

# Report of Development Application

## Environmental Planning and Assessment Act 1979

<b>Application Details</b>	Application Number	DA24/0116	Applicant	CAH Williams 206 Bourke St MOUNT AUSTIN NSW 2650
	Date of Lodgement	28/03/2024		
	Proposal	Additions and alterations, carport, demolition of shed and proposed shed	Description of Mod.	N/A
	Development Cost	\$248220	Other Approvals	Nil
<b>Site Details</b>	Subject Land	206 Bourke St MOUNT AUSTIN NSW 2650 Lot 1 DP 534486	Owner	CAH Williams & YB Layweh

**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:29/04/2024

**Report Approved by:**



Amanda Gray  
Development Assessment Coordinator

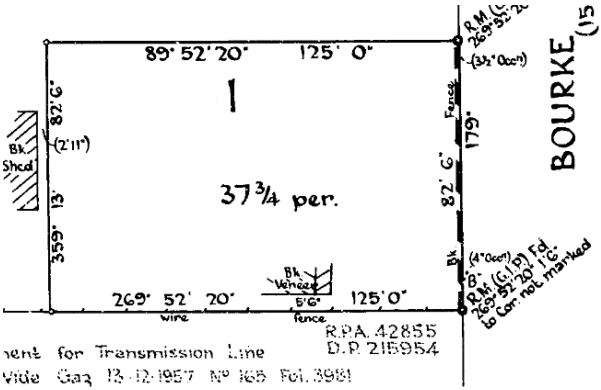
Date:29.4.2024

**Section 4.55 Modification of Consent**

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

<b>Description</b>	Additions and alterations, carport, demolition of shed and new shed
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<b>Matters for consideration</b>						
<b>GIS &amp; System Check</b>	<b>Section 4.15(1) EP&amp;A Act 1979</b>	<b>Issue</b>	<b>Legislative Provisions</b>	<b>Not Relevant</b>	<b>Satisfactory</b>	<b>Comment</b>
◀	(b) (c) (e)	<b>DA History</b>		<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	Application no. 222/04 - Dwelling

LEP 2010 Zones	(a)(i) (b) (c) (e)	<b>Zoning</b>	<b>LEP</b> 2.2 Zoning of land to which Plan applies 2.3 Zone objectives and Land Use Table	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Zoning of land (cl 2.2): R1  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)):  <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> </ul>
Land Parcels & DP	(b) (c) (e)	<b>Land Title</b>  Correct legal description and ownership  Easements & Building Envelopes  Open Deposited Plan (including 88b)  Registered title (deferred commencement)		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Land is lot 1.   <p>The diagram shows a rectangular lot labeled '1' with dimensions 89° 52' 20" and 125' 0" on the top and bottom edges, and 359' 13" and 269' 52' 70" on the left and right edges. A '37 3/4 per.' area is indicated within the lot. Surrounding features include a 'Bk Shed' on the left, a 'Bk' on the right, and a 'Bk' at the bottom right. A 'rent for Transmission Line' is noted at the bottom left. The plan is identified as 'R.P.A. 42855 D.P. 215954' and 'Vide Gaz 13-12-1957 N° 165 Fol. 3981'. The name 'BOURKE (15)' is written vertically on the right side.</p>
LEP 2010 Listed item and Conservation	(a)(i) (a)(iii) (b) (c) (e)	<b>Heritage Conservation Area</b>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
		Listed item  <i>DCP 3 Heritage Conservation</i>	<b>LEP 5.10 Heritage conservation</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

