

# STATEMENT OF ENVIRONMENTAL EFFECTS



## Proposed Shed

“Vernwood” 3845 Sturt Highway, Gumly Gumly NSW 2652

Lot 265, DP757232



Prepared for A. Wisely  
Rev 2.2 – October 2023



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# Proposed Shed

## Sturt Highway, Gumly Gumly

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**TABLE OF ABBREVIATIONS**

LEP	Local Environmental Plan
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DBYD	Dial Before You Dig
DCP	Development Control Plan
DP&E	Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SP	Salvestro Planning
WWCC	Wagga Wagga City Council
AHIMS	Aboriginal Heritage Information Management System
DP	Deposited Plan
NSW	New South Wales

GIS	Geographical Information System
CBD	Central Business District
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
AHIP	Aboriginal Heritage Impact Permit
OEH	Office of Environment and Heritage
BDAR	Biodiversity Development Assessment Report

# Proposed Shed

## Sturt Highway, Gumly Gumly

### 1 INTRODUCTION

#### 1.1 Proposal Summary

The following Statement of Environmental Effects (SEE) has been prepared in support of a proposed shed at "Vernwood" 3845 Sturt Highway, Gumly Gumly 2652, Lot 265 DP757232. The site is zoned RU1 under the Wagga Wagga Local Environmental Plan 2010 (LEP).

The SEE addresses the following prescribed matters:

- *the environmental impacts of the development,*
- *how the environmental impacts of the development have been identified,*
- *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- *any matters required to be indicated by any relevant guidelines issued by the Planning Secretary - NSWDPPE.*

The purpose of the development is to provide undercover and secure storage for farm machinery and stock feed, parking of vehicles and storage of equipment associated with the resident's building business (home business), and domestic parking of vehicles and home workshop area for use by the resident.

A Pre-DA meeting was held with Council on 26/08/2022 and initial advice suggested that the proposed shed be submitted as a 'Farm Building' ancillary to the agricultural activities onsite. A development application was lodged under this advice on 03/03/2023 and a subsequent request for additional information (RFI) was received on 04/06/2023 seeking clarification for the following matters:

- Clarification and justification for the proposal land use
- Updated flood impact assessment
- Justification of DCP Section 9.3.7 setbacks
- Visual impact assessment including bulk and scale impacts
- Details on tree removal

Several discussions with the appointed Council planner concluded that the proposal and SEE should be revised as a 'mixed use' development to accommodate domestic, home business and agricultural uses. This revised SEE includes commentary addressing the above RFI matters alongside updated plans as detailed below.

#### 1.2 Subdivision and Staging

The proposal does not involve any staging or subdivision.

#### 1.3 Supporting Plans and Documentation

The SEE shall be read in conjunction with accompanying plans and support documentation as listed below in Table 1 below.

**Table 1: Plans and Support Documentation**

Accompanying Documents			
Ref:	Description	Rev	Prepared By
1A	Site Plan & Perspective Views	A	Fine Eye Designs
A2	Site Analysis Plan – 21022 – 13/09/2022	A	Salvestro Planning
A3	Site Survey – 21332 – 29/05/2021	-	TJ Hinchcliffe & Associates
A4	Site Classification – Ref 9050 – 17/12/2022	-	McMahon Earth Science

A5	Groundwater Testing – Ref 7034 – 26/06/2020	-	McMahon Earth Science
6A	Flood Impact Assessment – 20/06/2023	02	MJM Consulting Engineers
A7	Certificate of Compliance & Structural Plans	-	EREN Engineering / Steelcorp

## 2 APPLICANT AND LAND OWNERSHIP

The applicant is Mr A. Wisely and the site landowners are A and R Wisely. The landowners have given their consent for the proposal to be prepared and lodged for consideration and determination.

## 3 SUBJECT LAND

### 3.1 Subject Land and Locality

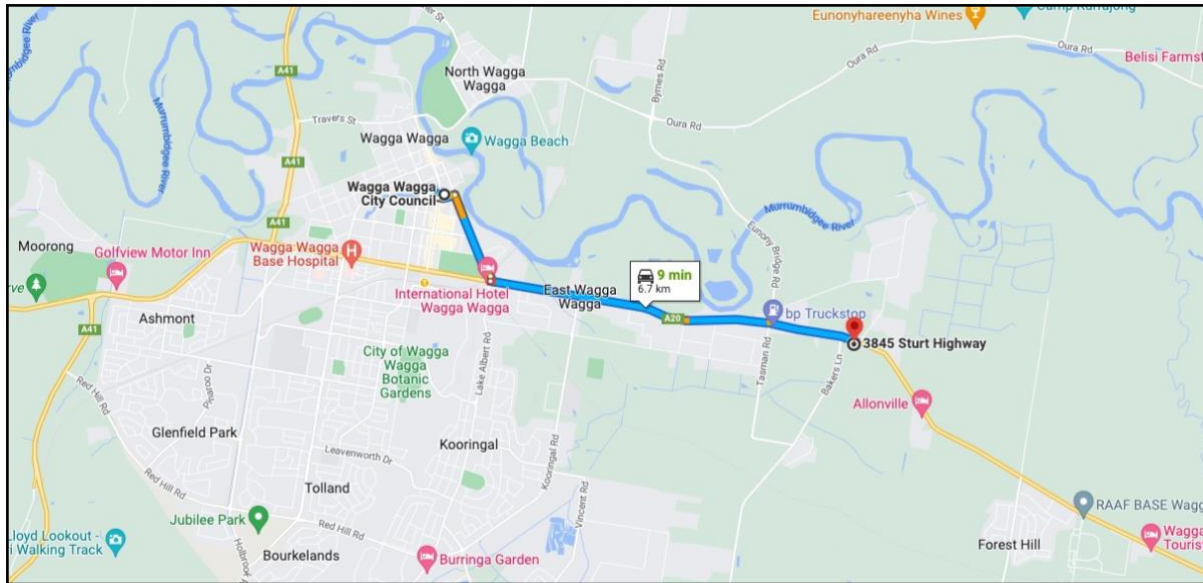
The subject land is known as “Vernwood” 3845 Sturt Highway, Gumly Gumly NSW 2652, comprising of Lot 265 DP757232, as identified in the mapping extract below.



**Figure 1:** Subject Land (Source: WWCCGIS 2023)

The subject site is located on the southern side of the Sturt Highway within the existing agricultural landscape. The site encompasses an area of approximately 9.05ha and fronts Sturt Highway for 201m. The general location of the land relative to the CBD of Wagga Wagga is shown in the figure below.





**Figure 2:** Location Map (Source: Google Maps 2023)

The site currently has no easements.

## 3.2 Site Characteristics

### 3.2.1 Existing Site

The existing site is utilised for primary production, specifically grazing of sheep, goats and pigs, as well as a home business for a construction company. The house boundary fencing, which fronts the highway, has recently been improved with the installation of an open style brick and steel post fence as well as associated landscaping. A tennis court is currently under construction, located to the east of the existing residential dwelling.

Several existing farm buildings are located on the site.

### 3.2.2 Surrounding Land

The site fronts the Sturt Highway and is surrounded by RU1 Primary Production and B6 Enterprise Corridor zoned land. The site character is consistent with the surrounding rural and semi-rural/urban fringe land.

## 3.3 Site History

Historically, the land forms part of the traditional land of the Wiradjuri people. The land was progressively acquired and subdivided during post European settlement.

Council records indicate that the site has been subject to a number of development applications that were approved and carried out.

**Table 2: Site Development History Summary**

Review of Development Activity History		
Activity	Date	Description
DA21/0576	12/10/2021	Tennis Court Lights
DA21/0682	04/11/2021	Inground Swimming Pool with Child Resistant Barrier
BA784/89	02/11/1989	Aluminium Verandah
BA910/85	13/12/1985	Garage and Workshop
BA32/74	11/10/1974	Dwelling





**Figure 3:** Historical Aerial of Subject Land – 2023 (Source: Nearmap 2023)



**Figure 4:** Historical Aerial of Subject Land – 2012 (Source: WWCCGIS 2023)





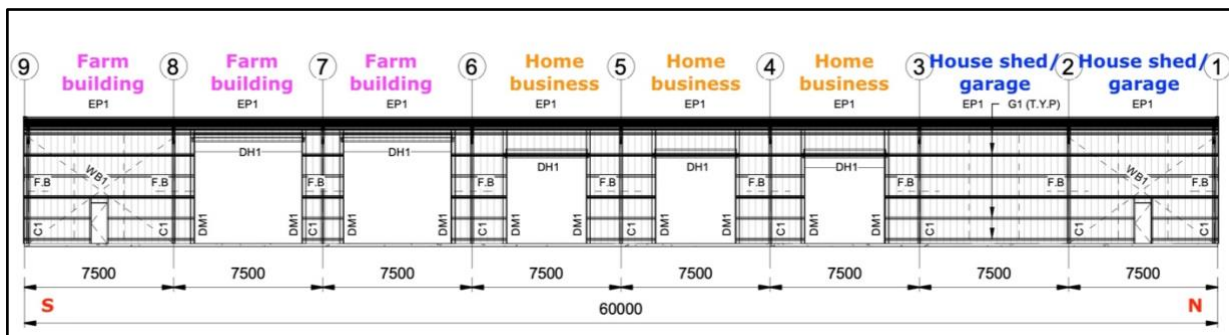
**Figure 5:** Historical Aerial of Subject Land – 1990 (Source: WWCCGIS 2023)

