

Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	DA23/0241	Applicant	SR Hugler 23 Benedict Ave SAN ISIDORE NSW 2650
	Date of Lodgement	17/05/2023		
	Proposal	Use of existing internal alterations to shed	Description of Mod.	N/A
	Development Cost	\$23500	Other Approvals	Nil
Site Details	Subject Land	23 Benedict Ave SAN ISIDORE NSW 2650 Lot 20 DP 29976	Owner	SR Hugler & KA Hugler

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

Delegation to Determine Application:- Officer Delegation 7.39

Report Prepared by:



Lani Hudson
Cadet Town Planner

Date: 18/07/2023

Report Approved by:



Sam Robins
Senior Town Planner

Date: 18/7/23

☒ **Section 4.55 Modification of Consent**

☐ **Section 4.15(1) Matters for consideration - general**

Description	Use of existing internal alterations to shed
--------------------	--

Matters for consideration					
GIS & System Check	Section 4.15(1) EP&A Act 1979	Issue	Legislative Provisions	Not Relevant	Satisfactory
<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div>	<div> <div>(b)</div> <div>(c)</div> <div>(e)</div> </div>	DA History		<div> <div></div> <div>NR</div> </div>	<div> <div></div> <div>Sat</div> </div>
CDC18/0266 – PC - Shed DA21/0368 – Construction of single storey dwelling					

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"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	<p>Zoning of land (cl 2.2): R5</p> <p>The development is permissible in the zone (cl. 2.3(1))</p> <p>The development is consistent with the following objectives of the R5 zone (cl. 2.3(2)):</p> <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. <p>To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.</p>
----------------	-----------------------------	---------------	--	------------------------------------	--	---

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	
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item		● NR	○ Sat	
		LEP 5.10 Heritage conservation <i>DCP 3 Heritage Conservation</i>		● 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	LEP 7.3 Biodiversity	○ NR	● Sat	
		<i>DCP 5.4 Environmentally sensitive land</i>	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 <i>DCP 4.2 Flooding</i>		● NR	○ Sat	
			LEP 5.21 Flood Planning	● NR	○ Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire <i>DCP 4.1 Bushfire</i>		○ 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.

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>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.</p> <p>The site is within the PFAS Investigation Area. The investigation was carried out by the Department of Defence and identified key areas of concern and on recommendation a PFAS Management Plan was adopted in June 2021. The main concern being overland flow path from the identified area within the Kapooka Military Area (Blamey Barracks) via the overland flow paths through to Kapooka Creek to the Murrumbidgee River. The subject site is not mapped as an overland flow path therefore the risk of contamination is considered low and the site is suitable for the proposed development.</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: 20/06/23

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		<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 DCP 2.1 Vehicle access and movements 9.3.6 Front setbacks		<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)	Other LEP Clauses	LEP 2.7 Demolition	<input checked="" type="radio"/>	<input type="radio"/>	

	(c) (e)		requires development consent	NR	Sat	
			LEP 4.3 Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.9 Primacy of Zone E2 Commercial Centre	<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		○ NR	● Sat	

		EP&A Regulation 2021	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	
	(e)	Council Policies		<input type="radio"/> NR	<input checked="" type="radio"/> 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		<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
(<input checked="" type="checkbox"/> 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"/> NR	<input checked="" type="radio"/> Sat	In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDGP the application was not required to be notified.
---	-----------------------------	---	---















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

☒ 2.6 Erosion and sediment control

☒ 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

<i>O1 To support the controls and objective for both the E2 and E4 Zone and environmentally sensitive land provisions in Clauses</i>	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.	<input checked="" type="radio"/>	<input type="radio"/>	
	Environmentally sensitive land – biodiversity (Outside "biocertified area")	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	
		NR	Sat	

<p>7.3 to and inclusive of Clause 7.6 of the LEP. 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.</p>				
	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

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

☒ 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

<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</i></p>	<p>C1 Where garage doors form part of the facade of a dwelling fronting a public road - the garage door is to be:</p> <p>less than 50% of the width of the house* no wider than 6m # maximum 2.4m high #</p>	<p>● NR</p>	<p>○ Sat</p>	
--	--	-----------------	------------------	--

<p><i>early morning and late afternoon summer sun.</i></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>			
	<p>C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.</p>	<p>● NR</p>	<p>○ Sat</p>	
	<p>C3 The floor area of an outbuilding on a residential lot must not be more than the following: (a) 8% of the site area if the lot has an area of less than 600m², (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, (c) Lots greater than 4000m² will be considered on their merits.</p>	<p>○ NR</p>	<p>● Sat</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>	<p>○ NR</p>	<p>● Sat</p>	
	<p>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.</p>	<p>○ NR</p>	<p>● Sat</p>	
	<p>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</p>	<p>○ NR</p>	<p>● Sat</p>	

	maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.			
	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.	○ NR	● 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