Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	*DA23/0142*	Applicant	*JM Hille* *26 Paldi Cres* *GLENFIELD PARK NSW 2650*
	Date of Lodgement	*05/04/2023*		
	Proposal	*Alterations and additions to existing dwelling*	Description of Mod.	N/A
	Development Cost	*$48000*	Other Approvals	Nil

Site Details	Subject Land	*26 Paldi Cres* *GLENFIELD PARK NSW 2650* *Lot 151 DP 870663*	Owner	*JM Hille*

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

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☒ Section 4.55 Modification of Consent

☐ Section 4.15(1) Matters for consideration - general

Description	Alterations and additions to existing dwelling

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**		○ NR	● Sat	

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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	○ 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	(b) (c) (e)	**Land Title** Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b) Registered title (deferred commencement)		○ NR	● Sat	The subject site is identified as Lot 151 under DP 870663. The site is not burdened by any easements.
LEP 2010 Listed item and	(a)(i) (a)(iii) (b) (c) (e)	**Heritage** Conservation Area Listed item	 **LEP** 5.10 Heritage	● NR ●	○ Sat ○	

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		DCP 3 Heritage Conservation	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** *DCP 5.4 Environmentally sensitive land*	**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 *DCP 4.2 Flooding*		● *NR*	○ *Sat*	
			LEP 5.21 Flood Planning	● *NR*	○ *Sat*	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	**Bushfire** *DCP 4.1 Bushfire*		○ *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**	○ 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	○ NR	● Sat	
			LEP 7.12 Development in areas subject to aircraft noise	○ NR	● Sat	
Assets – Sewer and Stormawater	(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	

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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:17/04/2023 The subject site has single storey dwelling, patio attached to the dwelling and shed to the rear of the property.
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 Site Distance Issues Driveway grade		○ NR	● Sat	

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		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** *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*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Public Domain** Impact on street or adjoining public place Condition/Dilapidation		○ *NR*	● *Sat*	

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		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*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Site and internal design** *DCP* *9.2.1 Site layout* *9.4.1 Building elements* *9.4.4 Garages, carports, sheds and driveways*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Solar impact** *DCP* *9.3.4 Solar access* *9.3.7 Side and rear setbacks*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Visual Privacy** Private open space Boundary fencing and screening *DCP* *9.3.5 Private open space*		○ *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 Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		○ *NR*	● *Sat*	
	(a)(i) (b) (c) (e)	**Air and microclimate** Impacting nearby landuses (Rail, Road, Infrastructure SEPP referrals)		○ *NR*	● *Sat*	
	(a)(i) (a)(iii) (b) (c) (e)	**Earthworks and Soils** 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	○ *NR*	● *Sat*	
	(b) (c) (e)	**Landscaping**		● *NR*	○ *Sat*	
	(b) (c) (e)	**Waste**		○	●	

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		Construction waste management Asbestos		NR	Sat	
	(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*		○ NR	● Sat	
	(a)(i) (b) (c) (e)	**BASIX** *(Use assessment checklist)*	**BASIX SEPP 2004**	○ NR	● Sat	A valid BASIX Certificate (Certificate No. A498217) has been submitted 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) Check for native veg requirements (R5 and RU4 Land) *DCP* *5.2 Preservation of trees* *5.3 Native Vegetation Cover*		○ NR	● Sat	
			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)*	○ 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.

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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**		○ 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 and environmental protection zones	● NR	○ Sat	
			LEP 5.16 Subdivision of, or dwellings on, land in	● NR	○ Sat	

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			certain rural, residential or 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**	*Local Government Act 1993*	● NR	○ Sat	
	(e)	**Section 7.11 Contributions** (Local Infrastructure Contributions Plan 2019 - 2034)	*EP&A Act 1979*	● NR	○ Sat	

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	(e)	**Section 7.12 Contributions** (Local Infrastructure Contributions Plan 2019 - 2034)	*EP&A Act 1979*	○ NR	● Sat	Cost of the proposed development is $48,000 therefore Section 7.12 contribution is not applicable.
	(e)	**Section 64 sewer** (Development Servicing Plan – Sewerage Services – July 2013)	s64 *LG Act 1993* & s306 *Water Management Act 2000*	● NR	○ Sat	
	(e)	**Section 64 stormwater** (Development Servicing Plan – Stormwater – November 2007)	s64 *LG Act 1993* & s306 *Water Management Act 2000*	○ NR	● Sat	As per Section 1.2 of the Implementation Guide Development Servicing Plan Stormwater May 2022, the development is exempt from Section 64 Stormwater infrastructure contributions.
cl.	(a)(iv) (e)	**The Regulation – Prescribed Matters** EP&A Regulation 2021		○ NR	● Sat	
			cl.61(1) - Demolition of a building, the provisions of AS 2601 *(ensure condition included requiring compliance with standard)*	○ NR	● Sat	
			cl.61(7) - Consideration of Special Activation Precinct Master Plan	● NR	○ Sat	
			cl.64 - require existing building to be brought into total or partial conformity with BCA *(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)*	● NR	○ Sat	

