Report of Development Application

Environmental Planning and Assessment Act 1979

Application Details	Application Number	*DA24/0089*	Applicant	*RW Dawson* *23 Matilda Cres* *GUMLY GUMLY NSW 2652*
	Date of Lodgement	*12/03/2024*		
	Proposal	*Swimming pool*	Description of Mod.	N/A
	Development Cost	*$43630*	Other Approvals	Nil

Site Details	Subject Land	*23 Matilda Cres* *GUMLY GUMLY NSW 2652* *Lot 503 DP 1266678*	Owner	*RW Dawson & FM Dawson*

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: 11.4.2024

Report Approved by:

Amanda Gray
Senior Town Planner

Date:11.4.2024

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☒ section not relevant

☒ **Section 4.55 Modification of Consent**

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

Description	Swimming pool

Matters for consideration

GIS & System Check	Section 4.15(1) *EP&A Act 1979*	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment
✔	(b) (c) (e)	**DA History**		○ *NR*	● *Sat*	DA22/0617 – Shed DA21/0843 - Dwelling

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LEP 2010 Zones	(a)(i) (b) (c) (e)	**Zoning**	**LEP** 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	○ *NR*	● *Sat*	Zoning of land (cl 2.2): R5 The development is permissible in the zone (cl. 2.3(1)) The development is consistent with the following objectives of the zone (cl. 2.3(2)): • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

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Land Parcels & DP	(b) (c) (e)	**Land Title** Correct legal description and ownership Easements & Building Envelopes Open Deposited Plan (including 88b) Registered title (deferred commencement)		○ NR	● Sat	The site is burdened by a 2.5m easement along the rear boundary to drain sewer and water. The pool is clear of the easement.
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	**Heritage** Conservation Area Listed item *DCP 3 Heritage Conservation*		● NR	○ Sat	
			LEP 5.10 Heritage conservation	● NR	○ Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	**Urban Release Area**	**LEP** 6.2 Public utility infrastructure	● NR	○ Sat	
			LEP 6.3 Development control plan	● NR	○ Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	**Natural Resource Sensitivity** *DCP 5.4 Environmentally sensitive land*	**LEP** 7.3 Biodiversity	● NR	○ Sat	
			LEP 7.4 Vulnerable land	● NR	○ Sat	

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			LEP 7.5 Riparian lands and waterways	● NR	○ Sat	
			LEP 7.6 Groundwater vulnerability	○ NR	● Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	**Flooding** Overland flow *DCP 4.2 Flooding*		● NR	○ Sat	
			LEP 5.21 Flood Planning	● NR	○ Sat	
Bushfire Prone Land	(a)(iii) (b) (c) (e)	**Bushfire** *DCP 4.1 Bushfire*		○ NR	● Sat	The site is not mapped as bush fire prone land and a site inspection has confirmed that the site or surrounding area is not a bush fire risk. No further assessment is required.
Environmental -Contaminated Land & PFAS	(a)(i) (b) (c) (e)	**Contaminated Land** PFAS Study Area Site observations	**SEPP (Resilience and Hazards) 2021**	○ NR	● Sat	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 September 2019. The key areas of concern were surrounding water corridors, aquafers, water bodies close to the RAAF Base itself and overland flow paths. The subject site is not within these areas and therefore the risk of contamination is considered low.
Airport Constraints	(a)(i) (b) (c) (e)	**Airport Constraints**	**LEP** 7.11 Airspace operations	○ NR	● Sat	

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			LEP 7.12 Development in areas subject to aircraft noise	○ NR	● Sat	
Assets – Sewer and Stormawater	(b) (c) (e)	**Services/Utilities** (Septic area? Health referral)) Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts) Stormwater issues – overland flow Electricity infrastructure (including setbacks to substations) (Transport/infrastructure SEPP referral)		○ NR	● Sat	
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	**Existing site conditions** Buildings on site Retaining walls Cut and fill Deposited fill Boundary fencing and walls Private open space Vegetation *Proximity to natural waterways Other observations		○ NR	● Sat	Site visit undertaken on: 5/04/2024

