

PART D

Section 9 Residential Development

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About Section 9

Section 9 contains the controls for residential development (other than residential development in the RU1, RU2 and RU6 zones). The controls apply to all applications for residential accommodation and residential subdivision unless specified in the heading.

The **land use directions** in Section 9.1 provide a guide to the intended type, form and density of future development in these areas.

The controls in Section 9.2 relate to **site context and layout** including site planning/layout and streetscape, and controls specifically for corner lots and sloping sites.

Section 9.3 contains controls relating to **site area, building form and envelope**, including controls on site cover, landscaped area, setbacks and solar access.

Section 9.4 contains controls relating to **design details** that encourage good building form, quality private open space and good amenity outcomes.

Principles for residential development

Sustainability and efficient use of resources

- P1 Use passive solar design principles to maximise thermal performance for good internal amenity.
- P2 Select materials to support good thermal performance and maximise the sustainability of the design.
- P3 Achieve a density and scale that reflects the zone and proximity of the site to transport, shops, schools or community uses.
- P4 Implement resource reuse

Design quality

- P5 Building siting, footprint, scale and bulk should be compatible with adjoining development and the established or intended built form.
- P6 Integrate building design and landscaping with north facing internal living areas that link to quality private open space.

Site responsive development

- P7 Respond to the issues highlighted in the site analysis, taking advantage of natural features, minimising potential impacts to neighbours and achieving compatibility with neighbourhood character.
- P8 Minimise changes to the natural landform, especially in environmentally sensitive or visually prominent areas.
- P9 Visual and acoustic privacy are important for good residential amenity. When designing new developments care should be exercised to ensure that impacts on the privacy of adjoining developments is minimised when designing new development and to ensure the privacy of occupants of the new development.

Quality public domain

- P10 Provide an attractive street address that integrates the public and private domain through landscaping and attractive fencing.

Explanatory Note(s):

Refer to Part A for submission requirements and other general matters.

Refer to Part B for requirements relating to particular environmental and landscape issues

Complying with this DCP

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives of the relevant sections. Equal emphasis must be given to both "numeric" and non-numeric controls relevant to a particular development. Where a proposed development has an unacceptable impact on neighbours or the surrounding environment compliance with controls will not necessarily guarantee approval of an application.

Where a variation is sought to controls, the application must document the reasons and extent of the variation, and how the variation meets the Guiding Principles and Section Objectives for the consideration of the Council.

Greywater Reuse Systems

Greywater is the waste water which originates from domestic plumbing fixtures such as showers, baths, spas, hand basins, laundry, and washing machines. It does not include waste water from toilets, urinals or kitchens.

The practice of grey water reuse should not impact adversely upon the environment or human health.

The Installation and operation of Greywater Treatment Systems must comply with Council's Greywater Reuse Management Plan.

A person must not carry out works related to the installation and operation of Domestic Greywater Treatment System (DGTS) or the operation of a Greywater Diversion Device (GDD) for residences if alteration to existing plumbing works occurs without the approval of Council.

Council shall not approve the installation of a Greywater Treatment System, unless the requirements of the Greywater Reuse Management Plan can be achieved and the system has been accredited by NSW Health.

9.1 Land Use Directions

9.1.1 Central Wagga Wagga

Existing built form

The residential streets of Wagga Wagga's central business area have a strong landscape character associated with the mature street trees. The absence of garages and parking structures in the streetscape is a function of the rear lane access of many streets, and allows the landscape to dominate.

The consistent built form and setbacks contribute to the coherent character of the area. Buildings are typically single storey, and often have consistent rear building lines with reasonable gardens. The site cover and landscaped area controls are intended to discourage patterns of excessive site cover, and to retain the pattern of buildings and open space.

Future directions and opportunities

Key priorities for the central business area of Wagga Wagga are:

- Opportunities for secondary dwellings fronting rear lanes providing new work does not affect the amenity of adjoining sites and parking can be accommodated without impacting the street
- Retaining the existing landscaped character of the streets, and maintaining the use of the rear lanes for vehicle access and associated structures
- Retaining the current patterns of building/open areas through site cover and landscaped area requirements.

9.1.2 R1 Zone – established suburbs

Existing built form

Wagga Wagga's established suburbs are characterised by predominantly single storey detached dwellings. Most streets have consistent front setbacks of 6m, although in some suburbs the front setbacks are 7.5m.

The trend towards larger dwelling "footprints", combined with the generous front setbacks, means that there is often not much space at the rear of the dwelling for a "good back yard". The Residential Design Principles and DCP controls encourage future development to rethink residential design to improve thermal performance, and make better use of orientation and site conditions.

Future directions and opportunities

The LEP allows a range of housing types in the R1 Zone. Where possible developments should seek to include different dwelling types, such as secondary dwellings and attached dwellings, to achieve variety and housing choice for future residents, especially where the site characteristics or location are suitable.

Future development should respect the established character in the vicinity of the site, and aim to contribute positively to the streetscape and overall environmental quality of the locality.

Key priorities for the R1 Zone established areas are:

- Avoid excessive site cover by buildings and improve design outcomes, including reducing the dominance of garages in the front elevation.
- Make good use of site orientation and spaces around buildings to achieve good useable private open space.
- Ensure good connections between indoor and outdoor living areas.
- Incorporate quality landscaping including mature trees.

9.1.3 R3 (medium density) Zone in-fill potential

Existing built form

These areas support villas, residential units with pockets of older single dwellings and sites that could be consolidated for further infill development developments. Most are near a local shopping centre, and close to local transport routes or community facilities.

Future directions and opportunities

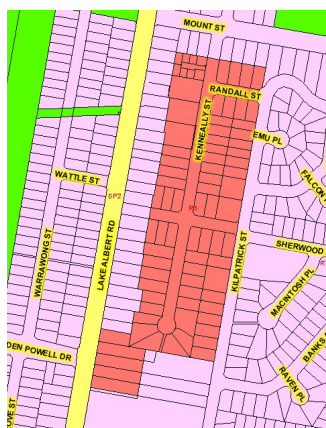
The R3 zone objectives encourage development to provide a variety of medium density housing types with a high quality presentation to public streets and spaces. Infill and redevelopment sites are an excellent opportunity for quality contemporary development that will increase housing choice in accessible and attractive locations.

The key priorities for these areas are:

- Encourage contemporary medium density sustainable building design that increases housing choice while respecting the setting, layout and form of adjoining developments
- Provide quality landscaping, particularly to common areas and the public domain.

Keneally Street, Koorungal

- Consider zero lot housing for the remaining infill sites to highest use of site potential in terms of density and amenity No vehicle access from Lake Albert Road.

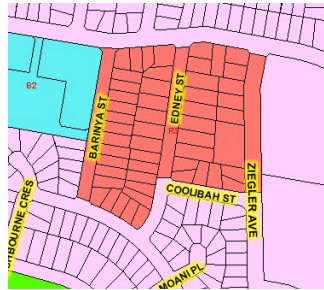


Keneally Street

Explanatory Note(s):

Faye Avenue - Edney Street, Koorngal

- Achieve reasonable density on infill sites at southern end of precinct, and along Barinya Street.
- Use site consolidation to improve site layout and built outcomes.