## 4 DEVELOPMENT PROPOSAL

### 4.1 Proposal Details

The proposal involves the erection of a 60m x 18m shed (1080m<sup>2</sup> GFA) including 5 roller doors and an awning structure (6m) across the eastern elevation. The shed will be ancillary to the dominant residential/agricultural uses currently on the rural site and be separated into various uses as shown in the Figure below. Each bay area will be 7.5m x 18m in size (135m<sup>2</sup>) and have a separate use as indicated below:

1. Domestic shed x 2 bays (270m<sup>2</sup>) – storage of vehicles and workshop space
2. Home business x 3 bays (405m<sup>2</sup>) – parking of vehicles and temporary storage of construction materials, and the loading and unloading thereof used in the carrying out of the proponent's construction business
3. Farm building x 3 bays (405m<sup>2</sup>) – storage of farm vehicles and materials



**Figure 6:** Extract from Civil Plans (Source: SP & Eren Engineering 2023)

The proposal is to be located 5m from the western boundary behind the existing dwelling house. Vehicular access to bays with no roller door will be via adjoining bays.



**Figure 7:** Site plan (Source: SP & FED 2023)

## 4.2 Site Preparation/Demolition

The removal of two (2) existing shed structures and one (1) tree is required to facilitate the proposal. Minor site works in respect of the construction of the shed are proposed, including the creation of a gravel pad for flooring.

Earthworks for the proposed shed include preparation for footings as per civil plan set. Piers for the proposed shed will require drilling of up to 2.3m deep. A geotechnical report has been provided as an accompanying document and concludes that the underlying clay subsoil may be classified as a *M-D – Moderately reactive clay or silt site (deep drying)*.

It was advised by the report that moderate ground movement from moisture changes may be experienced if footings are founded into such and when equilibrium moisture is achieved. It has been recommended that engineering principles are adopted to overcome the identified problems. The compliance certificate attached by Eren Engineering indicates that all pad footings are to provide 15MPa blinding beneath footings where required to achieve capacity.

## 4.3 Streetscape/Landscaping

### 4.3.1 Streetscape and Landscaping

The proposal will have a setback of more than 70m from the front road and 5m from the western boundary. Extensive landscaping and decorative fencing exists on the property along these boundaries which assists in mitigating any visual impact to the public road environment and adjoining property.

### 4.3.2 Tree removal

One (1) mature *eucalyptus sideroxylon* tree is to be removed for the proposal. *Eucalyptus sideroxylon* "Ironbark" is not identified within table 5.2.2 of the Wagga Wagga DCP *Native Species of Local Conservation Significance* however, it is approximately 18m in height. Development consent is requested as part of this application as it is considered a living tree with a height exceeding 8m.





**Figure 8:** Current view of subject site from Sturt Highway (Source: SP 2023)



**Figure 9:** Current view of subject site from Sturt Highway (Source: SP 2023)



**Figure 10:** Current view of subject site from Sturt Highway (Source: SP 2023)

#### 4.4 Visual Impact

To assess the visual impact of the proposal, several 3D perspectives from the public domain (Sturt Highway) have been created and referenced below. Due to the proposed location of the shed at the rear of the property, the visual impact from the Sturt Highway is minimal and not out-of-character with the surrounding landscape. The proposed setback from the public domain is 70m which diminishes the dominance of the structure in the rural landscape. An abundance of vegetation exists on the north, west and east boundaries which reduces any appearance of bulk and scale.

Bulk and scale terminology tend to be used interchangeably when describing potential visual impact. In *Veloshin v Randwick Council [2007] NSWLEC 428*, bulk and scale is referred to as highly subjective and define the terms as below:

*"Bulk refers to the mass of a building and scale is properly used only when referring to the relative size of two or more things. When scale is used to mean apparent size, it is better to use those words. When scale is used to denote the character of an area, it is better to use that word."*

Height, bulk and character are consistently considered matters in contention. LEC caselaw has established planning principles to guide how they are assessed, as outlined below. Responses are provided in relation to the subject proposal:

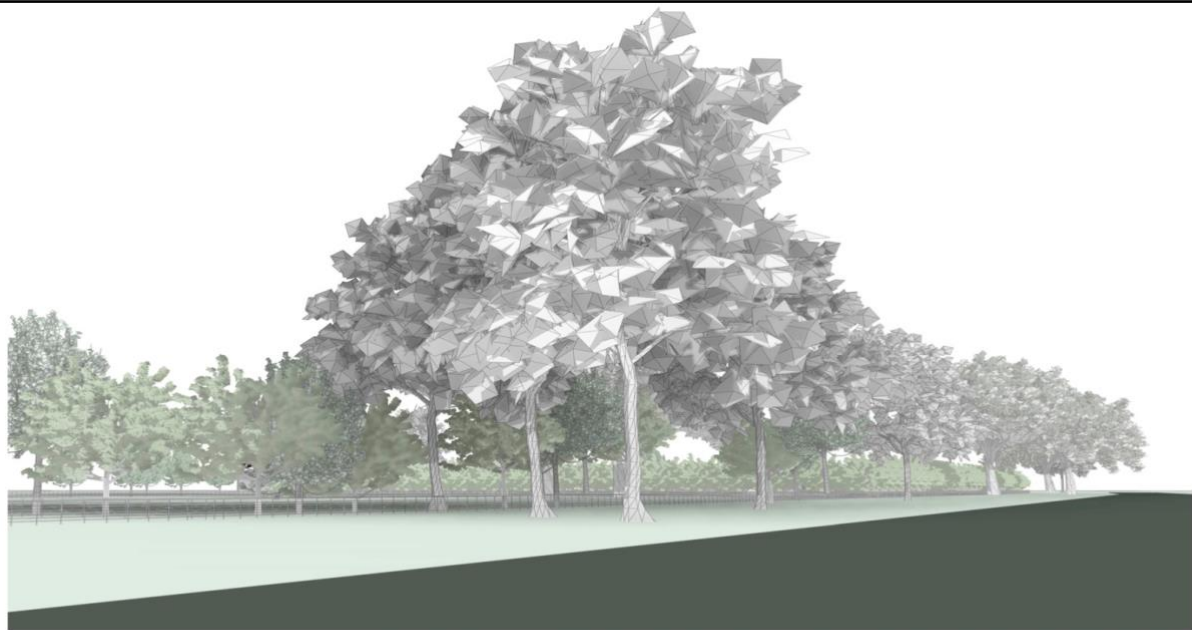
<b>The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:</b>	
<i>Are the impacts consistent with impacts that may be reasonably expected under the controls?</i>	Yes. The planning controls related to setbacks and site coverage for this proposal have been discussed in detail below under section 6.4. The proposal is predominantly in a RU1 rural environment and utilized for largely non-residential activity. Under the circumstances the controls are consistent with the nature and scale of the development within a flexible rural landscape setting.
<i>How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?</i>	When considered in context of the rural zone landscape, notwithstanding its partial ancillary dwelling use, the proposed height and bulk of the shed is acceptable under the circumstances in a rural landscape on the urban fringe.
<b>Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:</b>	
<i>Does the area have a predominant existing character and are the planning controls likely to maintain it?</i>	The site is located in RU1 Primary Production zone adjacent to a state highway. The existing character remains consistent with the current setting which includes rural dwellings, hobby farms and commercial development on the fringe of the urban area such as the Riverine Marine Centre. The planning controls accommodate the establishment of sheds in this location that are compatible with the local RU1 character and urban fringe environment.
<i>Does the proposal fit into the existing character of the area?</i>	Yes. The existing planning controls do not specifically aim at preserving a particular character or theme due to the flexibility of the RU1 zoning, LEP and DCP guidelines. Existing planning controls favour a rural environment which are likely to accommodate large, shed developments on agricultural farms in rural settings.
<b>Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is:</b>	
<i>Is the proposal consistent with the bulk and character intended by the planning controls?</i>	Yes. The shed is predominately rural in character and acknowledges the highway frontage by proposing a 70m setback to reduce any potential visual impact on the highway corridor.
<b>Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this</b>	



**question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is:**

*Does the proposal look appropriate in its context?*

Yes. The proposal looks appropriate within the rural setting which is in close proximity to a low-density semi-rural neighbourhood and commercial development on the urban fringe. The location of the shed is setback significantly behind the building line and to lessen its presence and ensure its future function will be consistent with the predominant rural character. Significant vegetation exists along the north, east and western property boundaries which further mitigates any potential visual impact from the public domain.