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	(a)(iv) (e)	**The Regulation – Prescribed Conditions** *(ensure conditions of consent included)*	EP&A Regulation 2021	○ NR	● Sat	
	(e)	**Other regulation matters**	EP&A Regulation 2021	○ NR	● Sat	
	(e)	**Council Policies**		○ 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**		○ 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)			

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☐ 1.10 Notification of a Development Application

Compliance with the advertising and notification procedures detailed in this section of the DCP	○ NR	● Sat	The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP. Dates: 16/06/2023 to 23/06/2023.

☒ 1.11 Complying with the Wagga Wagga Development Control Plan 2010

☒ 2.1 Vehicle access and movements

☐ 2.2 Off-street parking

O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands. *O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*	C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.	○ NR	● Sat	

☒ 2.3 Landscaping

☐ 2.5 Safety and security

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O1 Incorporate crime prevention strategies in new developments. *O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.* *O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.*	C1 Use good site planning to clearly define public, semi-public and private areas.	○ 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.	● NR	○ Sat	
	C3 Minimise blank walls along street frontages.	● NR	○ Sat	
	C4 Avoid areas of potential concealment and 'blind' corners.	○ 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 and sited to minimise spill and potential nuisance to adjoining properties.	● NR	○ Sat	
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	○ NR	● 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	○ Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	● NR	○ Sat	

☐ 2.6 Erosion and sediment control

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O1 Protect the environment against soil erosion and loss of soil from construction sites. *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 flow capacity of the stormwater drainage system.* *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.*	Consistent with the objectives of this section of the DCP.	○ *NR*	● *Sat*	

☐ 2.7 Development adjoining open space

O1 Ensure that developments adjoining open space contain impacts within their boundaries and don't	C1 Private developments are not to gain access across public open space.	○ *NR*	● *Sat*	Condition has been imposed
	C2 Materials are not to be stored on public land.	○ *NR*	● *Sat*	As above

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impinge on, or rely on the open space area as a buffer. *O2 Encourage positive visual and physical relationships between private developments and public areas and reserves.*	C3 Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.	○ NR	● Sat	
	C4 Landscaping is not to encroach into any public reserve.	○ NR	● Sat	

☒ 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

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.	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	

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O2 Protect, maintain or improve the diversity of the native flora and fauna. *O3 Protect the ecological processes necessary for their continued existence.* *O4 Encourage the recovery of threatened species, communities or populations and their habitats.* *O5 Protect, maintain or improve the diversity and stability of landscapes.*	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

O1 Encourage site responsive development that is compatible with existing or desired built form. *O2 Facilitate sustainable development through passive solar design.* *O3 Integrate landscaping and built form.*	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	○ NR	● Sat	
	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	○ NR	● Sat	
	C3 Orient living spaces to maximise solar access.	○ NR	● Sat	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	○ NR	● Sat	

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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.*				

☒ 9.2.2 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

O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments. *O2 Ensure adequate areas for access, parking, landscaping, useable garden*	C1 Maximum site cover is to be in accordance with Table 9.3.2a.	○ *NR*	● *Sat*	

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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

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. *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.* *O3 Maintain reasonable sunlight access to adjoining properties.*	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 north east 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	

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	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

O1 Provide quality, useable private open space. *O2 Ensure adequate areas for recreation and outdoor living.* *O3 Encourage good connection between dwellings and private open space.*	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.	○ 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

☐ 9.3.7 Side and rear setbacks

O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation. *O2 Ensure new development continues the rhythm or*	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	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	● NR	○ Sat	

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pattern of development in the locality. *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.*	b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.			

☒ 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 consistent quality streetscapes. *O2 Encourage use of materials that have good thermal performance.* *O3 Promote the use of materials that are climate responsive and contribute to innovative building design.* *O4 Discourage corporate colours in building facades.*	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	○ *NR*	● *Sat*	
	C2 Avoid large unbroken expanses of any single material.	○ *NR*	● *Sat*	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	○ *NR*	● *Sat*	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	○ *NR*	● *Sat*	

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☐ 9.4.3 Privacy

O1 Ensure privacy within new developments, and avoid potential impacts to existing properties. *O2 Ensure adequate acoustic privacy within dwellings.*	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	○ *NR*	● *Sat*	
	C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.	● *NR*	○ *Sat*	

☒ 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

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