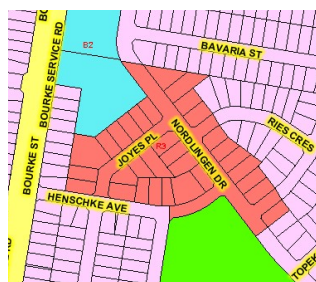


Faye Ave - Edney Street

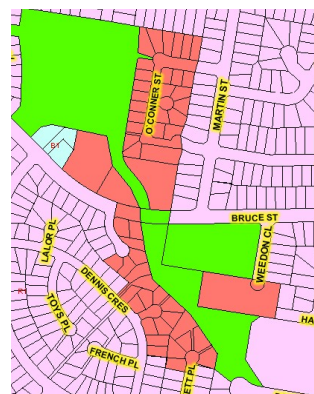
Explanatory Note(s):

Joyes Place, Mount Austin

- Maximise potential of infill sites on Joyes Place and along Nordlingen Drive.
- Consider medium density forms that break up building mass and have an address to the street.
- Ensure clearly defined entrances.
- Provide quality landscaping to reinforce the existing character of the precinct.
- variation in dwelling types.



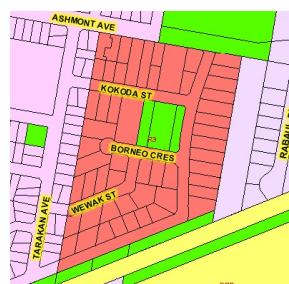
Joyes Place



Bruce Street

Ashmont Avenue, Ashmont

- Consider zero lot lines for remaining infill sites to achieve variation in dwelling types.



Ashmont Ave

Crampton Street

The Crampton Street precinct comprises a mix of integrated, single and two storey attached housing developments. Future developments should continue to provide improved building design, using small groupings to break down bulk and create interesting street elevations.

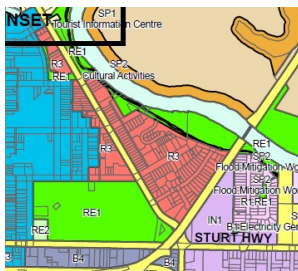
Key priorities are:

- Improve building design, break down bulk and groupings to streets
- Improve address and presentation to street.
- Achieve reasonable frontage particularly in Broad Street

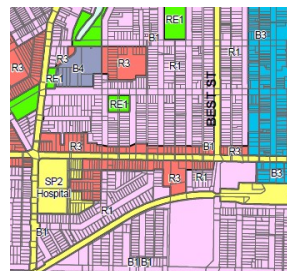
Edward Street

- Encourage increased development of medium density residential along Edward St.
- Encourage development appropriate to the highway frontage.
- Encourage site consolidation where possible and where vehicular access other than from Edward Street is possible.
- Provide quality built form addressing Edward Street, including quality landscaping.
- Improve the quality and consistency of the built form along Edward Street.

Explanatory Note(s):



Tarcutta Street to Edward Street (Sturt Highway)



Edward Street, between Best Docker Streets

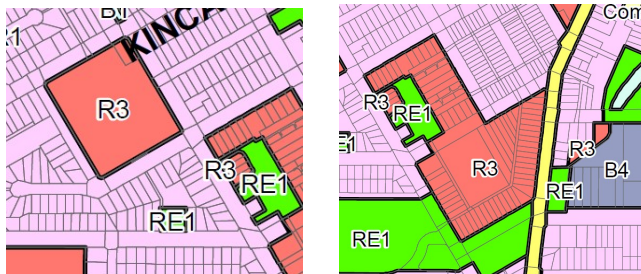


Edward Street, Docker Street to Dobney Avenue

Eric Weissel Ovals, Evans Street, Gurwood Streets

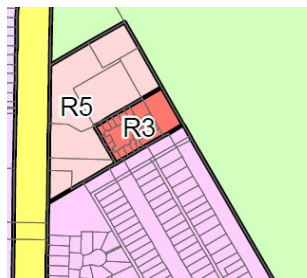
Explanatory Note(s):

- Improve the built form of urban development on large sites with potential to serve the objective of urban consolidation.
- Encourage increased medium density residential development in close proximity to the city centre and its services.

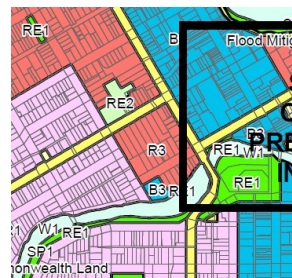


Docker Street/Shaw Street

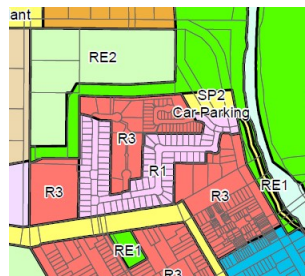
Eric Weissel Oval



Evans Street



Trail Street/Gurwood Street



Wiradjuri Crescent/Travers Street

Dalman Parkway Glenfield

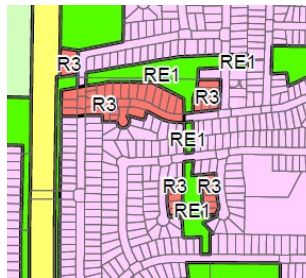
- Identify opportunities for urban consolidation - increased medium density developments - adjacent to E1 Zone.



Dalman Parkway, Glenfield

Adjin St, Jack Ave, Tolland and secondary sites at Tolland.

- Expand on locations of existing medium density development on main roads and adjacent to community facilities.



Adjin Street/ Jack Avenue and isolated R3 Zone sites at Tolland

Johnson/Tarcutta Street Corner

- Develop potential for medium density residential development close to facilities and at the city edge.



Johnson/Tarcutta Street

9.1.4 R3 Zone – redevelopment areas

Tarcutta Street East

The Tarcutta Street East precinct is characterised by newer medium density developments interspersed with older building stock. The area's transitional nature requires careful treatment of the interface between new developments and adjoining single dwellings (possible future development opportunities).

The precinct's proximity to the central business area and the Murrumbidgee River provides opportunities that should be reinforced through improved pedestrian links.

Priorities for the area are:

- Continued use of rear lanes for access to allow continuous landscaped frontages along Tarcutta Street
- Opportunities to improve links between the precinct, city centre and Riverside

Explanatory Note(s):

9.1.5 R3 Zone – Staunton Estate

The R3 zone objectives encourage development to provide a variety of medium density housing types with a high quality presentation to public streets and spaces. Infill and redevelopment sites are an excellent opportunity for quality contemporary development that will increase housing choice in accessible and attractive locations.

The key priorities for these areas are:

- Encourage contemporary medium density sustainable building design that increases housing choice while respecting the setting, layout and form of adjoining developments
- Provide quality landscaping, particularly to common areas and the public domain.

Where this Section Applies

This section applies to land located at Spring Street Wagga Wagga and known as the Staunton Estate.

The Staunton Estate is an urban infill site within the established urban area of Wagga Wagga, as shown below in Figure 9.1.5.

