

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA23/0250	Applicant	TK Flood 31 Walana Cres KOORINGAL NSW 2650
	Date of Lodgement	22/05/2023		
	Proposal	In-ground Swimming Pool	Description of Mod.	N/A
	Development Cost	\$55900	Other Approvals	Nil
Site Details	Subject Land	335 Hammond Ave EAST WAGGA WAGGA NSW 2650 Lot 1 DP 164653	Owner	MJ Howard

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:



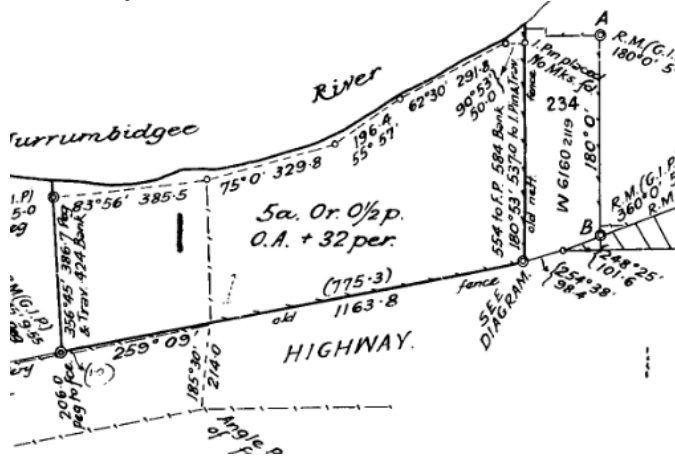
Hayden Bousfield
Town Planner

Date: 07/07/2023

Description

Matters for consideration

LEP 2010 Zones	(a)(i) (b) (c) (e)	Zoning	LEP 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Zoning of land (cl 2.2): E4 General Industry The objectives of the zone: <ul style="list-style-type: none"> • To provide a range of industrial, warehouse, logistics and related land uses. • To ensure the efficient and viable use of land for industrial uses. • To minimise any adverse effect of industry on other land uses. • To encourage employment opportunities. • To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers. Whilst the development does not contribute to the industrial zone objectives it is consistent with the existing and established use of the site that has the benefit of existing use rights.
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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)		<input type="radio"/> NR <input checked="" type="radio"/> Sat	The subject site is Lot 1 in DP 164653.  No Section 88B Instrument is associated with the DP.
	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item <i>DCP 3 Heritage Conservation</i>	LEP 5.10 Heritage conservation	<input checked="" type="radio"/> NR <input type="radio"/> Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure LEP 6.3 Development control plan	<input checked="" type="radio"/> NR <input type="radio"/> Sat <input checked="" type="radio"/> NR <input type="radio"/> Sat	
	(a)(i) (a)(iii) (b)	Natural Resource Sensitivity	LEP 7.3 Biodiversity	<input checked="" type="radio"/> NR <input type="radio"/> Sat	

	(c) (e)	DCP 5.4 Environmentally sensitive land	LEP 7.4 Vulnerable land	● NR	○ Sat	
			LEP 7.5 Riparian lands and waterways	○ NR	● Sat	The proposed development is ancillary to an existing dwelling and therefore is exempt from requiring controlled activity approval as noted under Clause 29, Sch 4 of the Water Management Regulation 2018. The works are not within the bed or bank of the waterway and there are no anticipated impacts upon the waterway or associated habitats.
			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	The land is mapped as being flood prone land. The site is bound by the Murrumbidgee River to the north and is therefore impacted by riverine flooding.
			LEP 5.21 Flood Planning	○ NR	● Sat	The proposed development is for a swimming pool which is a class 10a structure under the NCC. The development is unlikely to cause a greater flood affection to the site or increase the habitation of the site. Accordingly, the proposed development is considered reasonable for the site and no further assessment is required.
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire DCP 4.1 Bushfire		○ NR	● Sat	See discussion below.

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	<p>Industrial land is considered potentially contaminated land. However, there was no indication from the site visit that the location of the pool was on a part of the site that had been used for an activity that would be considered potentially contaminating such as fuel storage. Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site.</p> <p>Note, the land has historically been in rural use. Agricultural land is also considered potentially contaminated land. However, there was no indication from the site visit that the location of the development was on a part of the site that had been used for an activity that would be considered potentially contaminating such as sheep dips or fuel storage.</p>
		Airport Constraints	LEP 7.11 Airspace operations	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
Airport Constraints	(a)(i) (b) (c) (e)		LEP 7.12 Development in areas subject to aircraft noise	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

Assets – Sewer and Stormwater	(b) (c) (e)	Services/Utilities (Septic area? Health referral)) Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts) Stormwater issues – overland flow Electricity infrastructure (including setbacks to substations) (Transport/infrastructure SEPP referral)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
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"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	Site visit undertaken on: 30/06/2023