LEP 2010 Urban release Area	(a)(i) (b) (c) (e)	<b>Urban Release Area</b>	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)	<b>Natural Resource Sensitivity</b>  <i>DCP 5.4 Environmentally sensitive land</i>	LEP 7.3 Biodiversity	● NR	○ Sat	
			LEP 7.4 Vulnerable land	● NR	○ Sat	
			LEP 7.5 Riparian lands and waterways	● NR	○ Sat	
			LEP 7.6 Groundwater vulnerability	○ NR	● Sat	
Flooding (including MOFFS)	(a)(i) (a)(iii) (b) (c) (e)	<b>Flooding</b>  Overland flow  <i>DCP 4.2 Flooding</i>		○ NR	● Sat	Clause 5.21 applies to land within the Flood Planning Area. This site is mapped within the MOFFs as flood prone land. The existing dwelling and proposed works are within this mapped area. Comments regarding the flood level and proposed building levels are below under section 4.2. In accordance with the discussion below, the development is considered to be consistent with the matters listed under Clause 5.21. All relevant matters have been considered.
			LEP 5.21 Flood Planning	○ NR	● Sat	

Bushfire Prone Land	(a)(iii) (b) (c) (e)	<b>Bushfire</b> <i>DCP 4.1 Bushfire</i>		<input type="radio"/> NR	<input checked="" type="radio"/> 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)	<b>Contaminated Land</b> PFAS Study Area Site observations	<b>SEPP (Resilience and Hazards) 2021</b>	<input type="radio"/> NR	<input checked="" type="radio"/> 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)	<b>Airport Constraints</b>	<b>LEP 7.11</b> Airspace operations	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			<b>LEP 7.12</b> Development in areas subject to aircraft noise	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

Assets – Sewer and Stormwater	(b) (c) (e)	<p><b>Services/Utilities</b></p> <p>(Septic area? Health referral))</p> <p>Sewer/stormwater infrastructure (Build over, encroachment, earthwork impacts)</p> <p>Stormwater issues – overland flow</p> <p>Electricity infrastructure (including setbacks to substations) (Transport/infrastructure SEPP referral)</p>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
Aerial Imagery (*Topographic – Hydrology)	(b) (c) (e)	<p><b>Existing site conditions</b></p> <p>Buildings on site</p> <p>Retaining walls</p> <p>Cut and fill</p> <p>Deposited fill</p> <p>Boundary fencing and walls</p> <p>Private open space</p> <p>Vegetation</p> <p>*Proximity to natural waterways</p> <p>Other observations</p>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Site visit undertaken on: 8/5/2024

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Aerial Imagery (*Topographic – Hydrology)</p>	<p>(b) (c) (e)</p>	<p><b>Off site observations</b></p> <p>Buildings Window locations Private open space Retaining walls Cut and fill Boundary fencing and walls Vegetation *Proximity to natural waterways Other observations</p>		<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	
	<p>(a)(iii) (b) (c) (e)</p>	<p><b>Traffic, access and parking</b></p> <p>Manoeuvring</p> <p>Site Distance Issues</p> <p>Driveway grade</p> <p>Check Driveway location and grade</p> <ul style="list-style-type: none"> <li>• Side entry pit</li> <li>• Service lids/pits</li> <li>• Poles/turrets/substations</li> <li>• Street Trees</li> </ul> <p><b>DCP</b> <i>2.1 Vehicle access and movements</i> <i>9.3.6 Front setbacks</i></p>		<p><input type="radio"/> NR</p>	<p><input checked="" type="radio"/> Sat</p>	

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



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

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

	(a)(i) (b) (c) (e)	<b>BASIX</b> (Use assessment checklist)	<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(b) (c) (e)	<b>Other hazards</b> Natural Technological		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	(a)(iii) (b) (c) (e)	<b>Flora and Fauna</b> (on and off-site)  Check for native veg requirements (R5 and RU4 Land)  <i>DCP</i> <i>5.2 Preservation of trees</i> <i>5.3 Native Vegetation Cover</i>	<b>Section 1.7 (EP&amp;A Act) and Part 7 of the Biodiversity Conservation Act 2016</b>  <i>Test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats)</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	<b>Section 1.7 (EP&amp;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)</b>  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.  <i>1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?</i>  No