Explanatory Note(s):

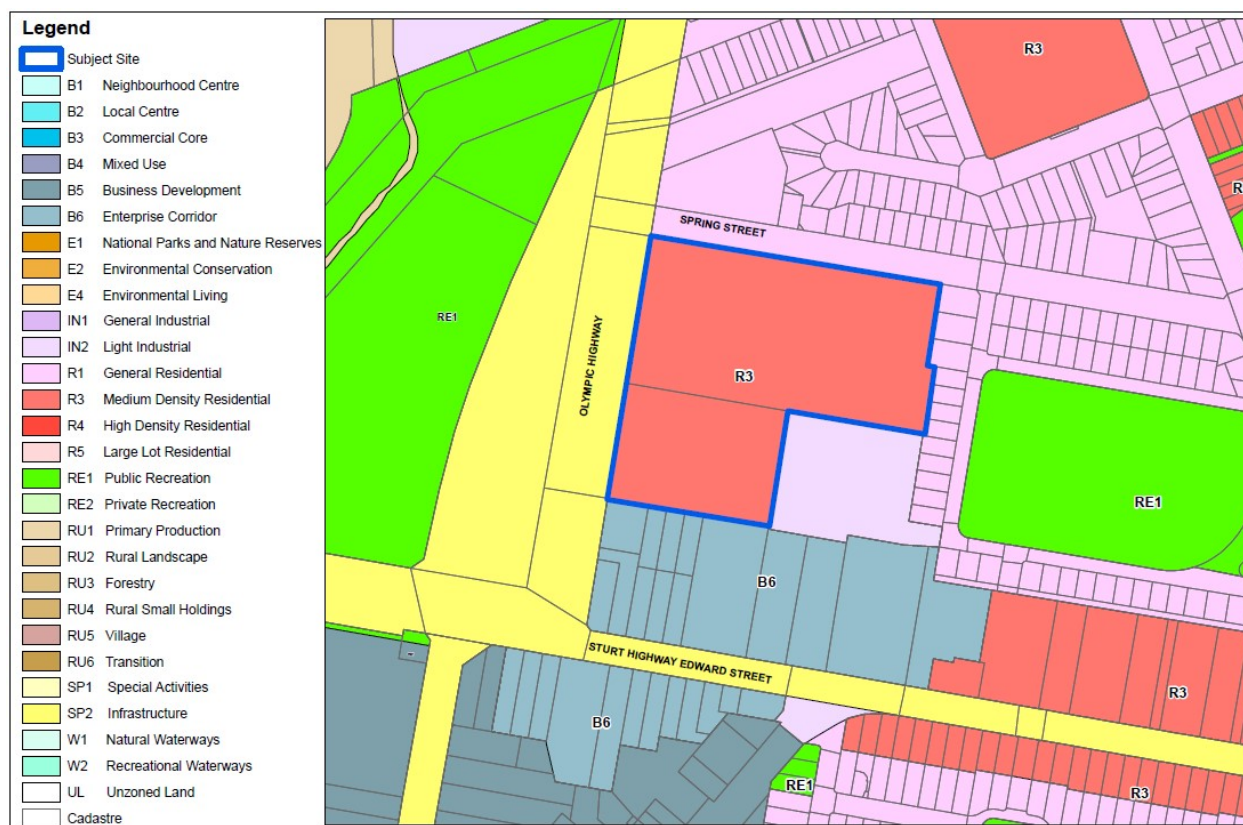


Figure 9.1.5

Section 9.1.5 provides site specific provisions for the Staunton Estate. Other than section 9.4.6, the remainder of Section 9 of the DCP does not apply to the Staunton Estate. In the event of any inconsistency between the general provisions the DCP and Section 9.1.5 then Section 9.1.5 will prevail.

The provisions of Section 9.1.5 apply to all future residential development in the Estate.

Principles

- P1 To develop a rectangular street pattern, being efficient for the site and reflecting the central Wagga pattern.
- P2 Maintain the Spring Street pattern of direct house frontage, driveway access and conventional lot sizes.
- P3 Provide townhouse or terrace forms fronting Moorong Street where possible to give the development an additional frontage and standout appearance from a major road.
- P4 To ensure consistency in contemporary architectural design as per the identified architectural theme of the Estate.

Site cover, building form and envelope

9.1.5.1 Site cover

Site cover is the proportion of a site that is occupied by buildings, garages and other structures. Site cover does not include basements, area under eaves, unenclosed decks, balconies, swimming pools, tennis courts or the like (refer to definition in the LEP).

Objectives

- O1 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.

Controls

- C1 Maximum site cover is 65% of the lot area including outbuildings.

9.1.5.2 Private open space

Private open space is an “outdoor living area”. It can be a balcony, deck, patio, terrace or verandah, and must be directly accessible from a habitable room other than a bedroom.

Objectives

- 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.

Controls

- C1 Minimum private open space provision must meet the minimum size provision in Table 9.1.5.2 below. These provisions must be read in conjunction with the additional controls detailed below Table 9.1.5.2.

Table 9.1.5.2

Lot width	Private open space (min)
Less than 10m	16m ²
10m or more	24m ²

- C2 The location and design of private open space must:

- Be directly accessible from a habitable room other than a bedroom;
- Have a minimum width of 3m;

Explanatory Note(s):

C3 A balcony, deck, patio, terrace or verandah with a finished floor level of more than 2m above existing ground level must not exceed 2m in depth and 8m² in area. Variations in dimensions or area may be considered where site characteristics allow and where adequate privacy protection measures such as screening devices are included.

Balcony, deck, patio, terrace or verandah can be used towards the private open space minimum size provisions subject to meeting the objectives for private open space.

9.1.5.3 Front and secondary setbacks for dwellings

The front setback creates the building line to the street and a transition space between the public domain and private property. Secondary setbacks apply to corner lots.

Given the range of lot sizes and resultant dwelling sizes and forms across the Estate, a range of setbacks are proposed. The Estate does not include through roads and Spring Street has a non-standard road reserve width, with a nature strip wider than normal standards on the southern side.

These setbacks will work in conjunction with other controls dealing with site coverage, private open space and side boundary setbacks.

Objectives

- O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.
- O2 Encourage attractive residential streets and quality public domain.
- O3 Maintain lines of sight for vehicle safety.

Controls

- C1 Minimum front and secondary setbacks are to be in accordance with Tables 9.1.5.3a and 9.1.5.3b below.

Table 9.1.5.3a

Lots	Front setback (to primary street)
Fronting Spring Street and Staunton Parkway	2m
All other lots	3m

The primary road frontage is the side of the lot with the shortest frontage. The secondary road frontage is the side of the lot with the longest frontage

Table 9.1.5.3b

Lots	Secondary setback
	Corner lots to side street
Less than 9m in width	Nil
9m to 14m in width (inclusive)	1.5m
Greater than 14m in width	2m
	Corner lots to a laneway
	1m

9.1.5.4 Side boundary setbacks for dwellings

Side setbacks will vary across the Estate based on lot sizes. While side setbacks may assist on some larger lots in achieving a reasonable level of amenity between neighbouring sites, in some circumstances zero or reduced setbacks are also acceptable in order to achieve the desired urban character of the Estate.

- O1 Ensure new development continues the rhythm or pattern of development in the locality.

Controls

- C1 The side boundary setbacks provisions are detailed in Table 9.1.5.4 below. These setback provisions must be read in conjunction with the additional controls detailed below Table 9.1.5.4.

Table 9.1.5.4

Lot width	Setback
Less than 8m	Nil
8m or more and less than 12m	The building may be built to one side boundary if desired. In any other case, a minimum setback of 900mm must be provided.
12m or more	First storey: Minimum 900mm Second storey: Minimum 1500mm
<p>Note: These provisions must be read in conjunction with the privacy controls in section 9.1.5.9. Variations to the minimum 1500mm second storey side setback can be considered where solar access and privacy concerns are adequately managed. Shadow diagrams may need to be provided in these instances.</p>	

- C2 The length of walls built to a side boundary must not be greater than 21m or 70% of the length of the boundary, whichever is the lesser.

9.1.5.5 Rear boundary setbacks for dwellings

Rear setbacks are important to maintain amenity between neighbouring sites, and to provide space for landscaping.

- O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.
- O2 Maintain lines of sight for vehicle safety.
- O3 Provide a consistent and attractive streetscape to laneways and space for rear detached garages

Controls

- C1 Rear boundary setbacks for dwellings are to be in accordance with Table 9.1.5.5 below.