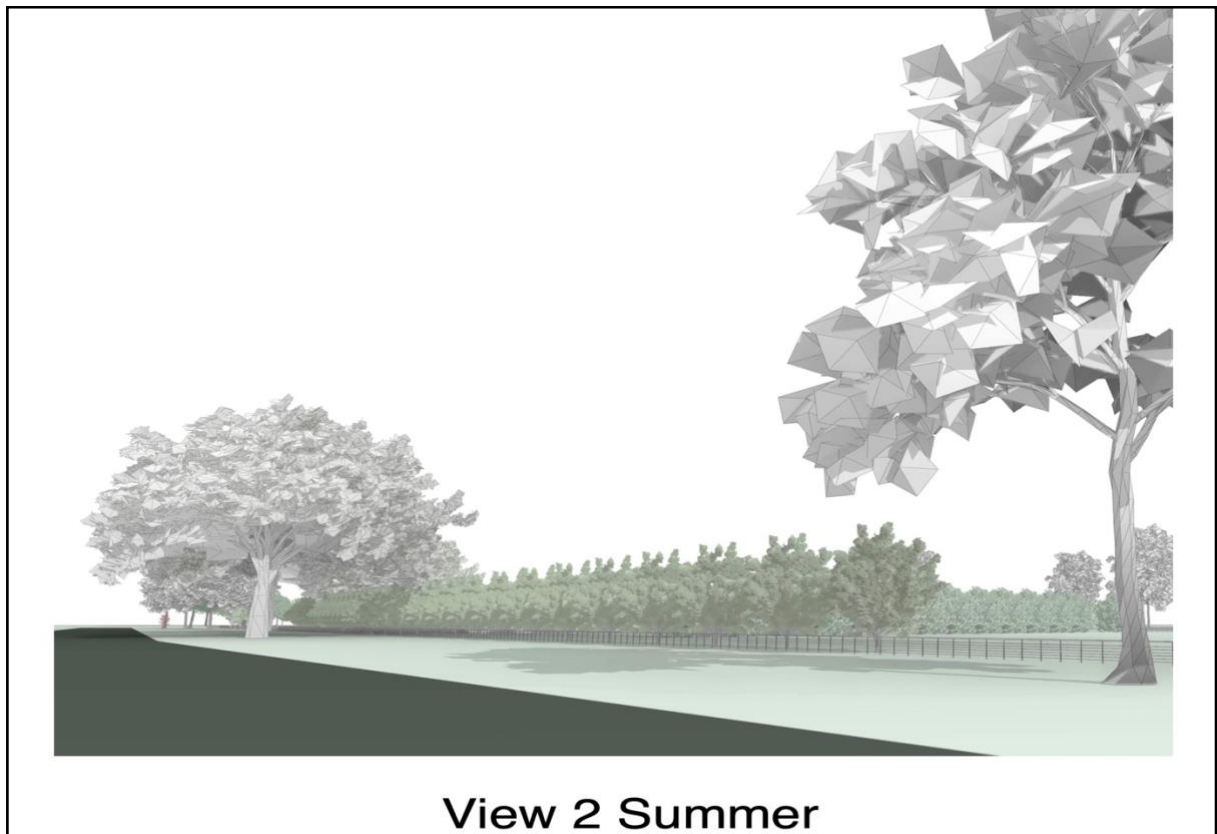
**View 1 Summer**

**Figure 11:** 3D perspective from Sturt Highway - Summer (Source: FED 2023)



**View 1 Winter**

**Figure 12:** 3D perspective from Sturt Highway - Winter (Source: FED 2023)



**Figure 13:** 3D perspective from Sturt Highway - Summer (Source: FED 2023)



**Figure 14:** 3D perspective from Sturt Highway - Winter (Source: FED 2023)



In considering the view analysis provided by the images and rendered perspectives above, the presence of the proposed shed in this location will have very limited impact on the public domain (Sturt Highway corridor and surrounding streets) and surrounding rural properties.

## 5 INFRASTRUCTURE

### 5.1 Provisions of Essential Services

All essential services are available in the general vicinity and are connected to the existing property. The proposal will be connected to electricity to provide lighting and power points for charging purposes. An existing 110,000L water tank will connect to the shed for the collection of the stormwater. Connections will be provided in accordance with all relevant Council and Service Provider Guidelines.

## 6 PLANNING POLICIES AND GUIDELINES

The following planning policies and guidelines are applicable to the subject proposal and, where relevant, further consideration is given to address consistency with various adopted provisions and controls.

### 6.1 Relevant Acts & Regulations

Development on the land is subject to the provisions of the Environmental Planning & Assessment Act 1979 & Environmental Planning & Assessment Regulations 2021.

In addition, certain other Acts and regulations are applicable to the development as referred to in the following table.

#### 6.1.1 Integrated Development

The proposed development is not integrated development.

The table below shows the assessment of the site against section 4.46 of the EP&A Act 1979.

**Table 3: Applicable Integrated Development**

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
Coal Mine Subsidence Compensation Act 2017	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Fisheries Management Act 1994	Aquaculture permit	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to carry out dredging or reclamation work	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of an such land or lease	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
<i>Heritage Act 1977</i>	<i>Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Mining Act 1992</i>	<i>Grant of mining lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>National Parks and Wildlife Act 1974</i>	<i>Grant of aboriginal heritage impact permit</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Petroleum (Onshore) Act 1991</i>	<i>Grant of production lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Protections of the Environment Operations Act 1997</i>	<i>Environment protection licence to authorise carrying out of scheduled development work at any premises.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
<i>Roads Act 1993</i>	<i>Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Rural Fires Act 1997</i>	<i>Authorisation under section 100b in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Water Management Act 2000</i>	<i>Water use approval, water management work approval or activity approval under part 3 of chapter 3</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.

### 6.1.2 Biodiversity Conservation Act 2016 No 63

The subject site is not within a Biocertified Area of the WWLEP 2010, therefore the site is subject to the Biodiversity Conservation Act 2016.

The proposal has been measured against Part 7 Division 1 Section 7.2. The proposal is not likely to significantly affect threatened species.

Development or activity is likely to significantly affect threatened species if:

- *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3*

Applying the biodiversity test concludes that the proposed development will not likely to significantly affect threatened species or ecological communities, or their habitats.

- *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values*

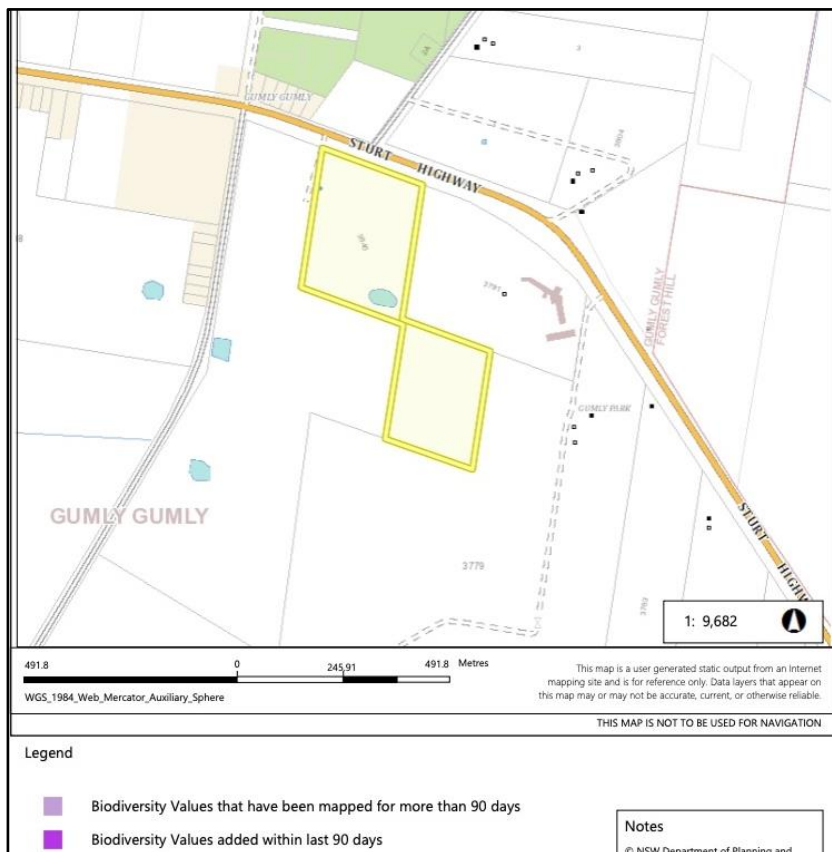
The development does not exceed the Biodiversity Offset Scheme Entry Threshold. See Threshold Report.

Biodiversity Values Map and Threshold Report			
Results Summary			
<b>Date of Calculation</b>	13/09/2022 4:27 PM	<b>BDAR Required*</b>	
<b>Total Digitised Area</b>	00.6 sqm		
<b>Minimum Lot Size Method</b>	LEP		
<b>Minimum Lot Size</b> 10,000sqm = 1ha	2,000,000 sqm		
<b>Area Clearing Threshold</b> 10,000sqm = 1ha	10,000 sqm		
<b>Area clearing trigger</b> Area of native vegetation cleared	no	no	
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no	
<b>Date of the 90 day Expiry</b>	N/A		

**Figure 15:** Biodiversity Values Threshold Result Summary (Source: DP&E 2022)

- *it is carried out in a declared area of outstanding biodiversity value*

The development is not within a declared area of outstanding biodiversity value. See the Biodiversity Values Map.



