

Report of Development Application

Environmental Planning and Assessment Act 1979

	Application Number	DA24/0110	Applicant	GE Mumberson 2/290 Moreton Park Road
Application Details	Date of Lodgement	20/03/2024		DOUGLAS PARK NSW 2569
Details	Proposal Shed		Description of Mod.	N/A
	Development Cost \$1800		Other Approvals	Nil
Site Details	Subject Land	22 Creek St HUMULA NSW 2652 Lot 8 Sec 4 DP 758529	Owner	GE Mumberson

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:

Giles Wong

Cadet Town Planner

Date:18/04/2024

Report Approved by:

Steven Cook

Senior Town Planner

Date: 18/04/2024

- Section 4.55 Modification of Consent
- ☐ Section 4.15(1) Matters for consideration general

Description	Shed

Mat	Matters for consideration							
GIS & System Check	Section 4.15(1) <i>EP&A Act 1979</i>	Issue	Legislative Provisions	Not Relevant	Satisfactory	Comment		
~	(b) (c) (e)	DA History		O NR	Sat	Nil		
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	O NR	Sat	Zoning of land (cl 2.2): RU5 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 protect and maintain the rural village character of the land.		

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)		O NR	Sat	Patrick & Augent S Patrick & S Nugent S STRE
Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	Heritage Conservation Area Listed item DCP 3 Heritage Conservation	LEP 5.10 Heritage conservation	NR NR	Sat O Sat	
LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	Urban Release Area	LEP 6.2 Public utility infrastructure LEP 6.3 Development control plan	NR NR	O Sat	
Natural resource Sensitivity	(a)(i) (a)(iii) (b) (c) (e)	Natural Resource Sensitivity DCP 5.4 Environmentally sensitive land	LEP 7.3 Biodiversity LEP 7.4 Vulnerable land	NR O NR	Sat Sat	The proposed shed is not expected to impact the diversity and stability of the landscape in accordance with the objectives.

			LEP 7.5 Riparian lands and waterways	NR NR	O Sat	
			LEP 7.6 Groundwater vulnerability	O NR	Sat	The proposed shed is not expected to impact groundwater sources and complies with the objectives of the clause.
ing MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	Flooding Overland flow		O NR	Sat	The proposal is considered to be consistent with the objectives of the LEP.
Flooding (including MOFFS)		DCP 4.2 Flooding	LEP 5.21 Flood Planning	O NR	Sat	See comments under 4.2 for discussion related to the DCP.
Bushfire Prone Land	(a)(iii) (b) (c) (e)	Bushfire DCP 4.1 Bushfire		O NR	Sat	See comments under 4.1.
Environmental - Contaminated Land & PFAS	(a)(i) (b) (c) (e)	Contaminated Land PFAS Study Area Site observations	SEPP (Resilience and Hazards) 2021	O NR	Sat	There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites.
Airport Constraints	(a)(i) (b) (c) (e)	Airport Constraints	LEP 7.11 Airspace operations	O NR	Sat	
Airport C			LEP 7.12 Development in areas subject to aircraft noise	O NR	Sat	

	/b)		1			
	(b)	Services/Utilities		\circ		As the proposal is a non-habitable structure
	(e)	(0 (: 011 (12)		NR	Sat	with no bathroom amenities, septic is not
		(Septic area? Health referral))				required.
Sewer and Stormawater		Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)				
Sewer and		Stormwater issues – overland flow				
Assets -		Electricity infrastructure (including setbacks to substations) (Transport/infrastructure SEPP referral)				
	(b)	Existing site conditions		0		Site visit undertaken on: 2/04/2024
	(c) (e)			NR	Sat	
S		Buildings on site		IVIX	Sat	
ologi		Retaining walls				
Jery Jydr		Cut and fill				
mag 7 - F		Deposited fill				
rial I		Boundary fencing and walls				
Ae		Private open space				
Aerial Imagery (*Topographic – Hydrology)		Vegetation				
		*Proximity to natural waterways				
		Other observations				

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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	O 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	O _{NR}	Sat	

(a)(iii)	Context, setting and	0		
(a)(iii) (b) (c) (e)	streetscape	NR	Sat	
	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			
(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	O NR	Sat	See discussion under section 6.
(a)(iii) (b) (c) (e)	Safety, security and crime prevention DCP 2.5 Safety and security	O NR	Sat	

(a)(iii) (b) (c) (e)	DCP 9.2.1 Site layout 9.4.1 Building elements 9.4.4 Garages, carports, sheds and driveways		O NR	Sat	
(a)(iii) (b) (c) (e)	DCP 9.3.4 Solar access 9.3.7 Side and rear setbacks		O 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		O NR	Sat	
(a)(i) (b) (c) (e)	Noise and Vibration Acoustic privacy conflicts Impacting nearby landuses (Rail, Road, Transport and Infrastructure SEPP referrals)		O NR	Sat	