Explanatory Note(s):

Table 9.1.5.5

Lots	Rear setback to dwelling (min)
Up to 200m ² in area	10m
200sqm and larger	3m to first storey 8m to second storey

Explanatory Note(s):

9.1.5.6 Rear boundary setbacks to laneways for outbuildings

Objectives

- O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.
- O2 Maintain lines of sight for vehicle safety.

Controls

- C1 Rear boundary setbacks to laneways for outbuildings are to be a minimum of 500mm.
- C2 Access to laneways must demonstrate that the turning circle in compliance with the Australian Standards.

Design details

9.1.5.7 Building articulation

High quality dwelling forms use a range of building design elements to define building articulation (see explanatory note).

Objectives

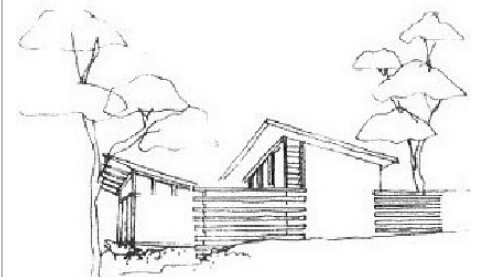
- O1 To ensure building facades are articulated to complement and enhance the streetscape and neighbourhood character.
- O2 To encourage contemporary and innovative design to establish a preferred neighbourhood character in new and transitional residential areas.

Controls

- C1 For lots less than 8m wide; and
For lots more than 10m wide:

Each dwelling must have a front door and a window to a habitable room in the building wall that faces a primary street.
- C2 For lots between 8m and 10m (inclusive) in width, each dwelling must have a defined entry point using building elements or articulation in the elevation that faces a primary street. Where possible, windows to a habitable room should also be provided along the front elevation. A high level of visual articulation should be provided to reduce the visual bulk of any garage.
- C3 Houses on corner lots are to ensure an acceptable address to both frontages. Continue materials around the corner to the secondary road so that the building “turns the corner”.
- C4 Use articulation to avoid excessively long blank walls.

There is an 88B instrument applying to the registered title of the whole of the Staunton Estate that requires all dwellings to be designed so as to be consistent with the identified architectural theme and building materials.



Side facades should also be attractive

The primary road frontage is the side of the lot with the shortest frontage. The secondary road frontage is the side of the lot with the longest frontage

C5 An articulation zone may be incorporated that extends 1.5m forward of the front building setback. The maximum total area of building elements (a) to (d) - detailed below - in the articulation zone must not be more than 35 percent of the area of the articulation zone.

- (a) an entry feature or portico,
- (b) a balcony, deck, patio, pergola, terrace, verandah,
- (c) window box treatment,
- (d) bay window or similar,
- (e) an awning or other feature over a window,
- (f) a sun shading feature.

9.1.5.8 Outbuildings

The design of outbuildings must contribute in a positive way to the streetscape and character of the locality.

Objectives

O1 Minimise the visual dominance of outbuildings in the streetscape.

Controls

- C1 The maximum footprint for outbuildings in 45m².
- C2 For lots 8m to 12m wide (inclusive) and where the garage opening is facing onto a secondary frontage, the total width of garage door openings must not exceed 5.4m.
- C3 For lots less than 8m in width with an accessible rear lane, any vehicular access is to be from the rear. For lots where both side and rear access is available, vehicular access can be provided from the side as an alternative to rear access provided it is in accordance with C2 above.

9.1.5.9 Ancillary Development (excluding outbuildings)

The design and location of ancillary development can have a significant impact on the appearance of the built form in the streetscape. The objective of the controls is to minimize the visual dominance of these elements and to integrate these components into the overall design of development on each lot.

Objectives

O1 Minimise the visual dominance of ancillary development in the streetscape

Controls

- C1 Ancillary development located at the front of dwellings/sites must not extend forward of the front of the face of the forward-most wall of the dwelling enclosing a habitable room. In all instances, ancillary development shall not encroach into the required front setback. Except as permitted by Section 9.1.5.7.

Explanatory Note(s):

Maximum site cover includes outbuildings.

Maximum outbuilding footprint does not preclude an upper level inclusive of floor space for outbuildings

Outbuilding is the same as that defined in the "Codes SEPP" ie.

Outbuilding means any of the following:

- Balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- Cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- Carport that is detached from a dwelling house,
- Farm building,
- Garage that is detached from a dwelling house,
- Rainwater tank (above ground) that is detached from a dwelling house),
- Shed.

Ancillary development is the same as that defined in the "Codes SEPP" ie.

Ancillary development means any of the following:

- Access ramp,
- Awning, blind or canopy,
- Balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house.
- Basement
- Carport that is attached to a dwelling house
- Detached studio
- Driveway, hard stand pace, pathway or paving
- Fence or screen
- Garage that is attached to a dwelling house
- Outbuilding

- C2 For lots 8m to 12m wide (inclusive) where the garage opening is to a primary frontage, the total width of the garage door opening must not exceed 5.4m. For garages in these circumstances, a high level of visual articulation should be provided to reduce the visual bulk of the garage. Where possible, windows to a habitable room should also be provided along the front elevation.
- C3 For lots 8m to 12m wide (inclusive) and where the garage opening is facing onto a secondary frontage, the total width of garage door openings must not exceed 5.4m.
- C4 For lots more than 12m wide and where the garage opening is facing onto a primary frontage, the total width of garage door openings must not exceed 6m.
- C5 For lots less than 8m in width with an accessible rear lane, any vehicular access is to be from the rear. For lots where both side and rear access is available, vehicular access can be provided from the side as an alternative to rear access provided it is in accordance with C3 above.

9.1.5.10 Privacy

Visual and acoustic privacy are important for good residential amenity. Special attention is required to minimise potential impacts to adjoining and nearby properties.

Objectives

- O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.
- O2 Ensure adequate acoustic privacy within dwellings.

Controls

- C1 Visual privacy protection must be provided for any part of the window less than 1.5m above finished floor level, if;
- The window is to a habitable room with a finished floor level more than 1m above existing ground level, and the window has a sill height less than 1.5m above finished floor level, and the window faces a side boundary and is less than 3m from that boundary.
 - The window is to a habitable room with a finished floor level more than 3m above existing ground level, and the window has a sill height less than 1.5m above finished floor level, and the window faces a side boundary and is between 3m and 6m from that boundary.
 - Visual privacy protection is not required for a window less than 2m² in size to a bedroom.
- C2 Visual privacy protection may be achieved by options including, but not limited to:
- Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.
 - Layout and separation—offsetting windows from the windows of the adjoining dwelling to limit views between the windows.

Explanatory Note(s):

- Rainwater tank that is attached to a dwelling house
- Retaining wall
- Swimming pool or spa pool and child-resistant barrier.

The preferred treatment for visual privacy protection is (a), however alternatives have been provided where (a) cannot be achieved.

Devices such as fixed horizontal or vertical louvres/slats and the like must be designed and positioned to ensure no direct sightlines to the affected properties/windows. The individual site and building circumstances will dictate the positioning, width, height and relative angle of any louvres/screen.

Explanatory Note(s):

- (c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.
 - (d) Glazed opening windows—using windows with obscure glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.
 - (e) Glazed fixed windows or high sills—using fixed windows with obscure glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.
- C3 Windows to bathrooms and toilet areas are to have obscure glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.
- C4 Architectural design solutions and screening devices referred to in C1 and C2 above are to be integrated with the overall design and contribute to the architectural merit of the building, having particular regard to the appearance of the building including:
- (a) Impacts on visual bulk;
 - (b) Compliance with minimum boundary setback controls; and
 - (c) Appearance when viewed from adjoining properties and the public domain.