**Figure 16:** Biodiversity Values Map (Source: DP&E 2022)

## 6.2 State Environmental Planning Policies

The State Planning Controls applicable to this site, as listed by the NSW Planning Portal, are outlined in the table below.

**Table 4: SEPPs Applying to the Land and Proposal**

SEPP Applicability to the Proposal	
SEPP	Comments
SEPP (Biodiversity and Conservation) 2021	Applicable, not relevant.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable, not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Applicable, not relevant.
SEPP (Housing) 2021	Applicable, not relevant.
SEPP (Industry and Employment) 2021	Applicable, not relevant.
SEPP65 – Design Quality of Residential Apartment Development	Applicable, not relevant.
SEPP (Planning Systems) 2021	Applicable, not relevant.
SEPP (Primary Production) 2021	Applicable, not relevant.
SEPP (Resilience and Hazards) 2021	Applicable & relevant. Chapter 4 Remediation of land matters to be considered for all developments. See further discussion below.
SEPP (Transport and Infrastructure) 2021	Applicable & relevant. See further discussion below.

### 6.2.1 SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

Consideration of site contamination is a statutory requirement when considering development applications. Relevant guidelines prepared under State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 4) provide an outline of matters to be considered in this respect.

The history of land use of the subject land needs to be considered as an indicator of whether land contamination is a potential issue. Where there is no reason to suspect contamination after acting substantially in accordance with the Contaminated Land Planning Guidelines, the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in the Contaminated Land Planning Guidelines should be followed.

The following information is provided to assist in an initial evaluation of the proposal in relation to site contamination.

**Table 5: Contaminated Land Consideration – Initial Evaluation Data**

Initial Evaluation Data	
Consideration of readily available information:	Response
a) current zoning	RU1.
b) permissible uses	See relevant section below.
c) records from previous rezonings or rezoning requests	Noted.
i. history of land uses including:	Primary industry.
ii. development applications & building applications	See list above.
d) aerial photo history	See relevant photos included in this report.
e) property file information & site owner information	Historical information on previous development and building approvals were based on client and available information.
f) knowledge of council staff	To be determined by Council during its initial evaluation of the proposal.
g) adjoining property information	Rural land, motel.
h) site inspection information including photographs	See below.
Checklist questions (from Managing Land Contamination Guidelines)	Response
a) Are there any previous contaminated land investigations available for the site? If so, what were the results?	No.
b) Is there any history of activities, as listed in Table 1 of the Guidelines, on the land, past or present?	Yes, agricultural activities.

Initial Evaluation Data	
c) Was the land at any time zoned for industrial, agricultural or defence purposes?	Yes, currently agricultural.
d) Is there any history of licences, past or present, regulating the use of activities listed Table 1 of Guidelines over the land?	No.
e) Are there any land use restrictions on the land relating to possible contamination (eg EPA or other authority)?	No.
f) Does site inspection data suggest a history of any activities listed in Table 1 of Guidelines?	Yes, agricultural activities.
g) Is there any information concerning contamination impacts on land immediately adjacent the site that could affect the site?	No.



**Figure 17:** Site Photos (Source: SP 2022)



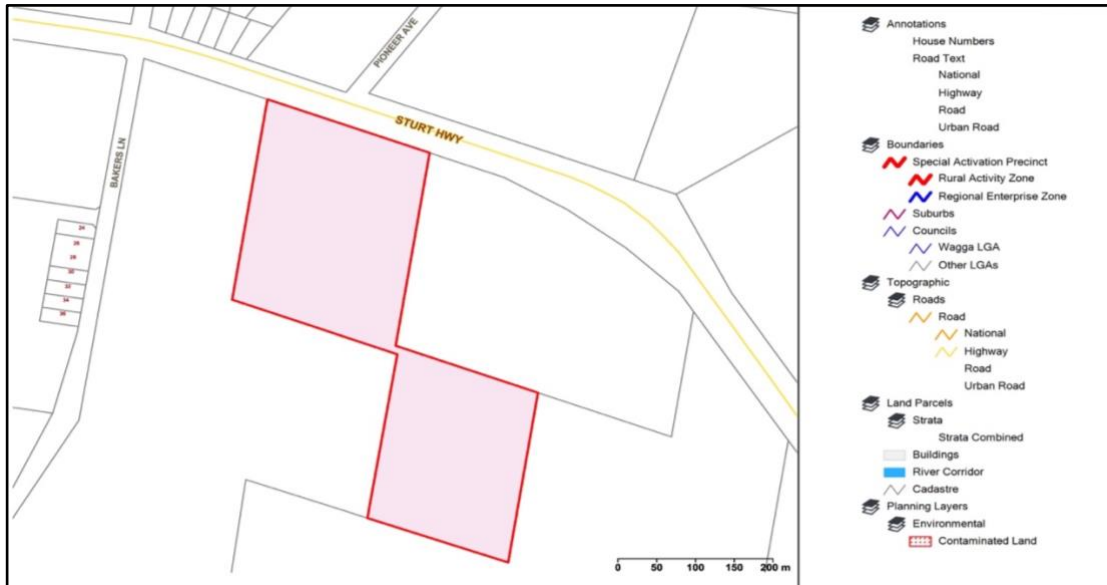
**Figure 18:** Site Photos (Source: SP 2022)

The subject site is not listed in Council records as potentially contaminated. Agricultural land is considered a potentially contaminating activity. However, a site inspection did not reveal any potential contamination issues on the subject site, such as fuel and chemical storage or sheep dips.

The subject site is located within the PFAS Study Area however under DA21/0576, the Planners Report advised *"the risk of contamination is considered low"*.

Based on the information available and presented in the table above, as well as the purpose of the development, it is considered that the subject site is suitable for the proposed development, no further investigation is required, and the proposal may be considered and determined accordingly.





**Figure 19:** Potentially Contaminated Register Mapping (Source: WWCCGIS 2022)

### 6.2.2 SEPP (Transport and Infrastructure) 2021

Subdivision 2 Development in or adjacent to road corridors and road reservations (Chapter 2, Part 2.3, Division 17) of this SEPP is applicable and relevant to this proposal.

The following information is provided to assist in the assessment of this proposal.

**Table 6: Consideration of Development adjacent Road Corridors**

SEPP (Transport & Infrastructure) 2021 – Chap 2, Part 2.3, Div 17, Subdivision 2	
Relevant assessment criteria	Response
2.116 Development other than road facilities on public roads	Not applicable
2.117 Highway service centres in road corridors	Not applicable
2.118 Development on proposed classified road	Not applicable
2.119 Development with frontage to classified road	Applicable – see comments below.
(1) The objectives of this section are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	The proposal satisfies these objectives by ensuring the new shed development is located within the curtilage of the existing dwelling and other farm sheds, and maintains existing volume and nature of traffic movements on and off the property.
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Noted.  Not applicable. There are no other accessible public roads to the site.  The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development due to the volume and nature of traffic being relatively low and consistent with the existing use of the property.  The proposed development is not sensitive to traffic noise and vehicle emissions, and is appropriately located.

SEPP (Transport & Infrastructure) 2021 – Chap 2, Part 2.3, Div 17, Subdivision 2	
2.120 Impact of road noise or vibration on non-road development	Not applicable
2.121 Excavation in or immediately adjacent to corridors	Not applicable
2.122 Traffic-generating development	Not applicable, the proposal is not classified as traffic-generating development.

### 6.3 Wagga Wagga Local Environmental Plan (LEP) 2010

The site is subject to the provisions of Wagga Wagga Local Environmental Plan 2010 (the LEP).

The particular aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to optimise the management and use of resources and ensure that choices and opportunities in relation to those resources remain for future generations,
- (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change,
- (c) to promote the sustainability of the natural attributes of Wagga Wagga, avoid or minimise impacts on environmental values and protect environmentally sensitive areas,
- (d) to co-ordinate development with the provision of public infrastructure and services.

The proposal satisfies these aims providing a sustainable development on serviced and appropriately zoned land. The development will avoid impacts on environmentally sensitive areas and localities, and provide a facility for the social and economic benefit of the local and wider community. Discussion on applicable sections of the LEP is provided below.

#### 6.3.1 Land Use Zoning

The subject land is zoned RU1 Primary Production under the provisions of the LEP, as shown in the figure below.



**Figure 20:** Land Zoning Map (Source: WWCCGIS 2023)

Land Use Table extracts for the RU1 zone is provided below:

<b>Permitted without consent</b>
Environmental protection works; Extensive agriculture; <b>Home businesses</b> ; Home occupations; Roads
<b>Permitted with consent</b>
Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; <b>Dwelling houses</b> ; Extractive industries; <b>Farm buildings</b> ; Farm stay accommodation; Hardware and building supplies; Home industries; Intensive livestock agriculture;



*Intensive plant agriculture; Markets; Open cut mining; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4*

**Prohibited**

*Airports; Amusement centres; Camping grounds; Caravan parks; Commercial premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Local distribution premises; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies*

### 6.3.2 Permissibility

The proposed shed is defined under the Exempt & Complying Codes 2008 SEPP as an outbuilding, ancillary to the dominant agricultural/dwelling land uses on site:

**outbuilding** means any of the following class 10a buildings under the Building Code of Australia—

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

**ancillary development**, in Parts 1, 2, 3A and 4, means any of the following that are not exempt development under this Policy—

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) basement,
- (e) carport that is attached to a dwelling house,
- (f) detached studio,
- (g) driveway, hard stand space, pathway or paving,
- (h) fence or screen,
- (i) garage that is attached to a dwelling house,
- (j) outbuilding,
- (k) rainwater tank that is attached to a dwelling house,
- (l) retaining wall,
- (m) swimming pool or spa pool and child-resistant barrier.