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 Check Driveway location and grade <ul style="list-style-type: none"> • Side entry pit • Service lids/pits • Poles/turrets/substations • Street Trees <i>DCP</i> <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	(a)(iii) (b) (c) (e)	Context, setting and streetscape <i>DCP</i> <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>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(iii) (b) (c) (e)	Public Domain Impact on street or adjoining public place Condition/Dilapidation Construction access <i>DCP</i> <i>2.7 Development adjoining open space</i> <i>9.4.5 Site facilities</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</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> <i>9.3.7 Side and rear setbacks</i> <i>9.4.3 Privacy</i>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
	(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby land uses (Rail, Road, Infrastructure SEPP referrals)		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	

	(a)(i) (b) (c) (e)	Air and microclimate Impacting nearby 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 Construction waste management Asbestos		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	Energy & Water <i>DCP</i> <i>9.3.7 Side and rear setbacks</i> <i>9.4.1 Building elements</i> <i>9.4.2 Materials and finishes</i>		<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	<p>Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)</p> <p>There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.</p> <p>1. <i>Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i></p> <p>No</p>

						<p>2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.</p> <p>No native vegetation is proposed to be removed.</p> <p>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.</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> <p>Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.</p>
	(b) (c) (e)	Social and economic impacts		<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 checked="" type="radio"/> NR	<input 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 environment protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			Other Clauses	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(i) (b) (c) (e)	Other EPIs	SEPP (Transport and Infrastructure) 2021	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			SEPP (Precincts - Regional) 2021	<input checked="" type="radio"/> NR	<input type="radio"/> 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	
	(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	

	(a)(iv) (e)	The Regulation – Prescribed Matters EP&A Regulation 2021		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
		cl.61(1) - Demolition of a building, the provisions of AS 2601 <i>(ensure condition included requiring compliance with standard)</i>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		cl.61(7) - Consideration of Special Activation Precinct Master Plan		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		cl.64 - require existing building to be brought into total or partial conformity with BCA <i>(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)</i>		<input checked="" type="radio"/> NR	<input type="radio"/> 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	The development relies on existing use rights. Under clause 4.65 of the Environmental Planning and Assessment Act 1979 existing use is defined as follows: <i>(a) the use of a building, work, or land for a lawful purpose immediately before the coming into force of an environmental planning</i>

					<p><i>instrument which would, but for this Division, have the effect of prohibiting that use, and</i></p> <p><i>(b) the use of a building, work, or land:</i></p> <p><i>(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and</i></p> <p><i>(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.</i></p> <p>Clause 4.66 states:</p> <p><i>(1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.</i></p> <p>The application is for a swimming pool addition to an existing four-bedroom dwelling constructed circa 1960s. The land was rezoned from RU1 - Rural (land use table lists dwellings listed as permitted with consent) to IN2 - Light Industrial (land use table lists residential accommodation as prohibited) on 03/05/2013 under LEP Amendment 6. Under this section the applicant is continuing the existing use rights. It is clear from a site inspection that the dwelling is habitable, maintained and retains the use.</p>
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					<p>Clause 4.67 refers to the regulations to acceptable works and changes of uses to an existing use.</p> <p>Clause 163 of the Regulations states: (1) An existing use may, subject to this Part: (a) <i>be enlarged, expanded, or intensified, or</i> (b) <i>be altered or extended, or</i> (c) <i>be rebuilt, or</i> (d) <i>be changed to another use, but only if the other use is a use that may be carried out with or without development consent under the Act, or</i> (e) <i>if it is a commercial use—be changed to another commercial use, including a commercial use that would otherwise be prohibited under the Act, or</i> (f) <i>if it is a light industrial use—be changed to another light industrial use or a commercial use, including a light industrial use or commercial use that would otherwise be prohibited under the Act.</i></p> <p>The ancillary development (swimming pool) would be considered a minor intensification.</p> <p>Clause 164 of the Regulations states: (1) <i>Development consent is required for any enlargement, expansion, or intensification of an existing use.</i></p>
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						<p>(2) <i>The enlargement, expansion or intensification must be—</i></p> <p>(a) <i>for the existing use and for no other use, and</i></p> <p>(b) <i>carried out only on the land on which the existing use was carried out immediately before the relevant day.</i></p> <p>The proposed development is for an ancillary structure (i.e., swimming pool) and is on the land on which the use is being carried out. By lodging this application, the applicant complies with this clause.</p> <p>The proposal has demonstrated that it meets the relevant sections of the act and regulations regarding existing use rights and therefore can be considered.</p>
	(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	<p>It is considered that this application will not have a detrimental effect on the public interest.</p>