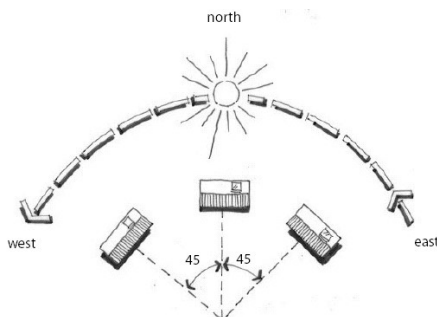
9.2 Site context and layout

The controls of this section encourage site responsive developments that are compatible with neighbourhood character. Site responsive developments respond to their site context take advantage of site features and minimise impacts to neighbours.

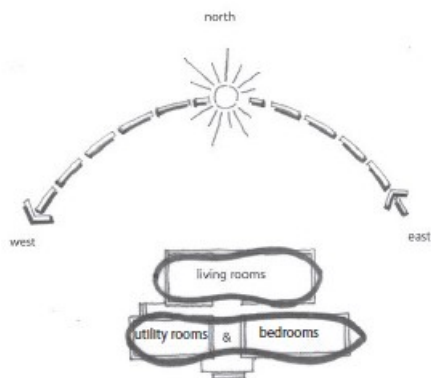
9.2.1 Site layout

Development should be individually tailored for the site, taking advantage of orientation, locating buildings to minimise cut and fill on sloping sites, and integrating landscaping and built form.

The principles of passive solar design are fundamental, and are best achieved by orienting living areas to the north, and designing for natural cross ventilation.



Orient dwellings to maximise passive solar design opportunities with their long axis generally east-west



Living rooms should face north where possible.

Objectives

- 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 communal spaces from private living areas.

Controls

- C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.
- C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.
- C3 Orient living spaces to maximise solar access.
- C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.

Explanatory Note(s):

Section 2.6 contains additional controls on design for crime prevention.

9.2.2 Streetscape

Good streetscape character is important for a quality residential environment. The streetscape character is created by the relationship between buildings and landscape character. This includes well defined front gardens, fences that look part of the street rather than an extension of the house, and by street trees.

Objectives

- O1 Encourage compatibility with existing built form.
- O2 Encourage attractive streetscapes.
- O3 Ensure a strong street edge with good definition between the public and private domain.
- O4 In locations where front fences are an important feature of the established streetscape, ensure that new fences complement the character of the streetscape.

Controls

- C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.
- 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.
- C3 Fence height at and behind the building line is not to exceed 1800mm in height.
- C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.

9.2.3 Corner lots and secondary facades

Sites with dual frontages need to ensure that the side (or secondary) facade is attractive as it contributes to neighbourhood character.

Objectives

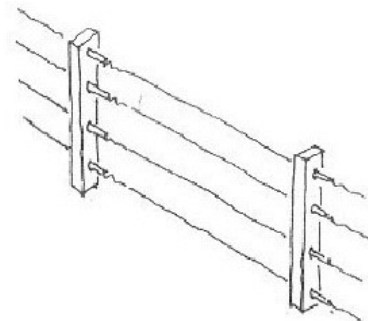
- O1 Encourage development on corner sites to respond to all street frontages.

Note: this objective relates to both building lines and fences.

Controls

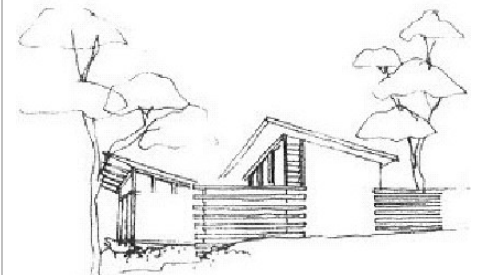
- C1 Houses on corner lots are to ensure an acceptable address to both frontages. Continue materials around the corner to the secondary road so that the building “turns the corner”.
- C2 Use articulation to avoid excessively long blank walls.
- C3 A fence on the secondary frontage is permitted to have a height not exceeding 1800mm except in the following circumstances where its height is not to exceed 1200mm:
 - Where it enters and is within the building line of the primary road - within the building line a fence will be permitted to taper down from 1800mm maximum permitted height to the 1200mm maximum permitted height at the primary road boundary”
 - Where a dwelling “addresses” the secondary road

Explanatory Note(s):



Post and rail fences are preferred in semi-rural and rural residential settings.

Compatibility with existing built form is not required in development areas where the intention is to change the streetscape character.

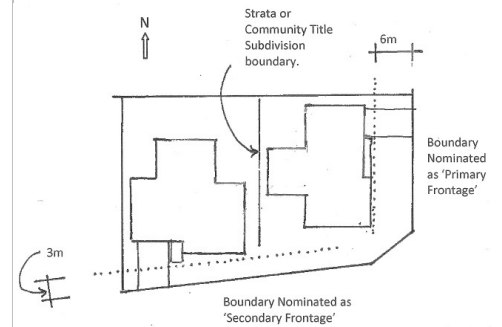


Side facades should also be attractive

The primary road frontage (in the case of a single dwelling house on an existing single allotment) is the same as that defined in the “Codes SEPP” ie ‘Primary Road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face. The secondary road frontage becomes the secondary frontage. The secondary road is the same as that defined in the “Codes SEPP” ie. “Secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road”.

The rear boundary will become the opposite of the primary road boundary and the side boundary will be the remaining boundary

Explanatory Note(s):



DUAL OCCUPANCY EXAMPLE. For Dwelling Houses and Torrens Title subdivision lots refer to the definition for 'Primary Frontage' within the SEPP (Exempt and Complying Development) Codes 2008.

This diagram illustrates primary and secondary frontages. All other relevant controls must be complied with.

9.2.4 Sloping sites

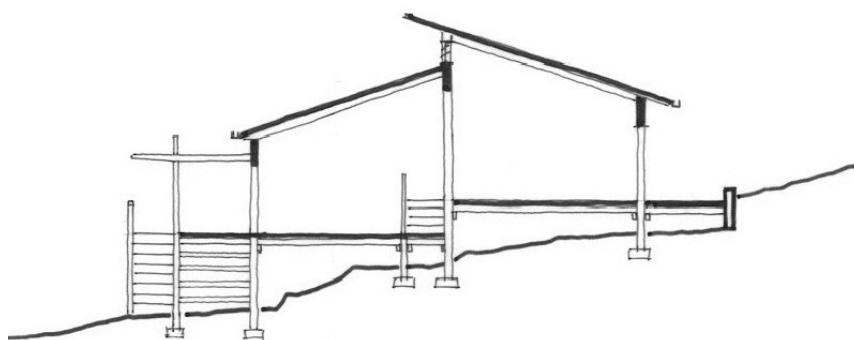
Development on Wagga Wagga's hills requires careful attention to protect the city's visual setting. Building designs should accommodate sloping sites, rather than the other way around – using cut and fill to create a level site. Appropriate building designs for sloping sites use split level, pier foundation or suspended floor designs.

Objectives

- 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.

Controls

- C1 Use pier, split level or suspended floor designs on sloping sites.



Use split level construction on sloping sites

Explanatory Note(s):

9.3 Site area, building form and envelope

The site area, building form, scale and bulk should be appropriate to the established or intended built form of the locality. Site cover, landscaped area, setbacks and solar access are the main controls to ensure appropriate bulk and mass.

