - Prescribed		0		
	Matters		NR	Sat	
	EP&A Regulation 2021	cl.61(1) - Demolition of a		\circ	
		building, the provisions of AS 2601	NR	Sat	
		(ensure condition included			
		requiring compliance with standard)			
		cl.61(7) - Consideration of		0	
		Special Activation Precinct Master Plan	NR	Sat	
		cl.64 - require existing		0	
		building to be brought into	NR	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	O NR	Sat	
(e)	Other regulation matters	EP&A Regulation 2021	O 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)	Not Relevant	Satisfactory	Comment			
(⊠ section not relevant)	Ž	S				

1.10 Notification	of a Development Application			
Compliance with the advertising the DCP	ng and notification procedures detailed in this section of	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.
1.11 Complying w	vith the Wagga Wagga Development Co	ontro	l Pla	n 2010
2.1 Vehicle acces	s and movements			
2.2 Off-street parl	king			
2.3 Landscaping				
2.5 Safety and se	curity			
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	O Sat	
domain.	C3 Minimise blank walls along street frontages.	NR	O Sat	

O3 Maximise opportunities	C4 Avoid areas of potential concealment and 'blind'	\bigcirc		
for natural surveillance of	corners.			
public spaces and building or		NR	Sat	
site entrances.	C5 Provide lighting to external entry areas, driveways		\bigcirc	
	and car parks in accordance with the relevant		_	
	Australian Standards. The lighting is to be designed	NR	Sat	
	and sited to minimise spill and potential nuisance to			
	adjoining properties.			
	OO Planting and for all and the second and the seco			
	C6 Planting and fencing is not to reduce the safety of			
	users or	NR	Sat	
	compromise areas of natural surveillance.	IVI	Sal	
	C7 Where a site provides a pedestrian through route		\bigcirc	
	the access path is to be clearly defined and sign		_	
	posted, appropriately lit, and have satisfactory visibility.	NR	Sat	
	C8 Locate public toilets and rest areas to promote their		0	
	use, and maximise public surveillance without creating		_	
	visual intrusion.	NR	Sat	
	Violati intradion.			
2.6 Erosion and s	ediment control			
O1 Protect the environment	Consistent with the objectives of this section of the	\bigcirc		
against soil erosion and loss	DCP.	N/D	Cod	
of soil from construction		NR	Sat	
sites.				

sites.

O2 Prevent the degradation of drainage systems, waterways and aquatic environments from

deposition of soil and foreign material from construction



- 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

× 6 '	Villages
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- **8** Rural Development
- 9.1.5 R3 Zone Staunton Estate
- 9.2.1 Site layout

·	\circ		
level or rock outcrops as features within the site layout.	NR	Sat	
	IVIX	Jai	
	0		
one layout, avoiding underdimod opasse.	NR	Sat	
C3 Orient living spaces to maximise solar access.		0	
	NR	Sat	
C4 Facilitate natural cross ventilation within dwellings		0	
through the location of windows and doors.	NR	Sat	
		level or rock outcrops as features within the site layout. C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces. C3 Orient living spaces to maximise solar access. C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	level or rock outcrops as features within the site layout. C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces. C3 Orient living spaces to maximise solar access. C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors

9.2.2 Streetscape

Category 1 Development Assessment Report and Checklist



- 9.2.4 Sloping sites
- 9.3.1 Site area per dwelling
- 9.3.2 Site cover
- 9.3.4 Solar access
- 9.3.5 Private open space

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	O Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	NR	O Sat	

9.3.6 Front setbacks

Ш	9.3.7	Side	and	rear	setbacks

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	O 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.				

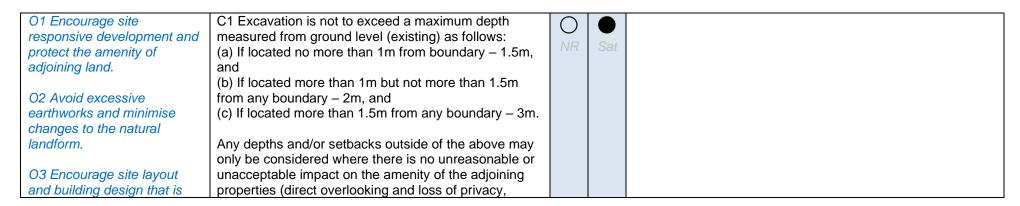
9.4.1 Building elements

9.4.2 Materials and 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.	O NR	Sat	
consistent quality streetscapes.	C2 Avoid large unbroken expanses of any single material.	NR	O 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. O4 Discourage corporate colours in building facades.	C4 Use contrasting materials in combination with design elements for features such as corner elements.	NR NR	Sat	

- **9.4.3 Privacy**
- 9.4.4 Garages, carports, sheds and driveways
- 9.4.5 Site facilities
- 9.4.6 Changing the landform cut and fill



appropriate to the site	overshadowing to areas of principal private open			
conditions, including use of	space and living areas).			
split levels, pier foundation or	,			
suspended floor house	C2 Fill is not to exceed:	0		
designs.	(a) 1.5m above ground level (existing), and	_		
	(b) Must be contained by either:	NR	Sat	
O4 Avoid adverse impacts on	(i) A retaining wall or other form of structural support			
salinity by minimising the	that does not extend more than 1.5m from the closest			
potential for surface water to	external wall of the dwelling house, or			
enter the groundwater in	(ii) An unprotected sloping embankment or batter that			
recharge areas.	does not extend from the dwelling house by more than			
_	3m, in which case the toe of the embankment or batter			
O5 Avoid inappropriate fill	must be more than 1m away from a side or rear			
being introduced to sites.	boundary.			
O6 Ensure adequate	Variations to the above setbacks can be considered			
provision of drainage in	where the applicant can demonstrate that there is an			
relation to cut and fill	acceptable impact on the amenity of the adjoining			
practices.	properties (privacy, overshadowing).			
	C3 Retaining walls and support for earthworks that are	0		
	more than 600mm above or below ground (existing)			
	and within 1m of the boundary or more than 1m above	NR	Sat	
	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.			

C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside	0		
the easements zone of influence.	NR	Sat	
C5 No cut or fill to take place within easements.	0		
	NR	Sat	
C6 To encourage site responsive development,		0	
excavation and retaining walls greater than that specified in C1 to C3 above can be considered where	NR	Sat	
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.			
C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the		\circ	
dwelling. Should the provision of retaining walls and fill	NR	Sat	
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.			
C8 All retained material is to have a gradient of at least 5%.	0		
370.	NR	Sat	
C9 Fill material is to be substantially from the site only.	0		
Imported fill material is not encouraged.	NR	Sat	
C10 Cut and fill outside the building envelope is not to		0	
exceed 600mm.	NR	Sat	
C11 Stormwater or surface water runoff is not to be	0		
redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be	NR	Sat	
provided to divert water away from batters.			

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.	O NR	Sat	

- 14 Boorooma Urban Release Area
- 15 Lloyd Urban Release Area
- 16 Gobbagombalin Urban Release Area