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	○ NR	● Sat	<p>The application has been notified in accordance with the notification provisions outlined in Section 1.10 of the WWDCP.</p> <p>Dates: 28/06/2023 – 05/07/2023</p>
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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

<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 type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

2.6 Erosion and sediment control

<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>	<p>Consistent with the objectives of this section of the DCP.</p>	<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

<p><i>O1 Minimise risk to life, property and the environment from bush fire.</i></p> <p><i>O2 Ensure compliance with statutory obligations for development in bush fire prone areas.</i></p>	<p>C1 Applications are to satisfy the relevant provisions of <i>Planning for Bush Fire Protection 2006</i> (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<p>The land is mapped as Bush Fire Prone land, the immediately surrounding land contains vegetation that has been assessed as Grassland. Development in bush fire prone areas is subject to <i>Planning for Bush Fire Protection 2019</i> (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).</p> <p>Given the proposal is for a pool that would be considered Class 10 in the NCC, Section 8 'Other Development' of PBP 2019 applies and has been summarised below:</p> <p>8.3.2 Class 10 structures ...There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas...</p> <p>Whilst the pool is a class 10b not 10a the section is clear with its intent that no bush fire requirements should apply.</p>
	<p>C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of <i>Planning for Bush Fire Protection 2006</i></p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

☐ 4.2 Flooding

Refer to this section of the DCP.	○ <i>NR</i>	● <i>Sat</i>	The proposed development is for a swimming pool which is a class 10a structure under the NCC. The development is unlikely to cause a greater flood affection to the site or increase the habitation of the site. Accordingly, the proposed development is considered reasonable for the site and no further assessment is required.
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☒ 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

☒ 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

9.3.1 Site area per dwelling

9.3.2 Site cover

9.3.4 Solar access

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

9.4.1 Building elements

9.4.2 Materials and finishes

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

<p><i>O1 Encourage site responsive development and protect the amenity of adjoining land.</i></p> <p><i>O2 Avoid excessive earthworks and minimise changes to the natural landform.</i></p> <p><i>O3 Encourage site layout and building design that is appropriate to the site conditions, including use of split levels, pier foundation or suspended floor house designs.</i></p> <p><i>O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.</i></p> <p><i>O5 Avoid inappropriate fill being introduced to sites.</i></p> <p><i>O6 Ensure adequate provision of drainage in relation to cut and fill practices.</i></p>	<p>C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows:</p> <p>(a) If located no more than 1m from boundary – 1.5m, and</p> <p>(b) If located more than 1m but not more than 1.5m from any boundary – 2m, and</p> <p>(c) If located more than 1.5m from any boundary – 3m.</p> <p>Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C2 Fill is not to exceed:</p> <p>(a) 1.5m above ground level (existing), and</p> <p>(b) Must be contained by either:</p> <p>(i) A retaining wall or other form of structural support that does not extend more than 1.5m from the closest external wall of the dwelling house, or</p> <p>(ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.</p> <p>Variations to the above setbacks can be considered where the applicant can demonstrate that there is an acceptable impact on the amenity of the adjoining properties (privacy, overshadowing).</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

	<p>C3 Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that:</p> <p>(a) has been certified by a professional engineer, and</p> <p>(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(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:</p> <p>(i) more than 1.5m in height and within 1m from a side or rear boundary, or</p> <p>(ii) more than 3m in height at any other location.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C5 No cut or fill to take place within easements.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C6 To encourage site responsive development, excavation and retaining walls greater than that specified in C1 to C3 above can be considered where the design responds to the slope (or incorporates split levels). The additional retaining wall height is to facilitate basements, garages or the like at the lower level. The excavation is to be adequately retained and drained, in accordance with approved engineering details.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	minimise the impact on the amenity of the adjoining properties.			
	C8 All retained material is to have a gradient of at least 5%.	○ NR	● Sat	
	C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.	○ NR	● Sat	
	C10 Cut and fill outside the building envelope is not to exceed 600mm.	● NR	○ Sat	
	C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.	○ NR	● Sat	
	C12 Earthworks should not be carried out within the angle of repose of adjoining property. Unless such works are supported by certified structural engineer reports and do not impact on neighbouring property.	○ NR	● Sat	

Section 11 – Industrial Land

				The subject site is in the E4 General Industrial zone and therefore <i>Section 11 – Industrial Development</i> applies to the subject site. However, in this instance the proposed development is consistent with the existing and established residential use of the site that has the benefit of existing use rights and therefore the control of Section 11 are not applicable in this instance.
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 14 Boorooma Urban Release Area

 15 Lloyd Urban Release Area

 16 Gobbagombalin Urban Release Area