9.3.1 Site area per dwelling

Residential developments need sufficient space for setbacks to ensure adequate space between buildings, and for private open space and landscaping. The site area per dwelling requirement is important to ensure that developments do not rely on adjoining land to effectively “provide the green space” to make the houses liveable while ensuring appropriate densities are achieved in the R3 Zone.

Objectives

- O1 Ensure adequate area to provide separation between buildings, landscaping and private open space.
- O2 Maintain development patterns that are compatible with the established character of established residential areas.
- O3 Encourage maximum utilisation of land in the R3 Zone.

Controls

- 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.
- 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.
- 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.

Table 9.3.1a Land area per dwelling

	Land area per dwelling	
	R1 Zone (Min)	R3 Zone (Max)
Single dwellings	400m ²	300m ²
Dual occupancy/attached dwellings	375m ²	300m ²
Multi-dwelling housing	375m ²	350m ²
Residential flat buildings	375m ²	300m ²

9.3.2 Site cover

Site cover is the proportion of a site that is occupied by buildings, garages and other structures. Site cover does not include basements, area under eaves, unenclosed decks, balconies, swimming pools, tennis courts or the like (refer to definition in the LEP).

Site cover controls significantly impact on built form and the pattern of open areas to buildings. In many areas of Wagga Wagga there is pressure to increase the size of buildings and eat into the “green spaces” that separate houses. These green spaces are also often the areas where mature trees are able to grow.

Managing site cover is important to ensure that houses have adequate space for usable garden areas, to avoid occupants feeling “overcrowded” and to maintain areas for natural runoff.

Landscaped area is unbuilt green space. Landscaped area does not include paved areas – it is the area used for growing plants, grasses and trees. The landscaped area controls apply in all areas to which this Part applies. Note that residential developments in Lloyd and the northern suburbs are subject to separate controls in Part E. (Refer to Development Control Plan Lloyd Urban Release Area).

Objectives

- O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.
- O2 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.
- O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.

Controls

- C1 Maximum site cover is to be in accordance with Table 9.3.2a, except for land under C2.

Table 9.3.2a Maximum site cover

	Site cover (max) - R1 & R3 Zones
Single dwellings – lots up to and including 600m ²	60%
Single dwellings – lots greater than 600m ² and up to and including 900m ²	50% or 360m ² , whichever the greater
Single dwellings – lots greater than 900m ² and up to and including 1500m ²	40% or 450m ² , whichever the greater
Single dwellings – lots greater than 1500m ²	30% or 600m ² , whichever the greater
Secondary dwellings	60m ² , 10% of the lot, or when calculated combined with the primary dwelling, the maximum site cover for a single dwelling for the lot size, whichever the greater.
Dual Occupancy	50%
Multi-dwelling housing	40%
Residential flat buildings	40%

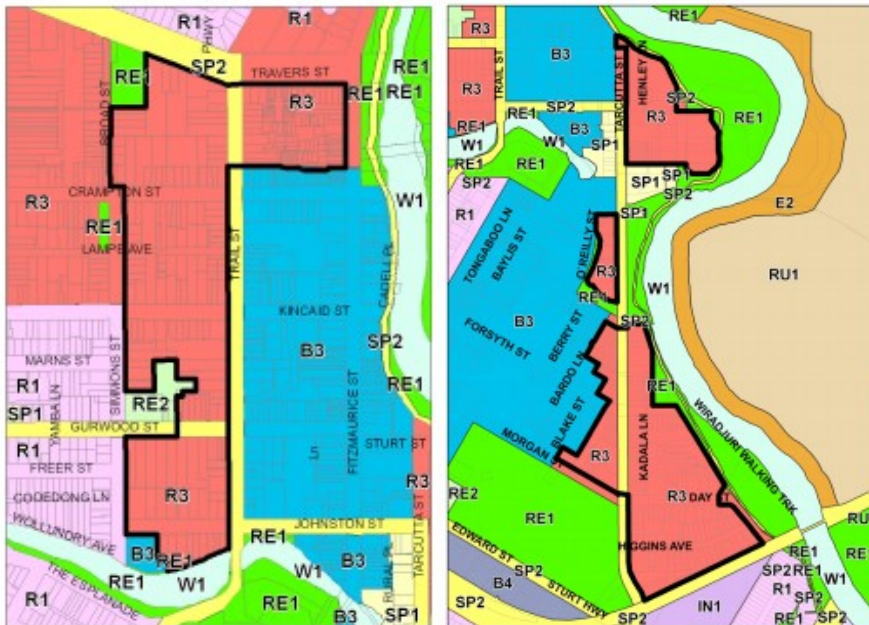
Explanatory Note(s):

The requirements for single dwellings are in accordance with SEPP Exempt and Complying 2008.

Refer to Section 5.4 of the LEP for controls relating to secondary dwellings.

- 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.

Explanatory Note(s):



9.3.3 R3 Zones - Minimum frontage

Minimum frontages are required for multi dwelling housing and residential flat developments in the R3 Zone. The minimum frontage requirement is intended to ensure adequately proportioned development sites.

Objectives

- O1 Ensure that multi dwelling housing and residential flat developments occur on suitably sized lots.
- O2 Support the intentions of the R3 Zone to encourage medium density developments.

Controls

- C1 Multi dwelling housing and residential flat developments are required to have a minimum frontage of 20m to the primary address.

Variations can be considered to the minimum frontage requirement where it can be demonstrated that the resulting development achieves a reasonable density and can satisfy the amenity considerations of this Section.

9.3.4 Solar access

A well planned home based on passive solar design principles will have north facing living areas that open directly to the main private open space. It will take advantage of natural breezes to circulate through the internal areas and will locate non-habitable rooms to shield habitable rooms from summer heat.

Objectives

- 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 and sunlight to private open space areas.
- 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.
- O3 Maintain reasonable sunlight access to adjoining properties.

Controls

- C1 Locate garages, laundries and bathrooms to provide insulation from western sun.
- C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.
- 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.
- 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.
- C5 Residential Flat developments are to comply with the solar controls of SEPP 65 and associated documents as amended.
- 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).
- 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.
- C8 Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space.

9.3.5 Private open space

Private open space is an “outdoor living area” that is normally part of the rear garden. It can be a deck, patio or paved area at existing ground level, and should be directly accessible from the main living area of the dwelling with a north facing aspect.

Objectives

- 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.

Controls

- 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.

Explanatory Note(s):

- 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.
- C3 Use screening where necessary to ensure the privacy of private open space areas.
- C4 For residential flat developments and shop top housing, each unit without direct access to ground level must have a balcony with a minimum area of 8m², and minimum dimension of 2m that is directly accessible from the main living area.

9.3.6 Front setbacks

The front setback creates the building line to the street and a transitional space between the public domain and private property. Front setbacks are important to the visual setting of buildings, and help to create attractive streets.

Objectives

- O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.
- O2 Encourage attractive residential streets and quality public domain.
- O3 Ensure that new developments complement the established built patterns.
- O4 Maintain lines of sight for vehicle safety.

