

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA23/0247	Applicant	JS Shaw 102 Lakehaven Dr LAKE ALBERT NSW 2650
	Date of Lodgement	22/05/2023		
	Proposal	Outbuilding (Shed)	Description of Mod.	N/A
	Development Cost	\$50000	Other Approvals	Section 68 Activity Approval - Part B5 Stormwater (Private) (AA23/0272)
Site Details	Subject Land	102 Lakehaven Dr LAKE ALBERT NSW 2650 Lot 21 DP 1235752	Owner	JS Shaw & MI Shaw

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

Delegation to Determine Application: - Officer Delegation 7.39

Report Prepared & approved by:



Hayden Bousfield
Town Planner

Date: 08/06/2023

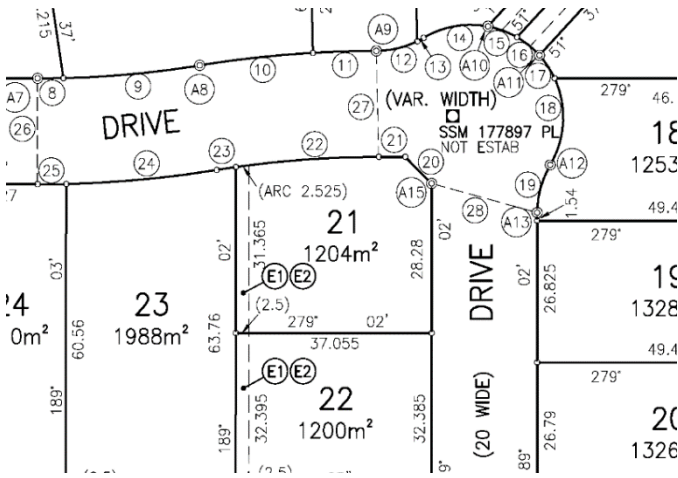
❌ Section 4.55 Modification of Consent

❌ Section 4.15(1) Matters for consideration - general

Description	The Development Application seeks consent for the construction of an outbuilding (shed) ancillary to an existing dwelling at 102 Lakehaven Dr, Lake Albert
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Matters for consideration					
GIS & System Check	Section 4.15(1) EP&A Act 1979	Issue	Legislative Provisions	Not Relevant	Satisfactory
⏮	(b) (c) (e)	DA History		<input type="radio"/> NR	<input checked="" type="radio"/> Sat
DA19/0195: Dwelling with double garage approved 20/05/2019					

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 (cl 2.2): R5 Large Lot Residential The development is located with the R5 zoning where the development is permissible with consent (cl. 2.3(1)) and is consistent with the following zone objectives (cl. 2.3(2)): <ul style="list-style-type: none"> • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.
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Land Parcels & DP	(b) (c) (e)	Land Title Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b) Registered title (deferred commencement)		<div><div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div></div>	<p>The subject site is Lot 21 in DP 1235752</p>  <p>The site is burden with an easement adjoining the western boundary to drain sewer and stormwater 2.5m wide. The proposed outbuilding is clear of the easement.</p>
	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item		<div><div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div></div>	
		LEP 5.10 Heritage conservation DCP 3 Heritage Conservation		<div><div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div></div>	
	LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure	<div><div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div></div>
LEP 6.3 Development control plan			<div><div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div></div>		

Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	Natural Resource Sensitivity	LEP 7.3 Biodiversity	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		<i>DCP 5.4 Environmentally sensitive land</i>	LEP 7.4 Vulnerable land	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 7.5 Riparian lands and waterways	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.6 Groundwater vulnerability	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	Flooding		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		Overland flow <i>DCP 4.2 Flooding</i>	LEP 5.21 Flood Planning	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire <i>DCP 4.1 Bushfire</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	The site is not mapped as bush fire prone land and a site inspection has confirmed that the site or surrounding area is not a bush fire risk. No further assessment is required.
Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP (Resilience and Hazards) 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites.
Airport Constraints	(a)(i) (b) (c)	Airport Constraints	LEP 7.11 Airspace operations	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	(e)				
			LEP 7.12 Development in areas subject to aircraft noise	○ NR	● 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)		○ NR	● Sat

Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Existing site conditions Buildings on site Retaining walls Cut and fill Deposited fill Boundary fencing and walls Private open space Vegetation *Proximity to natural waterways Other observations		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Site visit undertaken on: 24/05/2023
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	Offsite observations Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	Traffic, access, and parking Manoeuvring Site Distance Issues Driveway grade		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