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

(a)(i) (b) (c) (e)	BASIX (Use assessment checklist)	State Environmental Planning Policy (Sustainable Buildings) 2022	NR NR	O Sat	
(b) (c) (e)	Other hazards Natural Technological		O NR	Sat	
(a)(iii) (b) (c) (e)	Flora and Fauna (on and off-site) Check for native veg		O NR	Sat	
	requirements (R5 and RU4 Land) DCP 5.2 Preservation of trees 5.3 Native Vegetation Cover	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)	O NR	Sat	Section 1.7 (EP&A Act) and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development of 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?

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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		O NR	Sat	
(b) (c) (e)	Facilitation of Ecologically Sustainable Development		O NR	Sat	

(3)(i)	Ottor LED Ols	LEBOT D. 199			
(a)(i) (b) (c) (e)	Other LEP Clauses	LEP 2.7 Demolition requires development consent	NR	Sat	
		LEP 4.3 Height of buildings	O NR	Sat	
		LEP 7.9 Primacy of Zone E2	O NR	Sat	
		LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	NR	O Sat	
		LEP 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	NR	O Sat	
		Other Clauses	NR	O Sat	
(a)(i) (b) (c) (e)	Other EPIs	SEPP (Transport and Infrastructure) 2021	NR	O Sat	
(-)		SEPP (Precincts - Regional) 2021	NR	O Sat	

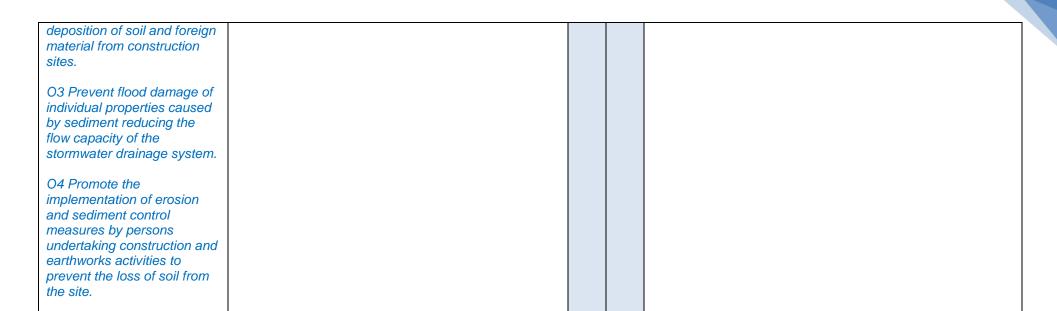
		Other SEPPs		0	
			NR	Sat	
(a)(ii) (b) (c) (e)	Draft EPIs		O NR	Sat	There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. None of these are applicable to this application.
(a)(iiia) (e)	Planning agreements		NR	O Sat	No related planning agreement has been entered into under section 7.4.
(d) (e)	Submissions		0		Nil
(0)			NR	Sat	
(e)	Section 68 Application made as part of DA	Local Government Act 1993	NR	O Sat	
(e)	Section 7.11 Contributions	EP&A Act 1979	•	0	
	(Local Infrastructure Contributions Plan 2019 - 2034)		NR	Sat	
(e)	Section 7.12 Contributions	EP&A Act 1979		\circ	
	(Local Infrastructure Contributions Plan 2019 - 2034)		NR	Sat	
(e)	Section 64 sewer	s64 <i>LG Act 1993</i> & s306		0	
	(Development Servicing Plan – Sewerage Services – July 2013)	Water Management Act 2000	NR	Sat	
(e)	Section 64 stormwater	s64 <i>LG Act 1993</i> & s306		\bigcirc	
	(Development Servicing Plan – Stormwater – November 2007)	Water Management Act 2000	NR	Sat	
(a)(iv) (e)	The Regulation - Prescribed		0		
	Matters		NR	Sat	

	EP&A Regulation 2021	cl.61(1) - Demolition of a building, the provisions of AS 2601	NR NR	O Sat	
		(ensure condition included requiring compliance with standard)			
		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	O NR	Sat	
(e)	Other regulation matters	EP&A Regulation 2021	O NR	Sat	
(e)	Council Policies		O 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		0		It is considered that this application will not

		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	Con	nment		
1.10 Notification of a Development Application			<u> </u>			
Compliance with the advertising and notification procedures detailed in this section of the DCP	O NR	Sat	the the	application has been notified in accordance with notification provisions outlined in Section 1.10 of WWDCP. es: 8/04/2024 – 15/04/2024		
1.11 Complying with the Wagga Wagga Development Control Plan 2010						
2.1 Vehicle access and movements						
O1 Ensure the safety and efficiency of urban and rural roads. C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.	NR	O Sat				