The proposed shed will be utilised by three existing land uses operated from the site, including dwelling, home business and agriculture.

Space allocation within the outbuilding will comprise the following:

<b>Land Use</b>	<b>Comment</b>
<b>farm building</b> means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.	Three (3) bays within the outbuilding will be used as a farm building, which is ancillary to the agricultural use of the landholding, for the purposes of storage of farm vehicles and materials.
<b>Home business</b> means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following— (a) the employment of more than 2 persons other than the residents, (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter, (d) the exhibition of signage, other than a business identification sign,	Three (3) bays within the outbuilding will be used as ancillary development to the current home business that operates on site for the purposes of parking of vehicles and temporary storage of construction materials, and the loading and unloading thereof used in the carrying out of the proponent's construction business.

(e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises. Note—See clause 5.4 for controls relating to the floor area used for a home business.	
<b>dwelling house</b> means a building containing only one dwelling. Note—Dwelling houses are a type of residential accommodation	Two (2) bays within the outbuilding will be used as ancillary development to the current dwelling house which is on site, for the purposes of parking of vehicles and associated workshop space.

The Zone Objectives are considered in the table below:

**Table 7: Relevant LEP 2010 Zone Objectives**

LEP 2010 – RU1	
Objective	Comments
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Consistent, the proposal will not change the natural resource base, but will allow for the storage of agricultural equipment out of the elements.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	Consistent, no change is proposed to the current primary industry enterprise. Ongoing ancillary activities of non-agricultural, but permissible, land uses are not inconsistent with this objective.
To minimise the fragmentation and alienation of resource lands.	Consistent, no change is proposed to the current primary industry enterprise. There is no subdivision proposed that would fragment and alienate resource lands. The proposed shed will occupy land already used for other shed, storage and vehicle circulation areas.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	Consistent, site is surrounded by RU1 zoned land. The proposed shed is compatible and not out of character with the surrounding rural and road environment. Sufficient setbacks to property boundaries are proposed to mitigate any potential land use conflicts.
To foster strong, sustainable rural community lifestyles.	Consistent, the proposal will assist with enabling ongoing rural community lifestyle by allowing permissible structures and ancillary activities, thereby continuing the sustainable use of the land.
To maintain the rural landscape character of the land.	Consistent, the proposed shed is of a rural style and typical building standard expected in a rural setting. The established landscaping and fencing along the highway and site boundaries will provide a physical and visual contribution to ameliorate the streetscape.
To allow tourist and visitor accommodation only where it is in association with agricultural activities.	Not applicable to proposal, no tourist and visitor accommodation proposed.

### 6.3.3 Variation

No variations to the LEP are required to facilitate the proposed development.

### 6.3.4 Consideration of Relevant LEP Clauses

In addition to LEP2010 clauses contained in Part 1 (Aims) and Part 2 (Permissibility) discussed above, the following other clauses have been considered in relation to this development proposal:

Part 3 Exempt and Complying	
3.31 – 3.3	Noted
Part 4 Principal Development Standards	
4.1 – 4.6A	Not applicable
Part 5 Miscellaneous Provisions	
5.1 – 5.3	Not applicable
5.4 – Controls relating to miscellaneous permissible uses	Applicable, see discussion below.

5.5 – 5.20	Not applicable
5.21 – Flood Planning	Applicable, see discussion below.
5.22	Not applicable
<b>Part 6 Urban Release Areas</b>	
6.1 – 6.5	Not applicable
<b>Part 7 Additional Local Provisions</b>	
7.1 – 7.2	Not applicable
7.3 – Biodiversity	Applicable, see discussion below.
7.4 – 7.5	Not applicable
7.6 – Groundwater Vulnerability	Applicable, see discussion below.
7.7 – 7.13	Not applicable

Where indicated as applicable, the relevant clause subject matter is discussed and considered in further detail below.

### **6.3.5 5.4 Controls relating to miscellaneous permissible uses**

405m<sup>2</sup> of the shed is to be allocated as an ancillary use of the home business therefore, this clause is applicable. The home business operates within the dwelling for administration and point-of-contact purposes.

**(2) Home businesses** *If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 100 square metres of floor area.*

Gross floor area is defined in the Wagga Wagga LEP and excludes any area used for the loading or unloading of goods (including access to it) and car parking to meet any requirements of the consent authority (including access to that car parking). The allocated shed bays are to be used for parking of vehicles and temporary storage of construction materials, and the loading and unloading thereof used in the carrying out of the proponent's construction business.

### **6.3.6 Flood Planning – LEP Clause 5.21**

Consideration of LEP Clause 5.21 is applicable as the proposal is located within a floodway at 1% AEP.

The objectives of this Clause are:

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

A Flood Impact Assessment (FIA) was undertaken for the proposed shed and has been attached as an accompanying document. The FIA concluded that the total displacement caused by the shed is an insignificant amount when compared to the overall flow, as the proposed shed would act as an open shed at 1% AEP rainfall (displacement would only be caused by the filling for gravel pads and columns). The flood hazard category will remain at H1 which is generally safe for people, vehicles and buildings.

**Table 8: Consideration of LEP Clause 5.21 Provisions**

<b>Relevant 7.2 Provisions</b>	<b>Response</b>
(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</i>	The SEE and accompanying documents includes all relevant information to enable assessment of the proposal including plans, design specifications and references to flood planning data.
(a) <i>is compatible with the flood function and behaviour on the land, and</i>	The available data indicates that the proposal will be compatible with the flood hazard rating of the land.
(b) <i>will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i>	The proposal will not change the existing ground level and as such will not significantly adversely affect flood behaviour that would result in detrimental increase, based on available information. The Flood Impact Assessment concludes there will be no adverse or unacceptable effect to the existing flood behaviour which is

<p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>	<p>outside the subject land and the flood hazard category would remain as H1 which is generally safe for people, vehicles and buildings.</p> <p>There are no physical site changes that would require local stormwater flood mitigation measures. Rain will be captured from the roof and channelled to an existing tank for on-site water storage.</p> <p>The proposed shed will act as an open shed by ensuring that all doors are open at time of flood warning. This can be managed by the residents through on-site evacuation procedures and plans.</p> <p>The proposal will not generate unsustainable social and economic costs to the community or land.</p>
<p><i>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:</i></p> <p><i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p><i>(b) the intended design and scale of buildings resulting from the development,</i></p> <p><i>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p><i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p>	<p>The subject site is located within the low hazard 1% AEP flood hazard mapping. The proposal will be an improvement to the current agricultural practices, allowing for storage which currently may cause a risk of floating debris. Existing evacuation procedures will be followed.</p>
<i>(4) &amp; (5)</i>	Noted.

### **6.3.7 Biodiversity – LEP Clause 7.3**

The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:

- (a) protecting biological diversity of native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the recovery of threatened species, communities or populations and their habitats.*



**Figure 21:** Biodiversity Sensitivity Map (Source: WWCCGIS 2023)

As per the mapping, the proposal is not located within the mapped biodiversity and therefore native vegetation is not expected to be impacted. No further details are required.

### **6.3.8 Groundwater vulnerability – LEP Clause 7.6**

The objective of this Clause is:

*to protect and preserve groundwater sources.*

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent.

No further consideration is required at this stage as the development is not specified for the purpose of this clause.



**Figure 22:** Groundwater Sensitivity Map (Source: WWCCGIS 2023)

## **6.4 Wagga Wagga Development Control Plan 2010 (DCP)**

Sections 2, 4, 5, 8 and 9 of the Wagga Wagga Development Control Plan (DCP) 2010 are relevant to the proposed development and are considered in the Table below. There are no

carry-over provisions of Wagga Wagga Development Control Plan 2005 applicable to this proposal.

**Table 9: Relevant DCP 2010 Controls**

Section 2: Controls That Apply to All Development		
Clause	Objective/Control	Comments
<b>2.1 Vehicle Access and Movements</b>	C1-C6:	Satisfied, where applicable. The development will not change the volume and nature of traffic ingress and egress from the site, as the existing land uses remain as is. Sufficient vehicle movement areas are provided on site.
<b>2.2 Off-street parking</b>	Controls – parking rates C1-C11:	Not applicable, uses are existing and the shed will be utilised for parking of vehicles.
<b>2.3 Landscaping</b>	Landscape design C1-C6:	Satisfied, where applicable. Landscaping has been established to the front of the property to mitigate visual impact of all building structures including the existing dwelling and the proposed shed. The established landscaping enhances the visual appearance of the property to the road corridor environment.
<b>2.4 Signage</b>	General controls for signage and structures C1-C11:	Not applicable. No signage proposed.
<b>2.5 Safety and security</b>	C1-C8:	Not applicable. Dwelling and use of land is as existing and is evident of private land.
<b>2.6 Erosion and Sediment Control Principles</b>	O1-O4:	Satisfied where applicable. Stormwater to be captured by water tanks which will reduce the amount of channelled overland stormwater collected by the roof. Erosion and sediment controls to be implemented at construction stage, as per Council's requirements.
<b>2.7 Development adjoining open space</b>	C1-C4:	Not applicable.