		Check Driveway location and grade <ul style="list-style-type: none"> • Side entry pit • Service lids/pits • Poles/turrets/substations • Street Trees <p>DCP <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i></p>			
	(a)(iii) (b) (c) (e)	Context, setting and streetscape <p>DCP <i>9.2.2 Streetscape</i> <i>9.2.3 Corner lots and secondary facades</i> <i>9.2.4 Sloping Sites</i> <i>9.3.1 Site area per dwelling</i> <i>9.3.2 Site cover</i> <i>9.3.6 Front setbacks</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i> <i>9.4.4 Garages, carports, sheds and driveways</i> <i>9.4.5 Site facilities</i></p>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Public Domain <p>Impact on street or adjoining public place</p> <p>Condition/Dilapidation</p>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

		Construction access <i>DCP</i> <i>2.7 Development adjoining open space</i> <i>9.4.5 Site facilities</i>			
	(a)(iii) (b) (c) (e)	Safety, security, and crime prevention <i>DCP 2.5 Safety and security</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Site and internal design <i>DCP</i> <i>9.2.1 Site layout</i> <i>9.4.1 Building elements</i> <i>9.4.4 Garages, carports, sheds, and driveways</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Solar impact <i>DCP</i> <i>9.3.4 Solar access</i> <i>9.3.7 Side and rear setbacks</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>
	(a)(iii) (b) (c) (e)	Visual Privacy Private open space Boundary fencing and screening <i>DCP</i> <i>9.3.5 Private open space</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>

		9.3.7 Side and rear setbacks 9.4.3 Privacy				
	(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (a)(iii) (b) (c) (e)	Earthworks and Soils Cut and fill Stability and erosion control Stormwater quality <i>DCP</i> <i>9.4.6 Changing the landform – cut and fill</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.1A Earthworks	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	Landscaping		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(b) (c) (e)	Waste		<input type="radio"/>	<input checked="" type="radio"/>	

		Construction waste management		NR	Sat	
		Asbestos				
	(a)(iii) (b) (c) (e)	Energy & Water <i>DCP</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	BASIX SEPP 2004	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(b) (c) (e)	Other hazards Natural Technological		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	Flora and Fauna (on and off-site) Check for native veg requirements (R5 and RU4 Land) <i>DCP</i> <i>5.2 Preservation of trees</i> <i>5.3 Native Vegetation Cover</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 <i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats) There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW

					<p>Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.</p> <p><i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i></p> <p>No</p> <p><i>2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.</i></p> <p>No native vegetation is proposed to be removed.</p> <p><i>3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</i></p> <p>Given that no native vegetation is being removed and in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect threatened species or ecological communities or their habitats.</p>
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						Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.
	(b) (c) (e)	Social and economic impacts		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	Facilitation of Ecologically Sustainable Development		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 4.3 Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.9 Primacy of Zone B3 Commercial Core	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 5.16 Subdivision of, or dwellings on, land in certain rural, residential or	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			environment protection zones			
			Other Clauses	● NR	○ Sat	
	(a)(i) (b) (c) (e)	Other EPIs	SEPP (Transport and Infrastructure) 2021	● NR	○ Sat	
			SEPP (Precincts - Regional) 2021	● NR	○ Sat	
			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	Draft EPIs		○ NR	● Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
	(a)(iiia) (e)	Planning agreements		● NR	○ Sat	No related planning agreement has been entered into under section 7.4.
	(d) (e)	Submissions		○ NR	● Sat	Nil
	(e)	Section 68 Application made as part of DA	<i>Local Government Act 1993</i>	○ NR	● Sat	Section 68 Part B5 - Stormwater (Private) (AA23/0272)
	(e)	Section 7.11 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	● NR	○ Sat	

	(e)	Section 7.12 Contributions (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&A Act 1979</i>	● NR	○ Sat	
	(e)	Section 64 sewer (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	● NR	○ Sat	
	(e)	Section 64 stormwater (Development Servicing Plan – Stormwater – November 2007)	<i>s64 LG Act 1993 & s306 Water Management Act 2000</i>	● NR	○ Sat	The lot was created post 12/9/84 and therefore no contribution is required.
	(a)(iv) (e)	The Regulation – Prescribed Matters <i>EP&A Regulation 2021</i>		○ NR	● Sat	
			<i>cl.61(1) - Demolition of a building, the provisions of AS 2601</i> <i>(ensure condition included requiring compliance with standard)</i>	● NR	○ Sat	
			<i>cl.61(7) - Consideration of Special Activation Precinct Master Plan</i>	● NR	○ Sat	
			<i>cl.64 - require existing building to be brought into total or partial conformity with BCA</i> <i>(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)</i>	● NR	○ Sat	