O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.	C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application. C6 Ensure adequate sight lines for proposed driveways.	O NR	Sat Sat				
2.2 Off-street park	king						
O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands. O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.	C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.	O NR	Sat				
2.3 Landscaping 2.5 Safety and see	2.3 Landscaping 2.5 Safety and security						
O1 Incorporate crime prevention strategies in new developments.	C1 Use good site planning to clearly define public, semi-public and private areas.	O NR	Sat				
O2 Encourage active, pedestrian oriented environments where developments are designed	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				

	T			
to integrate into the public				
domain.	C3 Minimise blank walls along street frontages.	0		
		\cup		
O2 Maying a consert with a		NR	Sat	
O3 Maximise opportunities	C4 Avaid areas of notantial consequent and 'blind'		001	
for natural surveillance of	C4 Avoid areas of potential concealment and 'blind'	0		
public spaces and building or	corners.	_	0 (
site entrances.		NR	Sat	
Site entrances.	C5 Provide lighting to external entry areas, driveways			
			\circ	
	and car parks in accordance with the relevant	NR	Cot	
	Australian Standards. The lighting is to be designed	NR	Sat	
	and sited to minimise spill and potential nuisance to			
	adjoining properties.			
	C6 Planting and fencing is not to reduce the safety of		\bigcirc	
	users or			
		NR	Sat	
	compromise areas of natural surveillance.	, ,,	Odi	
	C7 Where a site provides a pedestrian through route			
			\circ	
	the access path is to be clearly defined and sign	NR	Sat	
	posted, appropriately lit, and have satisfactory visibility.	IVIX	Jai	
	C8 Locate public toilets and rest areas to promote their			
			\circ	
	use, and maximise public surveillance without creating	NR	Sat	
	visual intrusion.	IVIT	Sal	
	. P C C I			
2.6 Erosion and s	ediment control			
_	T			
O1 Protect the environment	Consistent with the objectives of this section of the	0		
against soil erosion and loss	DCP.	_		
of soil from construction	501.	NR	Sat	
sites.				
O2 Prevent the degradation				
of drainage systems,				
waterways and aquatic				1
mater may e arra aquatio				

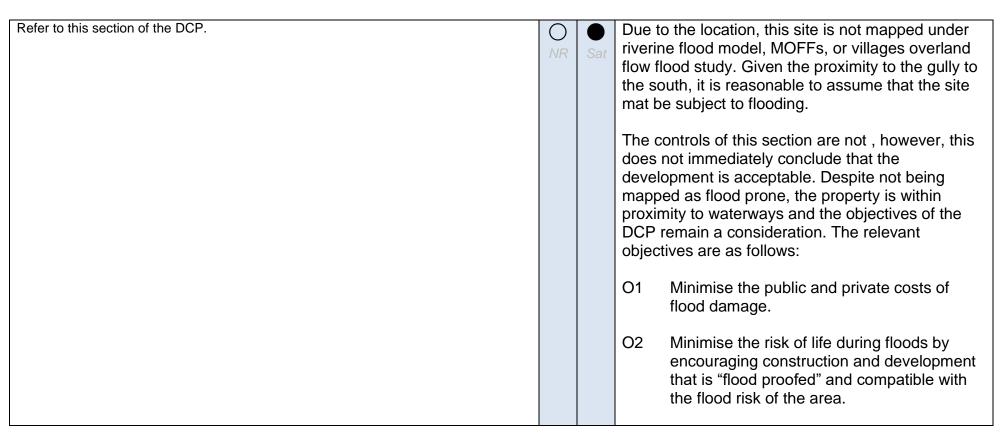


- 2.7 Development adjoining open space
- **3** Heritage Conservation
- 4.1 Bushfire

property and the environment from bush fire.	C1 Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2019 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.	O NR	Sat	The proposed shed is located approximately 31 metres away from designated bushfire prone land to the south and is greater than 6 metres from the existing dwelling. As this is a 10a structure located greater than 6 metres from a habitable structure, under 6.5 of the <i>Planning for Bushfire Provisions 2019</i> , the NSW RFS does not consider that a BFSA is necessary for the development.
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C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2019.	ly NR Sat	
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4.2 Flooding



	O3 Ensure that development and construction are compatible with the flood hazard.
	As the development is a class 10a structure and is not habitable, it is considered that the proposed shed is consistent with the relevant objectives of the DCP. All matters have been considered.