						<p>2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold?</p> <p>No native vegetation is proposed to be removed.</p> <p>3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.</p> <p>Given that no native vegetation is being removed and in the absence of any recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the development will significantly affect threatened species or ecological communities or their habitats.</p> <p>Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.</p>
	(b) (c) (e)	<b>Social and economic impacts</b>		<input type="radio"/>	<input checked="" type="radio"/>	
	(b) (c) (e)	<b>Facilitation of Ecologically Sustainable Development</b>		<input type="radio"/>	<input checked="" type="radio"/>	
	(a)(i) (b)	<b>Other LEP Clauses</b>	<b>LEP 2.7 Demolition</b>	<input type="radio"/>	<input checked="" type="radio"/>	

	(c) (e)		requires development consent	NR	Sat	
			LEP 4.3 Height of buildings	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 7.9 Primacy of Zone E2	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
			LEP 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			LEP 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			<b>Other Clauses</b>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(i) (b) (c) (e)	<b>Other EPIs</b>	SEPP (Transport and Infrastructure) 2021	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
			SEPP (Precincts - Regional) 2021	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

			Other SEPPs	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(a)(ii) (b) (c) (e)	<b>Draft EPIs</b>		<input type="radio"/> NR	<input checked="" type="radio"/> 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)	<b>Planning agreements</b>		<input checked="" type="radio"/> NR	<input type="radio"/> Sat	No related planning agreement has been entered into under section 7.4.
	(d) (e)	<b>Submissions</b>		<input type="radio"/> NR	<input checked="" type="radio"/> Sat	Nil
	(e)	<b>Section 68 Application made as part of DA</b>	<i>Local Government Act 1993</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	<b>Section 7.11 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	(e)	<b>Section 7.12 Contributions</b> (Local Infrastructure Contributions Plan 2019 - 2034)	<i>EP&amp;A Act 1979</i>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	As the development will increase the GFA of the building, the cost is over \$100,000 and the lot was subdivided in 1980, a Section 7.12 contribution of 1% is required.  Section 7.12 = 1% x \$248,220 = \$2,482  CPI at the time of assessment is 132.7.
	(e)	<b>Section 64 sewer</b> (Development Servicing Plan – Sewerage Services – July 2013)	<i>s64 LG Act 1993 &amp; s306 Water Management Act 2000</i>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	No charge for alterations.

	(e)	<b>Section 64 stormwater</b> (Development Servicing Plan – Stormwater – November 2007)	s64 LG Act 1993 & s306 <i>Water Management Act 2000</i>	● NR	○ Sat	As per Section 1.2 of the Implementation Guide Development Servicing Plan Stormwater May 2022, the development is exempt from Section 64 Stormwater infrastructure contributions.
cl.	(a)(iv) (e)	<b>The Regulation – Prescribed Matters</b> EP&A Regulation 2021		○ NR	● Sat	
			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	
			EP&A Regulation 2021	○ NR	● Sat	
	(a)(iv) (e)	<b>The Regulation – Prescribed Conditions</b> (ensure conditions of consent included)	EP&A Regulation 2021	○ NR	● Sat	
	(e)	<b>Other regulation matters</b>		○ NR	● Sat	
	(e)	<b>Council Policies</b>		○ NR	● Sat	<b>Policy 046</b> - 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)	<b>Other public interest matters</b>			It is considered that this application will not have a detrimental effect on the public interest.

## Development Control Plan 2010

*Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*

DCP Section (Objectives and Controls)	Not Relevant	Satisfactory	Comment
<input checked="" type="checkbox"/> section not relevant			

### 1.10 Notification of a Development Application

Compliance with the advertising and notification procedures detailed in this section of the DCP	<input type="radio"/>	<input checked="" type="radio"/>	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.
	NR	Sat	

### 1.11 Complying with the Wagga Wagga Development Control Plan 2010



## 2.1 Vehicle access and movements

<i>O1 Ensure the safety and efficiency of urban and rural roads.</i>	C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
<i>O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.</i>	C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C6 Ensure adequate sight lines for proposed driveways.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