Controls

- C1 Minimum front setbacks for residential development (site area smaller than 2000m²):

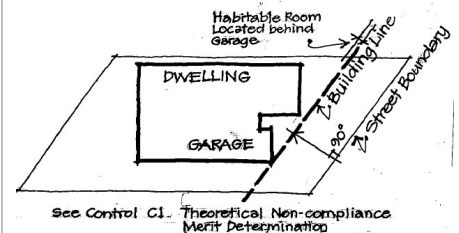
Primary frontage to a main or arterial road	9m #
Primary street frontage (other roads)	6m #
Secondary frontage (corner site)	3m

- For residential accommodation in R3 Zones a minimum setback of 3m may be considered.
- 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.
- 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.
- C4 Variations to the minimum setback can be considered in the following circumstances:
 - 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

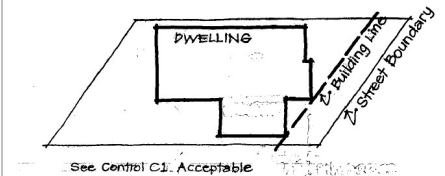
Explanatory Note(s):

The primary street frontage is the same as that defined in the "Codes SEPP" i.e. 'the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face'. The remaining street frontage becomes the secondary frontage.

Refer to section 9.2.3 for diagram on Primary and Secondary Frontage setbacks.

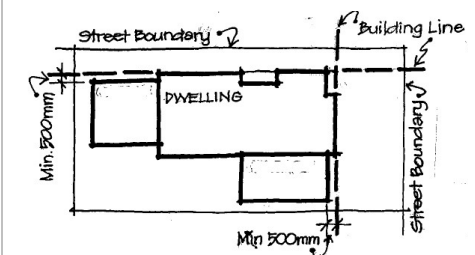


This diagram demonstrates how compliance with C1 can be achieved.

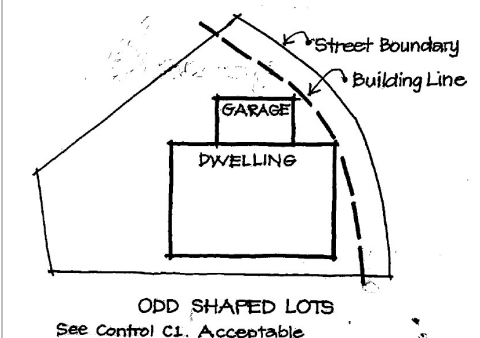


This diagram demonstrates how compliance with C1 can be achieved

In the absence of diagrams illustrating how compliance with C4 can be achieved, please discuss the control requirements with Council staff.



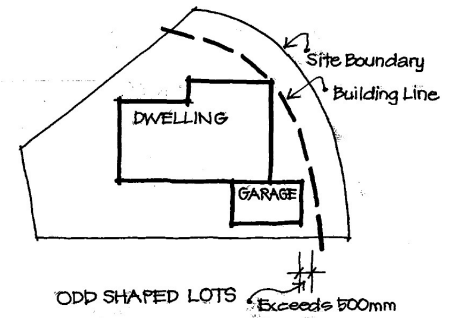
This diagram demonstrates how compliance with C1 can be achieved



This diagram demonstrates how compliance with C1 can be achieved

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.

- 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.
- 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.



This diagram demonstrates how compliance with C1 can be achieved

Explanatory Note(s):

Residential flat developments are to comply with the provisions of SEPP 65 and the NSW Residential Flat Design Code available at

<http://www.planning.nsw.gov.au/Programs/services/DesignQualityProgram/ResidentialFlatDesignCode/tabid/158/Default.aspx>

The primary street frontage (in the case of a single dwelling house on an existing single allotment) is the same as that defined in the "Codes SEPP" ie 'the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face'. The remaining street frontage becomes the secondary frontage.

The WWLEP 2010 defines the building line as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a) a building wall, or
- b) the outside face of any balcony, deck or the like, or
- c) the supporting posts of a carport or verandah roof, whichever distance is the shortest."

However, where more than one dwelling is to be erected upon an existing single allotment, the rear boundary of the existing allotment shall be taken to be the opposite of the primary frontage (as defined by a dwelling addressing the street frontage).

Where a unit(s) or dwelling(s) also addresses a second frontage of a corner allotment, the rear boundary will vary according to the unit or dwelling under consideration and is taken to be the boundary opposite to that which that dwelling(s)/unit(s) face, providing that such boundary abuts a boundary of an existing allotment.

The remaining boundary will be regarded as a side boundary".

9.3.7 Side and rear setbacks

Side and rear setbacks are important to maintain amenity between neighbouring sites, and to provide space for landscaping. Side setbacks need to be increased for additional building height.

Objectives

- 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 structures on adjoining landowners.

Controls

- C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.
- 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.

9.4 Design details

A number of detailed design elements contribute to good quality developments. They combine to support the sustainability qualities, environmental “friendliness” and liveability of housing.

9.4.1 Building elements

Quality built form is supported by clever use of building elements such as balconies, eaves, sun shading devices and appropriate use of materials.

Objectives

- O1 Encourage quality and visually interesting buildings through the use of building elements.
- O2 Facilitate passive solar design principles.

Controls

- C1 Use verandahs or pergolas to link internal and external living areas.
- C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.
- C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.
- C4 For dual occupancy developments, each dwelling is to have a separate entry.
- C5 Secondary dwellings are to appear as a single occupancy from the public domain.

9.4.2 Materials and finishes

Cladding materials should be environmentally responsive and should contribute to a quality streetscape.

Objectives

- 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.

Controls

- C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.
- C2 Avoid large unbroken expanses of any single material.
- C3 Minimise use of highly reflective or glossy materials on building exteriors.
- C4 Use contrasting materials in combination with design elements for features such as corner elements.
- C5 For larger developments, use recessive colours for the upper levels to help minimise building bulk.

Explanatory Note(s):

9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. The site analysis should identify potential threats to privacy and areas where special attention is required to minimise potential impacts to adjoining and nearby properties.

Objectives

- O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.
- O2 Ensure adequate acoustic privacy within dwellings.

Controls

Visual privacy

- C1 Offset windows, balconies and private open space areas between adjoining dwellings.
- 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.

- 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.

9.4.4 Garages, carports, sheds, driveways and outbuildings

Design of garages, carports, sheds and driveways must contribute in a positive way to the streetscape and character of the locality.

Objectives

- O1 Minimise the visual dominance of garages and driveways in the streetscape.
- O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.

Controls

- C1 Where garage doors form part of the facade of a dwelling fronting a public road
 - the garage door is to be:
 - less than 50% of the width of the house*
 - no wider than 6m #

Explanatory Note(s):

Achieving acoustic privacy

Dwellings on main roads or near the railway line may be exposed to high noise levels. Attenuation can be achieved by using:

- ✓ Brick, brick veneer or block work construction with fibre insulation in wall and roof cavities
- ✓ Solid core external doors with seals
- ✓ 6mm glass with acoustic seals.

Council may impose conditions on the location and detail of any mechanical ventilation or air conditioning equipment to minimise noise intrusion within the development and to adjoining dwellings.

The primary street frontage is the same as that defined in the "Codes SEPP" ie 'the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face'. The remaining street frontage becomes the secondary frontage.

The WWLEP 2010 defines the building line as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a) a building wall, or
- b) the outside face of any balcony, deck or the like, or
- c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

Normal front setback controls continue to apply on corner sites.

Explanatory Note(s):

Variations in regard to double garages can be considered. Applicants should discuss variations prior to lodging an application.

maximum 2.4m high #

- double garages are only permitted on lots 12.5m wide or greater*
- single fronted tandem garages with one space behind the other are permitted

* - Variations to these controls may be considered for multi storey dwellings

- Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.

- C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.
- C3 The floor area of an outbuilding on a residential lot must not be more than the following:
- (a) 8% of the site area if the lot has an area of less than 600m²,
 - (b) 8% of the area or a maximum area of 175m², whichever is the lesser, if the lot has an area of at least 600m² but less than 4000m²,
 - (c) Lots greater than 4000m² will be considered on their merits.
- C4 The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area or a maximum area of 300m², whichever is the lesser. Lots greater than 4000m² will be considered on their merits.
- 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.
- C6 The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing). The building shall be single storey construction with a maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.
- 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.