	(a)(iv) (e)	The Regulation – Prescribed Conditions <i>(ensure conditions of consent included)</i>	EP&A Regulation 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Other regulation matters	EP&A Regulation 2021	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(e)	Council Policies		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>Policy 046 - Processing Development Applications lodged by Councillors, staff, and individuals of which a conflict of interest may arise, or on Council owned land.</p> <p>No declaration has been made that would require action under this policy.</p>
	(e)	Other public interest matters		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	It is considered that this application will not have a detrimental effect on the public interest.

Development Control Plan 2010

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979

DCP Section (Objectives and Controls)	Not Relevant	Satisfactory	Comment
(☒ section not relevant)			

☐ 1.10 Notification of a Development Application

Compliance with the advertising and notification procedures detailed in this section of the DCP	<input type="radio"/>	<input checked="" type="radio"/>	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP. Dates: 31/05/2023 – 07/06/2023
	NR	Sat	

☒ 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

<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>	C1 Use good site planning to clearly define public, semi-public and private areas.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C3 Minimise blank walls along street frontages.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	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 checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

2.6 Erosion and sediment control

<p><i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i></p> <p><i>O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i></p> <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>	Consistent with the objectives of this section of the DCP.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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2.7 Development adjoining open space

3 Heritage Conservation

☒ 4.1 Bushfire

☒ 4.2 Flooding

☒ 5.1 Development on ridges and prominent hills

☒ 5.2 Preservation of trees

☒ 5.3 Native Vegetation Cover

☐ 5.4 Environmentally sensitive land

<p><i>O1 To support the controls and objective for both the E2 and E4 Zone and environmentally sensitive land provisions in Clauses 7.3 to and inclusive of Clause 7.6 of the LEP.</i></p> <p><i>O2 Protect, maintain or improve the diversity of the native flora and fauna.</i></p> <p><i>O3 Protect the ecological processes necessary for their continued existence.</i></p> <p><i>O4 Encourage the recovery of threatened species, communities or populations and their habitats.</i></p> <p><i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i></p>	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.	● NR	○ Sat	
	Environmentally sensitive land – biodiversity (Outside “biocertified area”)	○ NR	● Sat	
	Natural Resources Sensitivity - land	● NR	○ Sat	
	Natural Resources Sensitivity - waterways	○ NR	● Sat	
	Natural Resources Sensitivity - groundwater	● NR	○ Sat	

6 Villages

8 Rural Development

9.1.5 R3 Zone – Staunton Estate

9.2.1 Site layout

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

9.2.2 Streetscape

☒ 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 type="radio"/> NR	<input checked="" 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

<p><i>O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.</i></p> <p><i>O2 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.</i></p>	<p>C1 Maximum site cover is to be in accordance with Table 9.3.2a.</p> <p>Table 9.3.2a Maximum site cover</p> <table><tr><th rowspan="2"></th><th colspan="2">Site cover (max)</th></tr><tr><th>R1 Zone</th><th>R3 Zone</th></tr><tr><td>Single dwellings¹ site area</td><td></td><td></td></tr><tr><td> less than 600m²</td><td>60% #</td><td>60% #</td></tr><tr><td> 600m² – 900m²</td><td>50%</td><td>50%</td></tr><tr><td> 900m²- 1500m²</td><td>40%</td><td>40%</td></tr><tr><td> Greater than 1500m²</td><td>30%</td><td>30%</td></tr><tr><td> Secondary dwellings</td><td>50%</td><td>50%</td></tr><tr><td> Dual occupancy</td><td>50%</td><td>50%</td></tr><tr><td> Multi-dwelling housing</td><td>40%</td><td>40%</td></tr><tr><td> Residential flat buildings</td><td>40%</td><td>40%</td></tr></table>		Site cover (max)		R1 Zone	R3 Zone	Single dwellings ¹ site area			less than 600m ²	60% #	60% #	600m ² – 900m ²	50%	50%	900m ² - 1500m ²	40%	40%	Greater than 1500m ²	30%	30%	Secondary dwellings	50%	50%	Dual occupancy	50%	50%	Multi-dwelling housing	40%	40%	Residential flat buildings	40%	40%	<div><div><div></div><div>NR</div></div><div><div></div><div>Sat</div></div></div>	<p>The outbuilding size is appropriate to the site and generally meets the objectives.</p>
	Site cover (max)																																		
	R1 Zone	R3 Zone																																	
Single dwellings ¹ site area																																			
less than 600m ²	60% #	60% #																																	
600m ² – 900m ²	50%	50%																																	
900m ² - 1500m ²	40%	40%																																	
Greater than 1500m ²	30%	30%																																	
Secondary dwellings	50%	50%																																	
Dual occupancy	50%	50%																																	
Multi-dwelling housing	40%	40%																																	
Residential flat buildings	40%	40%																																	