## 2.2 Off-street parking

<i>O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.</i>	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.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.</i>				

## 2.3 Landscaping

## 2.5 Safety and security

	C1 Use good site planning to clearly define public, semi-public and private areas.	<input type="radio"/>	<input checked="" type="radio"/>	
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<p><i>O1 Incorporate crime prevention strategies in new developments.</i></p> <p><i>O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.</i></p> <p><i>O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.</i></p>		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.	<input type="radio"/>	NR	<input checked="" type="radio"/>	Sat
	C3 Minimise blank walls along street frontages.	<input type="radio"/>	NR	<input checked="" type="radio"/>	Sat
	C4 Avoid areas of potential concealment and 'blind' corners.	<input type="radio"/>	NR	<input checked="" type="radio"/>	Sat
	C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.	<input checked="" type="radio"/>	NR	<input type="radio"/>	Sat
	C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.	<input type="radio"/>	NR	<input checked="" type="radio"/>	Sat
	C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.	<input checked="" type="radio"/>	NR	<input type="radio"/>	Sat
	C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.	<input checked="" type="radio"/>	NR	<input type="radio"/>	Sat

## 2.6 Erosion and sediment control

<i>O1 Protect the environment against soil erosion and loss of soil from construction sites.</i>	Consistent with the objectives of this section of the DCP.	<input type="radio"/>	<input checked="" type="radio"/>	NR	Sat
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<p><i>O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i></p> <p><i>O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i></p> <p><i>O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.</i></p>				
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**2.7 Development adjoining open space**

**3 Heritage Conservation**

**4.1 Bushfire**

**4.2 Flooding**

<p>Refer to this section of the DCP.</p>	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	<p>The site is not mapped as being subject to flooding within the Riverine Flood Model but is identified as being below the probable maximum flood level (PMF), within the flood planning area (FPA), and is subject to inundation during a 1% storm event.</p> <p>This flood mapping affects most of the site, and the proposed development is flood affected.</p> <p>Whilst this section of the DCP technically applies as the land is identified as 'flood prone land', the controls of this section are based on the Wagga Wagga Floodplain Risk Management Study 2009 that related to riverine flooding associated with the Murrumbidgee River and did not consider MOFFs/creek and stormwater flooding. Therefore, it would be considered unreasonable to impose these controls as the impacts, such as the risk to life and property and the compatibility of development with the flood hazard, have the potential to be substantially different to those impacts in a riverine flood event.</p> <p>Having established that the controls of this section are not relevant to this development does not immediately conclude that the development is acceptable. The flood prone nature of the land means that the relevant objectives of the DCP remain a consideration. The relevant objectives are as follows:</p>
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		<p>O1 Minimise the public and private costs of flood damage.</p> <p>O2 Minimise the risk of life during floods by encouraging construction and development that is “flood proofed” and compatible with the flood risk of the area.</p> <p>O3 Ensure that development and construction are compatible with the flood hazard.</p> <p>Council’s flood mapping indicates that the flood levels in the areas of development are approximately 150mm above NGL. The plans illustrate a proposed FFL of 0.245 in the area of addition, and a NGL of 0.040. This demonstrates a floor level greater than the mapped flood level. These levels indicate that there should be no adverse impacts on the dwelling during a flood event.</p>
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5.1 Development on ridges and prominent hills

5.2 Preservation of trees

5.3 Native Vegetation Cover

5.4 Environmentally sensitive land

<p><i>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.</i></p> <p><i>O2 Protect, maintain or improve the diversity of the native flora and fauna.</i></p> <p><i>O3 Protect the ecological processes necessary for their continued existence.</i></p> <p><i>O4 Encourage the recovery of threatened species, communities or populations and their habitats.</i></p> <p><i>O5 Protect, maintain or improve the diversity and stability of landscapes.</i></p>	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	

## 6 Villages

## 8 Rural Development

### 9.1.5 R3 Zone – Staunton Estate

### 9.2.1 Site layout

<p><i>O1 Encourage site responsive development that is compatible with existing or desired built form.</i></p>	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	