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Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	**Off site observations** Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Traffic, access and parking** Manoeuvring Site Distance Issues Driveway grade Check Driveway location and grade • Side entry pit • Service lids/pits • Poles/turrets/substations • Street Trees ***DCP*** *2.1 Vehicle access and movements* *9.3.6 Front setbacks*		○ *NR*	● *Sat*	

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	(a)(iii) (b) (c) (e)	**Context, setting and streetscape** *DCP* *9.2.2 Streetscape* *9.2.3 Corner lots and secondary facades* *9.2.4 Sloping Sites* *9.3.1 Site area per dwelling* *9.3.2 Site cover* *9.3.6 Front setbacks* *9.3.7 Side and rear setbacks* *9.4.1 Building elements* *9.4.2 Materials and finishes* *9.4.4 Garages, carports, sheds and driveways* *9.4.5 Site facilities*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Public Domain** Impact on street or adjoining public place Condition/Dilapidation Construction access *DCP* *2.7 Development adjoining open space* *9.4.5 Site facilities*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Safety, security and crime prevention** *DCP 2.5 Safety and security*		○ *NR*	● *Sat*	

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	(a)(iii) (b) (c) (e)	**Site and internal design** *DCP* *9.2.1 Site layout* *9.4.1 Building elements* *9.4.4 Garages, carports, sheds and driveways*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Solar impact** *DCP* *9.3.4 Solar access* *9.3.7 Side and rear setbacks*		○ *NR*	● *Sat*	
	(a)(iii) (b) (c) (e)	**Visual Privacy** Private open space Boundary fencing and screening *DCP* *9.3.5 Private open space* *9.3.7 Side and rear setbacks* *9.4.3 Privacy*		○ *NR*	● *Sat*	
	(a)(i) (b) (c) (e)	**Noise and Vibration** Acoustic privacy conflicts Impacting nearby landuses (Rail, Road, Transport and Infrastructure SEPP referrals)		○ *NR*	● *Sat*	

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	(a)(i) (b) (c) (e)	**Air and microclimate** Impacting nearby landuses (Rail, Road, Transport and Infrastructure SEPP referrals)		○ NR	● Sat	
	(a)(i) (a)(iii) (b) (c) (e)	**Earthworks and Soils** Cut and fill Stability and erosion control Stormwater quality *DCP* *9.4.6 Changing the landform – cut and fill*		○ NR	● Sat	
			LEP 7.1A Earthworks	○ NR	● Sat	
	(b) (c) (e)	**Landscaping**		● NR	○ Sat	
	(b) (c) (e)	**Waste** Construction waste management Asbestos		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	**Energy & Water** *DCP* *9.3.7 Side and rear setbacks* *9.4.1 Building elements* *9.4.2 Materials and finishes*		○ NR	● Sat	

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	(a)(i) (b) (c) (e)	**BASIX** *(Use assessment checklist)*	**State Environmental Planning Policy (Sustainable Buildings) 2022**	● NR	○ Sat	Pool capacity is less than 40,000L – BASIX certificate not required
	(b) (c) (e)	**Other hazards** Natural Technological		○ NR	● Sat	
	(a)(iii) (b) (c) (e)	**Flora and Fauna** (on and off-site) Check for native veg requirements (R5 and RU4 Land) *DCP* *5.2 Preservation of trees* *5.3 Native Vegetation Cover*		○ NR	● Sat	
			Section 1.7 (EP&A Act) and Part 7 of the Biodiversity Conservation Act 2016 *Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)*	○ NR	● Sat	Section 1.7 (EP&A Act) and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats) There are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets. 1. *Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?* No

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						2. *Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold?* No native vegetation is proposed to be removed. 3. *Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.* Given that no native vegetation is being removed and in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect threatened species or ecological communities or their habitats. Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.
	(b) (c) (e)	**Social and economic impacts**		○ *NR*	● *Sat*	
	(b) (c) (e)	**Facilitation of Ecologically Sustainable Development**		○ *NR*	● *Sat*	