Section 4 – Environmental Hazards and Management		
Clause	Objective/Control	Comments
<b>4.2 - Flooding</b>	<b>Controls – flood liable areas</b> C1: Essential community services are not suitable for location in any of the flood risk precincts other than Central Wagga where they are to be above the Probable Maximum Flood (PMF) level. For the purposes of this Section, essential community services include: <ul style="list-style-type: none"> <li>Community, information and education facilities which may provide an important role in notifying the community of flood dangers or evacuation requirements during flood events.</li> <li>Emergency services facilities.</li> <li>Health service facilities.</li> </ul>	Not applicable.
	C2: Critical utilities are to be located on land above the PMF level in all precincts. For the purposes of this Section critical utilities include: <ul style="list-style-type: none"> <li>Child care centres.</li> <li>Educational establishments.</li> <li>Electricity generating works.</li> <li>Liquid fuel depots.</li> <li>Offensive or hazardous industries.</li> </ul>	Not applicable.



	<ul style="list-style-type: none"> <li>• Public utility undertakings (including generating works which are essential to evacuation during periods of flood, or if flood affected would unreasonably affect the ability of the community to return to normal activities after flood events).</li> <li>• Research stations.</li> <li>• Seniors living.</li> <li>• Telecommunications facilities and networks.</li> </ul>	
	<b>Development at Gumly, Oura and Collingullie (Flood affected land)</b>	Not applicable.
	C15: Seniors living housing is not suitable on flood prone land at Gumly, Oura or Collingullie.	
	C16: Existing dwellings can be replaced, but if in a "high hazard" area must be relocated to a location where the overall flood risk is less (being of lower hazard and/or better access) if available on the property.	Not applicable.
	C17: Additions to existing habitable dwellings shall be limited to 50m <sup>2</sup> where the existing floor level is subject to flooding.	Not applicable.
	C18: Residential dwellings are not to be located in high hazard areas.	Not applicable.
	C19: Development in the flood affected lands at Gumly, Oura and Collingullie is to comply with the provisions of Table 4.2.4.	Satisfied, see further discussion in table below.
<b>Section 5 - Natural Resource and Landscape Management</b>		
<b>Clause</b>	<b>Objective/Control</b>	<b>Comments</b>
<b>5.4 Environmentally sensitive land</b>	C2-C6:	Satisfied where applicable. The development is not located within the mapped biodiversity and therefore native vegetation will not be affected. No further details are required
	C12-C13:	Not applicable. Development is not specified for the purpose of this clause and no septic system is proposed.
<b>Section 8 – Rural Development</b>		
<b>Clause</b>	<b>Objective/Control</b>	<b>Comments</b>
<b>8.1 Development in rural areas</b>	C1: Uses are to be compatible with the character of the locality in terms of buildings, structures and the nature of operations.	Satisfied, the proposed shed is compatible with the rural character of the existing rural setting and landscape. The proposal is consistent in terms of surrounding agricultural farm buildings and activities associated with the predominant rural and commercial urban fringe land use environment and highway road corridor.
	C2: Provide adequate buffer areas and setbacks to minimise potential conflicts with adjoining lawful land uses. Where there is potential for a conflict between land uses, priority will be given to the existing productive use.	Satisfied, the proposal provides adequate setbacks to mitigate and potential conflicts with adjoining activities and productive uses. Setbacks proposed are consistent with existing on-site development and of similar character to the surrounding rural environment.
	C3: Use landscaping and other screening options to help integrate new uses and developments into the rural landscape.	Satisfied, the proposal is sited appropriately to be screened by existing vegetation on the north, east and west boundaries.
	C4: Uses must be capable of operating within capacities of available existing services.	Satisfied, development will have minimal demand on existing services. Available services are more than adequate for the proposal to operate.



	<i>C5: Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods.</i>	Satisfied, as existing. The proposed shed is to accommodate existing land use activities in relation to parking storage, loading/unloading and other ancillary related activities. There is no expansion of approved and/or <i>permissible-without-consent</i> land uses operating on the site. The proposal will not increase traffic movements to or from the site.
	<i>C6: In the case of larger projects Council may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable.</i>	Not applicable, the proposal will not increase traffic movements to or from the site.
	<i>C7: Provide satisfactory arrangements for storage and disposal of waste.</i>	Satisfied, as existing and associated with the dwelling on site.
	<i>C8: Locate dwellings to minimise conflicts with activities associated with primary production, so as to not interfere with the ability to farm adjoining or adjacent land.</i>	Not applicable, dwelling as existing.
	<i>C9: A dwelling house and all ancillary development on a lot in the following zones must have a setback from the boundary with a primary road that is not a classified road of at least the following: (a) If the lot is in Zone RU1, RU2 or RU6-50m</i>	Satisfied, the proposal is setback 70m from the front boundary.
	<i>C10: A dwelling house and all ancillary development on a corner lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following: (a) If the lot is in Zone RU1, RU2 or RU6-10m</i>	Not applicable, site is not a corner lot.
	<i>C11: A dwelling house or outbuilding must have a setback of at least 250m from a boundary with adjoining land being used for any of the following: (i) Forestry (ii) Intensive livestock agriculture (iii) Intensive plant agriculture (iv) Mines and extractive industries (v) Railway lines (vi) Rural industries</i>	Not applicable, the subject site does not adjoin land for the relevant uses.
	<i>C12: Variations to the minimum setback can be considered where it can be shown that the agricultural potential of the land will be protected taking into account alternative measures such as landscaping or other relevant factors.</i>	Not applicable, the proposal complies with the minimum front boundary setback of 50m as per clause C9.
<b>8.2 Rural produce sales and ancillary tourism</b>	<i>Various</i>	Not applicable, rural produce sales or ancillary tourism not relevant.
<b>8.3 Rural dwellings</b>	<i>C5: Outbuildings are to be located close to the main dwelling and to the rear when viewed from the nearest road so as to appear as a 'homestead group' of buildings.</i>	Satisfied, the majority of the rural dwelling clauses are relevant for dwelling buildings which is not applicable to the proposal. This clause references outbuildings and is satisfied as the proposal is to be located close to the rear of the existing dwelling house.

Section 9 – Residential development		
Clause	Objective/Control	Comments
<b>9.1 Land use directions</b>	<i>Various</i>	Not applicable, site is zoned RU1.
<b>9.2 Site context and layout</b>		
9.2.1 Site layout	<i>C1: Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.</i>	Satisfied, location of the proposal is sited to avoid removal of excess vegetation.
	<i>C2: Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.</i>	Satisfied, the proposal is integrated within existing landscaping to reduce visual impact from the adjoining lot and public domain along Sturt Highway.
	<i>C3-C4</i>	Not applicable, proposal is not for a dwelling.
9.2.2 Streetscape	<i>C1: Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.</i>	Satisfied, the proposed outbuilding for agriculture and domestic use is consistent with the rural scale, rhythm and form of the street. The outbuilding is located behind the existing dwelling to reduce visual impact from the street alongside abundant vegetation on north, east and western boundaries for further screening.
	<i>C2 – C4:</i>	Satisfied, fencing and dwelling as existing.
<b>9.3 Site area, building form and envelope</b>		
9.3.7 Side and rear setbacks	<i>O1: Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i>	Adequate separation between buildings for landscaping, privacy, natural light and ventilation is provided on the 9ha rural site.
	<i>O2: Ensure new development continues the rhythm or pattern of development in the locality.</i>	The proposed outbuilding for agriculture and domestic use is consistent with the rural landscape of the surrounding area.
	<i>O3: Provide access for maintenance.</i>	Access for maintenance can occur within the 5m setback on the western boundary or via the access driveway on the eastern side.
	<i>O4: Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.</i>	The proposed building setback of 5m from the western boundary has considered the impact on adjoining landowners. The structure is situated in a location with abundant vegetation screening and is one-storey in height which reduces any potential overshadowing impacts. Adequate separation has been provided for ventilation, privacy and natural light to the adjoining site.
	<i>C2: Any point of a building must have a setback from the side boundary nearest to that point of at least: b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.</i>	<b>Minor variation requested.</b> The western side boundary from the proposal is to be setback 5m which is a variation of 50%. The setback is considered appropriate within the rural/agricultural landscape and does not pose any detrimental impacts on the adjoining neighbours. The height of the shed/outbuilding is not significant and existing vegetation reduces any potential visual impact from 3849 Sturt Highway. The 5m setback remains generally consistent with the existing dwelling and encourages the appearance of a 'homestead group' of buildings, in accordance with the rural dwellings control (8.3 - C5).
<b>9.4 Design details</b>		
9.4.1 – 9.4.2	<i>Various</i>	Satisfied, the outbuilding utilises materials and finishes that are suited to the agricultural landscape and remain consistent with the rural streetscape.