<p><i>O2 Facilitate sustainable development through passive solar design.</i></p> <p><i>O3 Integrate landscaping and built form.</i></p> <p><i>O4 Encourage designs which respond to the physical context and characteristics of the particular site.</i></p> <p><i>O5 Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.</i></p>	C3 Orient living spaces to maximise solar access.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	
	C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	

## 9.2.2 Streetscape

<p><i>O1 Encourage compatibility with existing built form.</i></p> <p><i>O2 Encourage attractive streetscapes.</i></p> <p><i>O3 Ensure a strong street edge with good definition between the public and private domain.</i></p> <p><i>O4 In locations where front fences are an important feature of the established streetscape, ensure that new</i></p>	C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	
	C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.	<input checked="" type="radio"/>	<input type="radio"/>	
		NR	Sat	
	C3 Fence height at and behind the building line is not to exceed 1800mm in height.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	
	C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.	<input type="radio"/>	<input checked="" type="radio"/>	
		NR	Sat	

<i>fences complement the character of the streetscape.</i>				
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### 9.2.3 Corner lots and secondary facades

### 9.2.4 Sloping sites

<p><i>O1 Encourage site responsive development.</i></p> <p><i>O2 Encourage building design that is appropriate to the site conditions.</i></p> <p><i>O3 If an alternate design is possible, avoid development that would require cutting into the site.</i></p>	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.
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### 9.3.1 Site area per dwelling

<p><i>O1 Ensure adequate area to provide separation between buildings, landscaping and private open space.</i></p> <p><i>O2 Maintain development patterns that are compatible with the established character of established residential areas.</i></p>	C1 The minimum area of any site in an R1 Zone on which development is carried out is to be in accordance with Table 9.3.1a.	○ NR	● Sat	
	C2 The maximum site of any land in an R3 Zone on which development is carried out is to be in accordance with Table 9.3.1a.	● NR	○ Sat	
	C3 On larger sites the site area per dwelling may be distributed to provide a range of lot sizes, and to respond to site conditions and context.	● NR	○ Sat	



<i>O3 Encourage maximum utilisation of land in the R3 Zone.</i>				
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### 9.3.2 Site cover

<i>O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.</i>	C1 Maximum site cover is to be in accordance with Table 9.3.2a, except for land under C2.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O2 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.</i>	C2 Maximum site cover for any development type on land within the black edging indicated on the maps shall have a maximum site cover of 50%, unless a greater site cover is allowed for under C1.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
<i>O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.</i>				

### 9.3.4 Solar access

<i>O1 Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms</i>	C1 Locate garages, laundries and bathrooms to provide insulation from western sun.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<p><i>and sunlight to private open space areas.</i></p> <p><i>O2 Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.</i></p> <p><i>O3 Maintain reasonable sunlight access to adjoining properties.</i></p>	C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints, existing built form and good design practices limit the ability of the proposal to comply with these controls.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C6 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C7 Variations to C6 above can be considered where it can be demonstrated that any form of reasonable development on the lot would cause non-compliance with C6. In this instance the impacts are to be minimised where possible.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

### 9.3.5 Private open space

<p><i>O1 Provide quality, useable private open space.</i></p> <p><i>O2 Ensure adequate areas for recreation and outdoor living.</i></p> <p><i>O3 Encourage good connection between</i></p>	C1 At least 24m <sup>2</sup> of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Enclosure of approved private open space will be permitted, however at least one side of the approved private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

<i>dwelling and private open space.</i>			
	C3 Use screening where necessary to ensure the privacy of private open space areas.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat

### □ 9.3.6 Front setbacks

<p><i>O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.</i></p> <p><i>O2 Encourage attractive residential streets and quality public domain.</i></p> <p><i>O3 Ensure that new developments complement the established built patterns</i></p> <p><i>O4 Maintain lines of sight for vehicle safety.</i></p>	<p>C1 Minimum front setbacks for residential development (site area smaller than 2000m2):</p> <p>Primary frontage to a main or arterial road 9m #</p> <p>Primary street frontage (other roads) 6m #</p> <p>Secondary frontage (corner site) 3m</p> <p># - For residential accommodation in R3 Zones a minimum setback of 3m may be considered.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	<p>C2 In the older areas of Wagga Wagga front setbacks are typically 7.5m. where the setback of existing adjoining buildings is greater than 6m increase the front setback to the setback of the adjoining building closest to the street boundary.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat
	<p>C3 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line. Refer to diagrams opposite.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat
	<p>C4 Variations to the minimum setback can be considered in the following circumstances:</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat

	<ul style="list-style-type: none"> <li>• Within Urban Release Areas where it can be demonstrated that the reduced setback will be generally consistent with the character of the area or likely or desired future character of the area consistent with those generally allowed under the SEPP (Exempt and Complying Code) 2008 or relevant Code at the time of lodgement of a development application.</li> <li>• Areas where it can be demonstrated that the setback is consistent with neighbouring properties. This situation is typical to older established areas of Central Wagga and large lot residential land.</li> <li>• Corner lots where it can be demonstrated that the reduced setback on either or both frontages provides a more attractive streetscape without impacting unreasonably on the amenity of the neighbouring properties. This is relevant to designs that address both frontages without boundary fencing.</li> </ul>			
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### 9.3.7 Side and rear setbacks

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

<i>the impact of proposed structures on adjoining landowners.</i>				
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### **9.4.1 Building elements**

<i>O1 Encourage quality and visually interesting buildings through the use of building elements.</i>  <i>O2 Facilitate passive solar design principles.</i>	C1 Use verandahs or pergolas to link internal and external living areas.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C5 Secondary dwellings are to appear as a single occupancy from the public domain.	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

### **9.4.2 Materials and finishes**

<i>O1 Encourage the use of external materials and finishes that are suited to their location and support consistent quality streetscapes.</i>  <i>O2 Encourage use of materials that have good thermal performance.</i>	C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C2 Avoid large unbroken expanses of any single material.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C3 Minimise use of highly reflective or glossy materials on building exteriors.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	C4 Use contrasting materials in combination with design elements for features such as corner elements.	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	

<i>O3 Promote the use of materials that are climate responsive and contribute to innovative building design.</i>		NR	Sat	
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### □ 9.4.3 Privacy

<i>O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.</i>  <i>O2 Ensure adequate acoustic privacy within dwellings.</i>	C1 Offset windows, balconies and private open space areas between adjoining dwellings.	○ NR	● Sat	
	C2 Provide adequate building separation within the development and from neighbouring buildings/adjacent land uses. Alternate design elements, including (but not limited to) opaque screens of appropriate dimensions, translucent or highlight windows may be used to improve privacy.	○ NR	● Sat	
	C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.	● NR	○ Sat	

### □ Garages, carports, sheds, driveways and outbuildings

<i>O1 Minimise the visual dominance of garages and driveways in the streetscape.</i>  <i>O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.</i>	C1 Where garage doors form part of the facade of a dwelling fronting a public road - the garage door is to be:	○ NR	● Sat	
	less than 50% of the width of the house* no wider than 6m # maximum 2.4m high # - double garages are only permitted on lots 12.5m wide or greater*			