O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.				
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9.3.4 Solar access

<p>O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.</p> <p>O2 Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.</p> <p>O3 Maintain reasonable sunlight access to adjoining properties.</p>	C1 Locate garages, laundries, and bathrooms to provide insulation from western sun.	● NR	○ Sat	
	C2 Locate living areas and private open space to ensure orientation to the north and northeast where possible.	● NR	○ 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.	○ NR	● Sat	
	C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints, existing built form and good design practices limit the ability of the proposal to comply with these controls.	● NR	○ Sat	
	C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).	○ NR	● Sat	
	C7 Variations to C6 above can be considered where it can be demonstrated that any form of reasonable development on the lot would cause non-compliance with C6. In this instance the impacts are to be minimised where possible.	● NR	○ Sat	

	C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
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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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Enclosure of approved private open space will be permitted, however at least one side of the approved private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

9.3.6 Front setbacks

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>	C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	Side and rear setbacks comply with the objectives
	C2 Any point of a building must have a setback from the side boundary nearest to that point of at least: a) If the lot is in Zone R5 a setback of 2m, or b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Variation: The proposed development is located 900mm from the south side boundary. This does not comply with the 2m setback requirement for the R5 zone.

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.

Justification:

The applicant has acknowledged the non-compliance and has requested a variation to the development standard. To support a variation the application has provided the following justification.

“Clause 9.3.7 C2 (a) states that the side boundary setback on an R5 site is to be a minimum of 2m. The proposed structure is set at 1m from the side boundary. This setback has no negative impact on the adjacent property and there are other similar developments which also demonstrate a reduced side setback in the area.

While Zoned as an R5 site, there are several similarities with the composition and development of the area which mirrors the conditions of an R1 area.

The variation to the side setback is the only Control or Objective that the proposed structure does not comply with.

- O1: The structure is located with adequate separation from the dwelling on-site and the adjacent dwellings. It does not impact on the natural light, landscaping, and ventilation. The proposed location enhances the privacy of both the occupants of 102 Lakehaven Drive and 104 Lakehaven Drive.
- O2: There are other similar developments in the area.

				<ul style="list-style-type: none"> • O3: Access around the structure has been well considered. • O4: Despite seeking a variation, this objective can still be considered as met as the proposed structure is located to not impact the adjacent landowners. The occupant of 104 Lakehaven Drive has been frequently consulted throughout the design and has had no objects and is supportive.” <p><u>Comments:</u> The proposed variation is considered reasonable in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The proposed shed does not result in a loss of privacy for the adjoining site as the structure is non habitable. • The shed is not within the vicinity of any structures on the adjoining lots that would result in issues related to the BCA. • The application was referred to adjoining owners and no submissions were received raising any concerns. • A predicant in the locality has been established under DA22/0482 and DA21/0512 for outbuilding to be located within 900mm of a side boundary. Therefore, the position of the shed is consistent with other outbuilding in the locality. <p>Accordingly, the proposal is supported in this instance.</p>
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9.4.1 Building elements

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

<p><i>O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.</i></p> <p><i>O2 Ensure adequate acoustic privacy within dwellings.</i></p>	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	The outbuilding raises no privacy concerns given its use.
	C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

9.4.4 Garages, carports, sheds, and driveways

<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 checked="" type="radio"/> NR	<input 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> <p>(b) 8% of the area or a maximum area of 175m², whichever is the lesser, if the lot has an area of at least 600m² but less than 4000m²,</p> <p>(c) Lots greater than 4000m² will be considered on their merits.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>Maximum shed size permitted = 96.32m² (8%)</p> <p>Proposed shed size = 50m² (4.1%)</p>
	<p>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 300m², whichever is the lesser.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	C5 Sheds may only be erected on residential land where a dwelling house is constructed or under construction and must be used for purposes ancillary to the residential use of the land.	<input type="radio"/> NR	<input checked="" type="radio"/> 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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Shed height = 4.1m
	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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

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