9.4.3 Privacy	Various	Satisfied, the proposal provides adequate screening between the adjoining neighbour from the western boundary. The outbuilding is located to the rear of the property to increase privacy and minimise potential impacts to existing properties.
9.4.4 Garages, carports, sheds and driveways	O1: Minimise the visual dominance of garages and driveways in the streetscape.	The visual dominance of the proposal in the streetscape is reduced by a significant front setback of 70m. The 3D perspectives represent the proposal as diminishing in view from the streetscape and is further minimised due to the existing vegetation along the north, east and western boundaries.
	O2: Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.	Satisfied, dwelling as existing.
	C1-C3:	Not applicable, outbuilding does not form part of a façade or opens up to a laneway. The proposal is not on a residential lot.
	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 300m <sup>2</sup> , whichever is the lesser.	Satisfied, the total cumulative floor area of all outbuildings associated with the dwelling house will be approximately 295m <sup>2</sup> which includes the proposed shed bays and existing rainwater tank.  All outbuildings on the property for use as part of the home business, dwelling and farm will total approximately 1,160m <sup>2</sup> . This equates to a site coverage of 1.2% over the entire agricultural farm.
	C5:	Not applicable, development is on rural land.
	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.	<b>Minor variation requested.</b> The proposed outbuilding will be 5.8m in height which requires an 18% variation. This is a considered acceptable as the outbuilding remains one-storey and has a pitched roof that is compatible with the dwelling. Also, the proposed shed is located in a rural zone and predominantly used for non-residential purposes.
	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.	Satisfied, the outbuilding is located behind the main building line.
9.4.6 Changing the landform – cut and fill	C1: Excavation is not to exceed a maximum depth measured from ground level (existing) as follows: (a) If located no more than 1m from boundary – 1.5m, and (b) If located more than 1m but not more than 1.5m from any boundary – 2m, and (c) If located more than 1.5m from any boundary – 3m. 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).	Satisfied, minor earthworks are to occur 5m from the side western boundary which allows up to 3m of excavation. The footings require up to 2.3m of excavation for piers to facilitate the proposal.
	C2:	Not applicable, no fill is proposed.

	<p><i>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:</i></p> <p><i>(a) has been certified by a professional engineer, and</i></p> <p><i>(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</i></p> <p><i>(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is:</i></p> <p><i>(i) more than 1.5m in height and within 1m from a side or rear boundary, or</i></p> <p><i>(ii) more than 3m in height at any other location.</i></p>	Satisfied, refer to engineer certification as an accompanying document.
	<i>C4-10:</i>	Not applicable.
	<p><i>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.</i></p>	Satisfied, no stormwater or surface water it to be directed into any adjoining properties.
	<p><i>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.</i></p>	Satisfied, earthworks will not occur at an angle of repose.

#### 6.4.1 Variations

The following variations to the DCP have been summarised below:

- 9.3.7 Side and rear setbacks C2
- 9.4.4 Garages, carports, sheds and driveways C6

#### 6.4.2 Section 4.2 Flooding

Table 4.2.4 applies to the development and must be discussed, as per Section 4.2, C19 of the WWDCP2010. See further consideration below.

**Table 10: DCP Section 4.2 C19**

Requirements for development at Gumly, Oura and Collingullie		
Land Use	Conditions	Comments
<b>Recreation and agriculture</b>	<p><i>Floor levels</i></p> <ul style="list-style-type: none"> <li>• <i>Minimum floor height 225mm above ground level within the building footprint</i></li> <li>• <i>Farm sheds can be constructed at ground level</i></li> <li>• <i>Garages and sheds to be located on highest practical section of property</i></li> <li>• <i>New development is to be consistent with flood hazard and evacuation needs</i></li> <li>• <i>Chemicals and materials to be stored above the 100yr ARI flood level, plus freeboard</i></li> </ul>	Satisfied, the proposed outbuilding is to be constructed at ground level. Note that any chemicals and materials to be stored above the 100yr ARI flood level, plus freeboard.

	<i>Structural soundness</i> <ul style="list-style-type: none"> <li>Engineers report to certify that any new structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100yr ARI (excludes sheds less than 20m<sup>2</sup>)</li> <li>Fencing construction and materials are to allow flood waters to equalise on either side</li> </ul>	Satisfied, see accompanying documents certifying the proposed building.
	<i>Flood affectation</i> <ul style="list-style-type: none"> <li>Engineers report or suitable certification required to certify that the development will not increase flood affectation elsewhere</li> </ul>	Satisfied, see accompanying documents certifying the proposed building.
	<i>Evacuation</i> <ul style="list-style-type: none"> <li>A Flood Plan is required and is to make provision for evacuation of employees and storage of materials above the 100yr ARI flood level plus freeboard</li> <li>Flood evacuation access is not to be worse than for the old building being replaced</li> </ul>	Satisfied, flood evacuation plan will be established for any persons onsite regarding the management of the outbuilding in event of a flood. Note as above, that any chemicals and materials to be stored above the 100yr ARI flood level, plus freeboard.
	<i>Management and design</i> <ul style="list-style-type: none"> <li>Applications for non-habitable developments are to demonstrate that area is available to store goods above the 100yr ARI flood level, plus freeboard</li> <li>No external storage of materials below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood</li> <li>Parts of building below the 100yr flood level, plus freeboard to be constructed from flood compatible materials</li> </ul>	Satisfied, noting that farm sheds are permissible to be constructed at ground level. See accompanying documents certifying the building.

## 6.5 Other Relevant s4.15 Matters for Consideration

- any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.....:*

There are no known proposed instruments applicable to the development proposal.

- any planning agreement ....:*

There are no known planning agreements applicable to the development proposal.

- the suitability of the site for the development...:*

Based on the above discussion, the site is considered suitable for the development.

- any submissions ....:*

Council will undertake appropriate public consultation and consider any submissions accordingly.

- the public interest ....:*

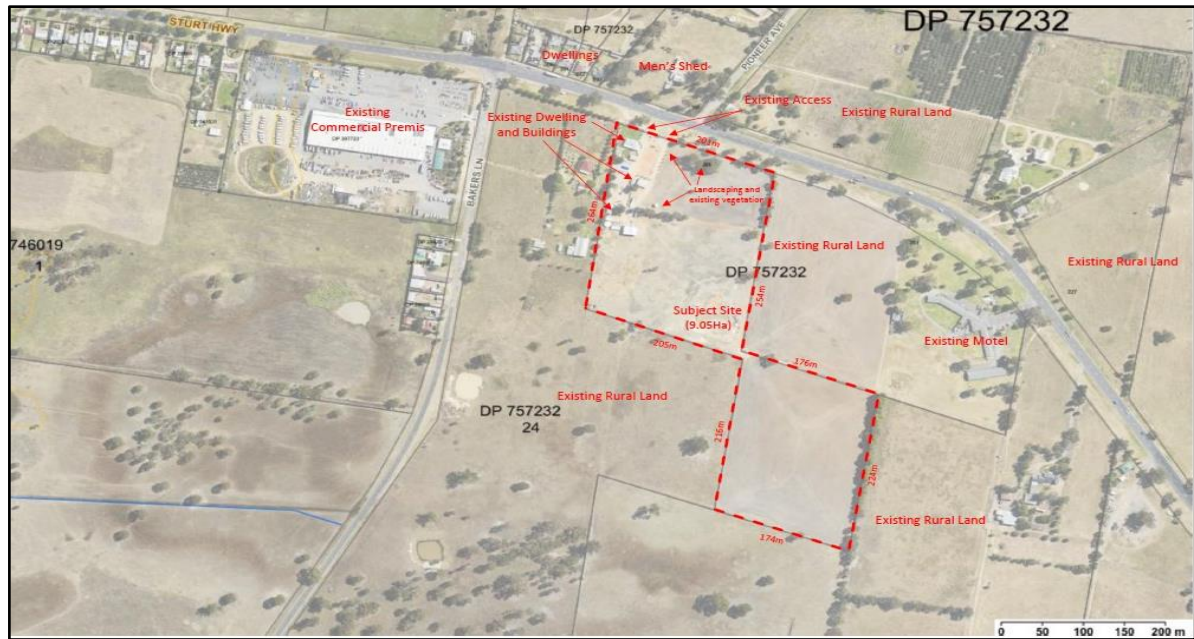


The public interest is supported with this application as the proposal is in accordance with the publicly endorsed planning policies and guidelines to ensure compatible and sustainable development on this site and within the future desired character of the locality.

## 7 ENVIRONMENTAL IMPACT ASSESSMENT

### 7.1 Site and Locality Analysis

The subject site is located on the southern side of the Sturt Highway, adjacent Pioneer Avenue. The site has existing access to the Sturt Highway, with a frontage of 201m. The access arrangements for the site will remain as existing.