- **5.1** Development on ridges and prominent hills
- **5.2** Preservation of trees
- **5.3 Native Vegetation Cover**
- ☐ 5.4 Environmentally sensitive land
- ☐ 6 Villages

Development in the Villages				
O1 allowing for appropriate development while preserving existing levels of village amenity O2 recognising and	Streetscape, building location and form C7 The form and scale of buildings is to relate to the particular characteristics of the village. Refer to streetscape reference buildings near the site and Village controls where applicable.	O NR	Sat	The proposal is consistent with the character of the area.
preserving character of all existing villages while encouraging appropriate forms of development	C8 Front setbacks are to correspond to the setbacks of adjoining buildings and the pattern of existing buildings near the site.	O NR	Sat	There is no consistent pattern in the area regarding siting of dwellings and sheds, therefore, the reduced front setback is to be assessed on merit.

O3 supporting the viability and sustainability of the villages as non-urban places				The application proposes a reduced primary and secondary front setback. Due to the location, road type, and minimal traffic, the location is not considered to have any substantial or dangerous impact on visibility from the public domain.				
	C9 Side setbacks are to allow sufficient access for landscaping, maintenance and separation from adjoining properties. Dwellings in the villages are often sited towards the centre of blocks.	O NR	Sat					
	C10 Site cover is to be consistent with the established pattern of the village. Refer to the Character Statement.	O NR	Sat					
	Landscaping							
	C12 Consider use of native species rather than exotic plants.	• NR	O Sat					
	Materials and colours							
	C13 Use materials that are compatible with surrounding development and appropriate to their application taking into consideration orientation, energy efficiency and sustainability.	O NR	Sat					
	C14 Use lightweight cladding (timber) and low intensity colours (lighter tones) for all finishes, including roofs.	O NR	Sat					
	Fencing							
	C15 Use low, open or rural style fencing (without barbed wire) on frontages to roads or lanes, including secondary frontages.	NR NR	O Sat					
	Collingullie		•					
	C18 Development within Collingullie Village is to be in accordance with the Wagga Wagga Development Control Plan 2010 as amended – Section 6 – Villages	NR NR	O Sat					

Page 20 of 21 Section: 275 Collingullie Urban Design Report, June 2021.		
Ladysmith		
C22 New development to respect the pattern and setbacks of existing adjoining buildings. In many cases this means locating dwellings in the centre of lots, and matching the established front and side setbacks.	NR NR	Sat
Mangoplah (no relevant controls)		
Oura		
C25 Design and locate buildings on the slopes of the hill to minimise potential visual prominence by using piers or similar rather than elevated concrete slabs and by locating the buildings as low as possible on the slope.	NR NR	Sat Sat
C26 Face the sub-floor areas with horizontal slats (timber or equivalent) to minimise visual exposure to the under-floor area.	NR NR	Sat Sat
Tarcutta		
C28 Setbacks to be similar to adjoining buildings and no greater than the largest setback of any adjoining building. For buildings on Sydney Street a nil or small setback may be appropriate.	NR NR	Sat
C29 Encourage new residential development to occur in the precinct east of Sydney Street.	NR	Sat
C31 Development on existing lots on the western side of the village to be designed and sited to minimise impacts on existing trees, and impacts resulting from the truck parking area in terms of light spill, noise and fumes.	NR	Sat Sat
C32 Consider split level construction with pier footings (or similar) on sloping sites rather than concrete slabs.	NR	R Sat

	Uranquinty			
	C37 Retain the strong eastern edge of the village. Any development to the east of Connorton Street should comprise large lot residential development that complements the rural character of the surrounding lands.	NR	Sat	
	C39 New buildings on Olympic Highway/ Morgan Street are to have a nil or small setback, and are to follow the vertical rhythm established by the existing built form.	NR NR	O Sat	
	C40 Retain the low scale character along Morgan Street using the existing buildings as a guide. Pick up elements of the existing built form, with particular reference to ridgelines and the height of verandahs/awnings.	NR	Sat	
	C41 Use pitched roof forms and articulation to break up building bulk, including verandahs to the street.	NR	O Sat	

- **8** Rural Development
- 9.1.5 R3 Zone Staunton Estate
- 9.2.1 Site layout
- 9.2.2 Streetscape
- 9.2.3 Corner lots and secondary facades

- 9.2.4 Sloping sites
- 9.3.1 Site area per dwelling
- 9.3.2 Site cover
- 9.3.4 Solar access
- 9.3.5 Private open space
- 9.3.6 Front setbacks
- 9.3.7 Side and rear setbacks
- 9.4.1 Building elements
- 9.4.2 Materials and finishes
- **9.4.3 Privacy**
- 9.4.4 Garages, carports, sheds, driveways and outbuildings
- 9.4.5 Site facilities
- 9.4.6 Changing the landform cut and fill

- 9.5 Large Lot Residential Zone Intensification areas
- 14 Boorooma Urban Release Area
- 15 Lloyd Urban Release Area
- 16 Gobbagombalin Urban Release Area