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	(a)(i) (b) (c) (e)	**Other LEP Clauses**	**LEP** 2.7 Demolition requires development consent	● NR	○ Sat	
			LEP 4.3 Height of buildings	○ NR	● Sat	
			LEP 7.9 Primacy of Zone E2 Commercial Centre	○ NR	● Sat	
			LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	● NR	○ Sat	
			LEP 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	● NR	○ Sat	
			Other Clauses	● NR	○ Sat	
	(a)(i) (b) (c) (e)	**Other EPIs**	SEPP (Transport and Infrastructure) 2021	● NR	○ Sat	
			SEPP (Precincts - Regional) 2021	● NR	○ Sat	

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			Other SEPPs	● NR	○ Sat	
	(a)(ii) (b) (c) (e)	**Draft EPIs**		○ NR	● Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
	(a)(iiia) (e)	**Planning agreements**		● NR	○ Sat	No related planning agreement has been entered into under section 7.4.
	(d) (e)	**Submissions**		○ NR	● Sat	Nil
	(e)	**Section 68 Application made as part of DA**	*Local Government Act 1993*	● NR	○ Sat	
	(e)	**Section 7.11 Contributions** (Local Infrastructure Contributions Plan 2019 - 2034)	*EP&A Act 1979*	● NR	○ Sat	
	(e)	**Section 7.12 Contributions** (Local Infrastructure Contributions Plan 2019 - 2034)	*EP&A Act 1979*	● NR	○ Sat	
	(e)	**Section 64 sewer** (Development Servicing Plan – Sewerage Services – July 2013)	s64 *LG Act 1993* & s306 *Water Management Act 2000*	● NR	○ Sat	
	(e)	**Section 64 stormwater** (Development Servicing Plan – Stormwater – November 2007)	s64 *LG Act 1993* & s306 *Water Management Act 2000*	● NR	○ Sat	
	(a)(iv) (e)	**The Regulation – Prescribed Matters**		○ NR	● Sat	

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		EP&A Regulation 2021	cl.61(1) - Demolition of a building, the provisions of AS 2601 *(ensure condition included requiring compliance with standard)*	● NR	○ Sat	
			cl.64 - Require existing building to be brought into total or partial conformity with BCA *(check with Building Surveyor for development proposing the rebuilding, alteration, enlargement or extension of an existing building)*	● NR	○ Sat	
	(a)(iv) (e)	**The Regulation – Prescribed Conditions** *(ensure conditions of consent included)*	EP&A Regulation 2021	○ NR	● Sat	
	(e)	**Other regulation matters**	EP&A Regulation 2021	○ NR	● Sat	
	(e)	**Council Policies**		○ NR	● Sat	**Policy 046** - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land. No declaration has been made that would require action under this policy.
	(e)	**Other public interest matters**		○	●	It is considered that this application will not

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				NR	Sat	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) (☒ section not relevant)	**Not Relevant**	**Satisfactory**	**Comment**

☐ **1.10 Notification of a Development Application**

Compliance with the advertising and notification procedures detailed in this section of the DCP	○ NR	● Sat	In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP 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**

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☒ 2.3 Landscaping

☐ 2.5 Safety and security

O1 Incorporate crime prevention strategies in new developments. *O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.* *O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.*	C1 Use good site planning to clearly define public, semi-public and private areas.	○ NR	● Sat	
	C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.	● NR	○ Sat	
	C3 Minimise blank walls along street frontages.	● NR	○ Sat	
	C4 Avoid areas of potential concealment and 'blind' corners.	○ NR	● Sat	
	C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.	● NR	○ Sat	
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	○ NR	● Sat	
	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	● NR	○ Sat	
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	● NR	○ Sat	

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☐ 2.6 Erosion and sediment control

O1 Protect the environment against soil erosion and loss of soil from construction sites. *O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.* *O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.* *O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.*	Consistent with the objectives of this section of the DCP.	○ *NR*	● *Sat*	