**Figure 23:** Extract from Site Analysis Plan (Source: SP 2022)

### 7.2 Bushfire

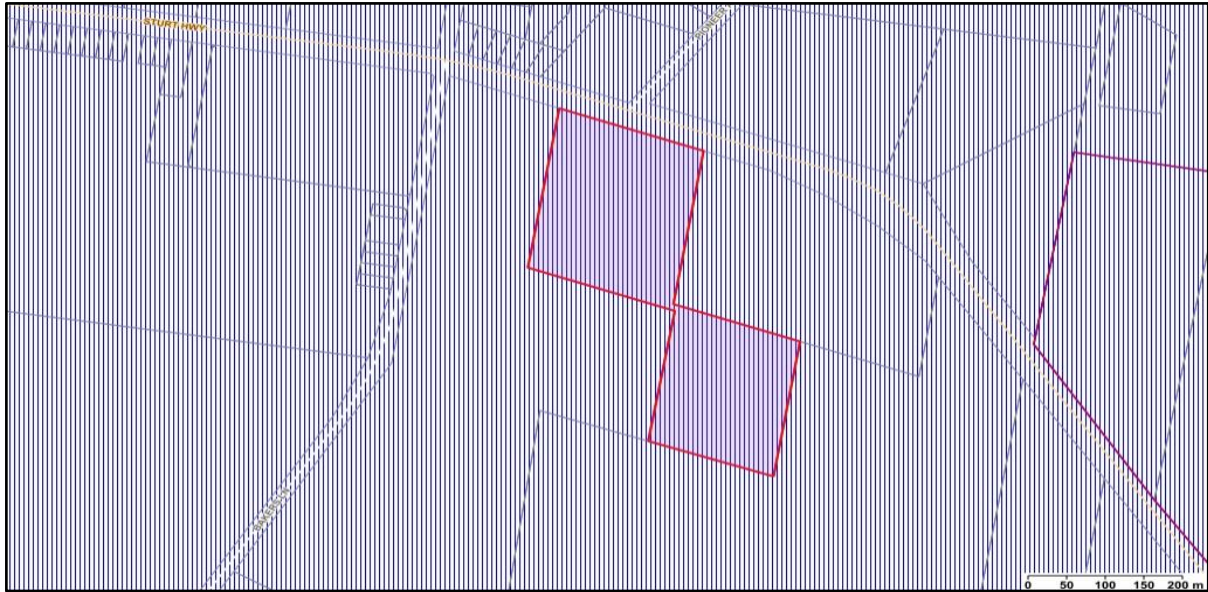
The subject land is classed as bushfire prone land as shown below. The location of the proposed shed is situated within the buffer zone and will be located on existing developed land, which includes an existing shed and hard surface. The subject site has been cleared of vegetation.



**Figure 24:** Bushfire Map Extract (Source: WWCCGIS 2023)

### 7.3 Flooding

The subject land is subject to flooding as discussed above and within the Flood Impact Assessment.



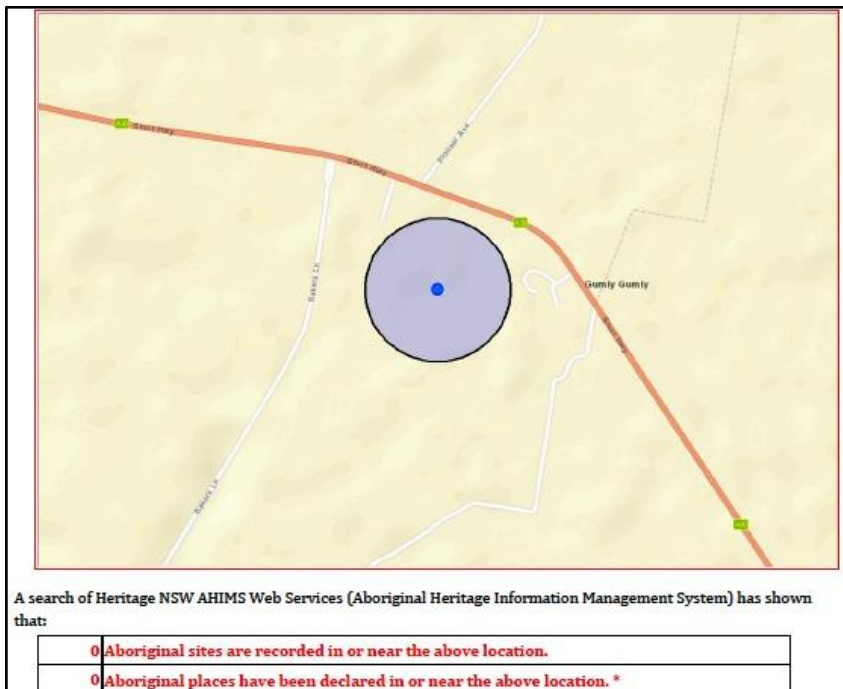
**Figure 25:** Flooding Map Extract (Source: WWCCGIS 2023)

### 7.4 Flora and Fauna

The subject land has scattered vegetation on site. There will be no detrimental impact on local flora and fauna as no native vegetation is proposed to be removed to facilitate the development.

### 7.5 Cultural and Heritage Conservation

There are no known items of heritage significance on the site. The site is not located within a heritage conservation area.



**Figure 26:** AHIMS Search Extract (Source: OEH 2023)



An AHIMS search extract is shown above, which confirms that within 200m of the site, there are no aboriginal sites recorded or declared places.

In accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW2010)*, generic due diligence process, the following information is provided:

*Will the activity disturb the ground surface or any culturally modified trees?*

- Yes, the development proposed will disturb the ground surface, however will have no impact on any known culturally modified trees.

*Are there any:*

*a) relevant confirmed site records or other associated landscape feature information on AHIMS?*

- No (see AHIMS search as discussed above).

*b) any other sources of information of which a person is already aware?*

- No, there are no other known sources of information as determined via Council records and information available to the applicant.

*c) landscape features that are likely to indicate presence of Aboriginal objects?*

- No, there are no landscape features in the locality that would indicate the presence of Aboriginal objects.

It is considered that all due diligence requirements have been fulfilled. An Aboriginal Heritage Impact Permit (AHIP) application is considered to be unnecessary. The development will proceed with caution. If any Aboriginal objects are found, work will be stopped, and relevant authorities notified. If human remains are found, work will be stopped, the site will be secured, and Police and other relevant authorities notified accordingly.

## 7.6 Statement of Environmental Effects Summary Table

**Table 11: Statement of Environmental Effects**

Proposed Farm Building – Sturt Highway, Gumly Gumly			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Context & Setting	Minimal	Visual observation, site and locality analysis	Appreciation of local character, quality design.
Access & Traffic	Minimal	Development data, site plans, client information	Not applicable. No change to traffic volume or nature.
Infrastructure	Minimal	Analysis of existing infrastructure and provisions.	Connection to existing services in accordance with the requirements of servicing authorities and applicable standards.
Heritage	Nil	Local and State policy, local studies.	Not applicable.
Archaeology	Nil	Local and State policy, local studies.	Not applicable.
Land Resources	Nil	Local knowledge, site records	Not applicable.
Soils	Nil	Local records, investigation and available history	Not applicable.
Air & Microclimate	Minimal	Local knowledge	Appropriate mitigation measures implemented as necessary.
Flora & Fauna	Nil	Local knowledge, available data.	Not applicable, existing site.
Waste	Minimal	Development proposal information.	Waste disposed of in accordance with legislative guidelines.

Proposed Farm Building – Sturt Highway, Gumly Gumly			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Noise	Negligible	Local conditions	Operations will be in accordance with legislative guidelines.
Natural Hazards	Negligible	Local records.	Site conditions as existing including building floor levels to remain.
Social Impact	Positive	Local policy and knowledge	Not applicable.
Economic Development	Positive	Local records and available history	Not applicable.
Design	Positive	Visual assessment. Local policy and knowledge	Site layout and building design, appreciation of local character.
Construction	Minimal	Visual assessment. Local knowledge	Appropriate measures and standards implemented as necessary.

## 8 CONCLUSION

The proposed shed has been considered in respect of current policy and environmental conditions. It is considered the proposal is justified and permissible, for the following reasons:

- Satisfies State Environmental Planning Policy provisions relevant to the proposal;
- Is permissible under the relevant provisions of the Wagga Wagga Local Environmental Plan 2010 and meets the objectives of the zone, where applicable;
- Satisfies and complies with the relevant provisions of the Wagga Wagga Development Control Plan 2010. Where applicable, any variations to DCP standards have been adequately justified.
- Will not have an adverse or detrimental impact on the environment, as discussed in the Statement of Environmental Effects above.
- Will allow for the storage and screening of existing farm machinery and associated materials, vehicles and materials associated with the existing home business, and accommodation of vehicles and domestic workshop associated with the existing dwelling.

The proposal is submitted to Council for consideration.



**21022: Document History**

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	30/09/22	Rhiana Reardon Assistant Planner	RR	Preliminary draft for internal review
Rev 1.1 – Revised Draft	06/10/22	Patrice McMullen Research Planner	PM	Internal review
Rev 1.2 – Revised Draft	03/03/23	Rhiana Reardon Assistant Planner	RR	Minor edits and inclusion of engineer's certification.
Rev 2.0 – Final	03/03/23	Garry Salvestro Director	GS	Issued for lodgement
Rev 2.1 Revised Draft	20/10/23	Emily Hewitt Town Planner	EH	Internal review
Rev 2.2 Final	31/10/23	Garry Salvestro Director	GS	Revised final for submission

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