	<p>- single fronted tandem garages with one space behind the other are permitted</p> <p>* - Variations to these controls may be considered for multi storey dwellings</p> <p># - Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.</p>			
	<p>C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C3 The floor area of an outbuilding on a residential lot must not be more than the following:</p> <p>(a) 8% of the site area if the lot has an area of less than 600m<sup>2</sup>,</p> <p>(b) 8% of the area or a maximum area of 175m<sup>2</sup>, whichever is the lesser, if the lot has an area of at least 600m<sup>2</sup> but less than 4000m<sup>2</sup>,</p> <p>(c) Lots greater than 4000m<sup>2</sup> will be considered on their merits.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C4 The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area or a maximum area of 300m<sup>2</sup>, whichever is the lesser.</p> <p>Lots greater than 4000m<sup>2</sup> will be considered on their merits.</p>	<input type="radio"/> NR	<input checked="" type="radio"/> Sat	
	<p>C5 Sheds may only be erected on residential land where a dwelling house is constructed or under construction and must be used for purposes ancillary to the residential use of the land.</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	
	<p>C6 The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing). The building shall be single storey construction with a</p>	<input checked="" type="radio"/> NR	<input type="radio"/> Sat	

	maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.			
	C7 An outbuilding shall not be located in front of the main building line. Variations may be considered for a balcony, deck, patio, pergola, terrace or verandah.	● NR	○ Sat	

### □ 9.4.5 Site facilities

<i>O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.</i>	C2 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.	○ NR	● Sat	
<i>O2 Encourage an attractive residential setting and quality public domain.</i>	C3 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.	○ NR	● Sat	
<i>O3 Minimise duplication of trenches for services and the like.</i>	C4 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.	○ NR	● Sat	

### □ 9.4.6 Changing the landform – cut and fill

<i>O1 Encourage site responsive development and protect the amenity of adjoining land.</i>	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.	○ NR	● Sat	
<i>O2 Avoid excessive earthworks and minimise</i>				



<p><i>changes to the natural landform.</i></p> <p><i>O3 Encourage site layout and building design that is appropriate to the site conditions, including use of split levels, pier foundation or suspended floor house designs.</i></p>	<p>Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).</p>			
<p><i>O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.</i></p> <p><i>O5 Avoid inappropriate fill being introduced to sites.</i></p> <p><i>O6 Ensure adequate provision of drainage in relation to cut and fill practices.</i></p>	<p>C2 Fill is not to exceed:</p> <p>(a) 1.5m above ground level (existing), and</p> <p>(b) Must be contained by either:</p> <p>(i) A retaining wall or other form of structural support that does not extend more than 1.5m from the closest external wall of the dwelling house, or</p> <p>(ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.</p> <p>Variations to the above setbacks can be considered where the applicant can demonstrate that there is an acceptable impact on the amenity of the adjoining properties (privacy, overshadowing).</p>	<p>○ NR</p>	<p>● Sat</p>	
	<p>C3 Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that:</p> <p>(a) has been certified by a professional engineer, and</p> <p>(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is:</p> <p>(i) more than 1.5m in height and within 1m from a side or rear boundary, or</p>	<p>○ NR</p>	<p>● Sat</p>	

(ii) more than 3m in height at any other location.			
C4 Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
C5 No cut or fill to take place within easements.	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
C6 To encourage site responsive development, excavation and retaining walls greater than that specified in C1 to C3 above can be considered where the design responds to the slope (or incorporates split levels). The additional retaining wall height is to facilitate basements, garages or the like at the lower level. The excavation is to be adequately retained and drained, in accordance with approved engineering details.	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	
C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to minimise the impact on the amenity of the adjoining properties.	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
C8 All retained material is to have a gradient of at least 5%.	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.	<input type="radio"/> <i>NR</i>	<input checked="" type="radio"/> <i>Sat</i>	
C10 Cut and fill outside the building envelope is not to exceed 600mm.	<input checked="" type="radio"/> <i>NR</i>	<input type="radio"/> <i>Sat</i>	
C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so	<input type="radio"/>	<input checked="" type="radio"/>	

	as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.	NR	Sat	
	C12 Earthworks should not be carried out within the angle of repose of adjoining property. Unless such works are supported by certified structural engineer reports and do not impact on neighbouring property.	○ NR	● Sat	

### 9.5 Large Lot Residential Zone – Intensification areas

#### 14 Boorooma Urban Release Area

#### 15 Lloyd Urban Release Area

#### 16 Gobbagombalin Urban Release Area