☒ 2.7 Development adjoining open space

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☒ 3 Heritage Conservation

☒ 4.1 Bushfire

☒ 4.2 Flooding

☒ 5.1 Development on ridges and prominent hills

☒ 5.2 Preservation of trees

☒ 5.3 Native Vegetation Cover

☐ 5.4 Environmentally sensitive land

O1 To support the controls and objective for both the C2 and C4 Zone and the provisions in Clauses 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.*	C1 Development is to be consistent with any Conservation Management Plan prepared for land in the C2 zone.	● *NR*	○ *Sat*	
	Land Identified as "Biodiversity" on the Terrestrial Biodiversity Map (WWLEP 2010 Clause 7.3)	● *NR*	○ *Sat*	
	Land Identified as "Vulnerable Land" on the Vulnerable Land Map (WWLEP 2010 Clause 7.4)	● *NR*	○ *Sat*	
	Land Identified as "Waterway" on the Water Resources Map (WWLEP 2010 Clause 7.5)	● *NR*	○ *Sat*	
	Land Identified as "Groundwater" on the Water Resources Map (WWLEP 2010 Clause 7.6)	○ *NR*	● *Sat*	

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O5 Protect, maintain or improve the diversity and stability of landscapes.				

☒ 6 Villages

☒ 8 Rural Development

☒ 9.1.5 R3 Zone – Staunton Estate

☐ 9.2.1 Site layout

O1 Encourage site responsive development that is compatible with existing or desired built form. *O2 Facilitate sustainable development through passive solar design.* *O3 Integrate landscaping and built form.* *O4 Encourage designs which respond to the physical context and characteristics of the particular site.* *O5 Encourage design that maximises the opportunity for passive surveillance of*	C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.	○ *NR*	● *Sat*	
	C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.	○ *NR*	● *Sat*	
	C3 Orient living spaces to maximise solar access.	● *NR*	○ *Sat*	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	● *NR*	○ *Sat*	

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communal spaces from private living areas.				

☒ **9.2.2 Streetscape**

☒ **9.2.3 Corner lots and secondary facades**

☐ **9.2.4 Sloping sites**

O1 Encourage site responsive development. *O2 Encourage building design that is appropriate to the site conditions.* *O3 If an alternate design is possible, avoid development that would require cutting into the site.*	C1 Use pier, split level or suspended floor designs on sloping sites.	● *NR*	○ *Sat*	The building design is appropriate to the site and generally meets the objectives.

☒ **9.3.1 Site area per dwelling**

☒ **9.3.2 Site cover**

☒ **9.3.4 Solar access**

☐ **9.3.5 Private open space**

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O1 Provide quality, useable private open space. *O2 Ensure adequate areas for recreation and outdoor living.* *O3 Encourage good connection between dwellings and private open space.*	C1 At least 24m2 of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.	○ NR	● Sat	
	C2 Enclosure of approved private open space will be permitted, however at least one side of the approved private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.	● NR	○ Sat	
	C3 Use screening where necessary to ensure the privacy of private open space areas.	● NR	○ Sat	

☒ 9.3.6 Front setbacks

☐ 9.3.7 Side and rear setbacks

O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation. *O2 Ensure new development continues the rhythm or pattern of development in the locality.* *O3 Provide access for maintenance.* *O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed*	C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.	● NR	○ Sat	Side and rear setbacks comply with the objectives.
	C2 Any point of a building must have a setback from the side boundary nearest to that point of at least: a) If the lot is in Zone R5 a setback of 2m, or b) If the lot is in Zone RU4 a setback of 10m.	● NR	○ Sat	

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structures on adjoining landowners.				

☒ 9.4.1 Building elements

☐ 9.4.2 Materials and finishes

O1 Encourage the use of external materials and finishes that are suited to their location and support consistent quality streetscapes. *O2 Encourage use of materials that have good thermal performance.* *O3 Promote the use of materials that are climate responsive and contribute to innovative building design.*	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	○ *NR*	● *Sat*	
	C2 Avoid large unbroken expanses of any single material.	● *NR*	○ *Sat*	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	○ *NR*	● *Sat*	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	● *NR*	○ *Sat*	

☒ 9.4.3 Privacy

☒ 9.4.4 Garages, carports, sheds, driveways and outbuildings

☒ 9.4.5 Site facilities

☒ 9.4.6 Changing the landform – cut and fill

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☒ **9.5 Large Lot Residential Zone – Intensification areas**

☒ **14 Boorooma Urban Release Area**

☒ **15 Lloyd Urban Release Area**

☒ **16 Gobbagombalin Urban Release Area**

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