9.4.5 Site facilities

These controls apply to all residential developments other than single dwellings.

Site facilities include garbage and servicing areas, mail boxes, drying areas, external storage areas and utility services (gas, waster, telephone, and electricity). Integrating these facilities into the overall design of a development improves site function and appearance.

Objectives

- O1 Ensure site facilities are integrated into site design, and are convenient, visually discreet and easy to maintain.
- O2 Encourage an attractive residential setting and quality public domain.
- O3 Minimise duplication of trenches for services and the like.

Controls

- C1 For dual occupancy developments, multi-dwelling housing and

residential flat developments, utility services are to be provided underground.

- 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.
- 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.
- 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.

9.4.6 Changing the landform – cut and fill

Earthworks (including cut and fill) require development consent under the LEP. This section contains controls for changes to the natural landform through excavation and fill in order to minimise environmental impacts, and to avoid artificial differences between sites, especially in the urban context where significant differences in levels at the boundary can reduce amenity and result in dangerous landforms and structures.

Excessive cut and fill reduces the ability to interpret natural landforms, and can exacerbate ground water and salinity issues. Controls are necessary to prevent erosion and sedimentation, and changes to natural creeks and watercourses.

Objectives

- O1 Encourage site responsive development and protect the amenity of adjoining land.
- O2 Avoid excessive earthworks and minimise changes to the natural landform.
- 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.
- O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.
- O5 Avoid inappropriate fill being introduced to sites.
- O6 Ensure adequate provision of drainage in relation to cut and fill practices.

Explanatory Note(s):

State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 specifies certain types of earthworks as Exempt Development. Refer to *Division 1, subdivision 15: Earthworks, retaining walls and structural support* within the policy for further details.

Controls

- C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows:
- (a) If located no more than 1m from boundary – 1.5m, and
 - (b) If located more than 1m but not more than 1.5m from any boundary – 2m, and
 - (c) If located more than 1.5m from any boundary – 3m.
- Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).
- C2 Fill is not to exceed:
- (a) 1.5m above ground level (existing), and
 - (b) Must be contained by either:
 - (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
 - (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.
- 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).
- 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:
- (a) has been certified by a professional engineer, and
 - (b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and
 - (c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is:
 - (i) more than 1.5m in height and within 1m from a side or rear boundary, or
 - (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.
- C5 No cut or fill to take place within easements.

Explanatory Note(s):

Garden beds or the like that are not used to retain materials are excluded from the provisions of this control.

For excavation less than 1m from the boundary and exceeding 1m in height, Council will notify neighbours.

- 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.
- 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.
- C8 All retained material is to have a gradient of at least 5%.
- C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.
- C10 Cut and fill outside the building envelope is not to exceed 600mm.
- C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.
- 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.

Explanatory Note(s):

9.5 R5 Large Lot Residential Zone - Intensification areas

Explanatory Note(s):

The R5 Large Lot Residential zone objectives seek to encourage residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality, minimisation of conflict between land uses within this zone and land uses within adjoining zones and minimising clearing of native vegetation.

9.5.1 R5 Zone - Silverwood, Mitchell, Birch & Brunskill Road Precinct

Where this Section Applies

This section applies to land bordered by Silverwood, Mitchell, Birch and Brunskill Roads as identified in figure 9.5.1a below:

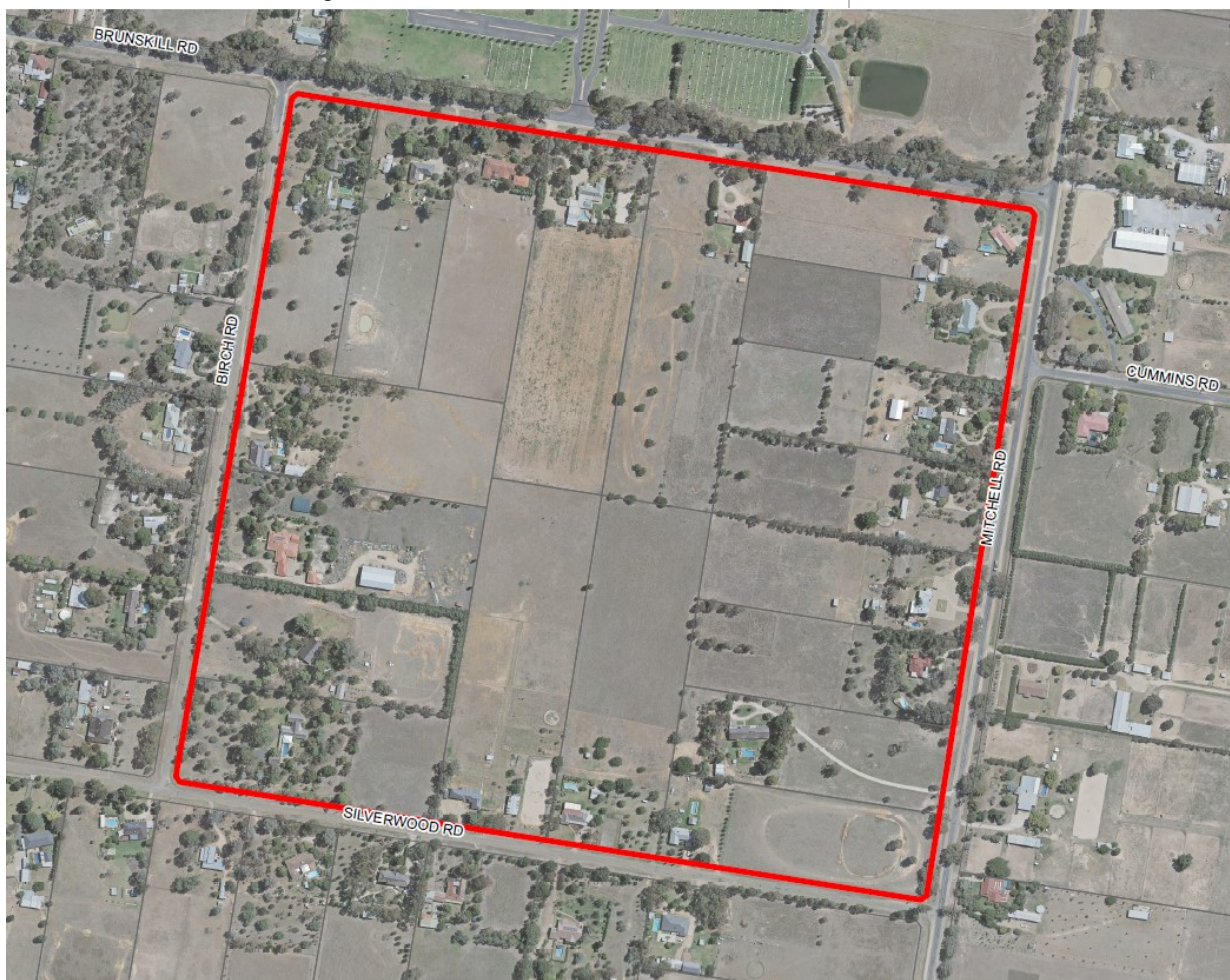


Figure 9.5.1a – Subject land – Silverwood, Mitchell, Birch and Brunskill Roads Precinct

Development within this Precinct shall comply with the requirements of Section 9 of the DCP, as well as this Section.

Where there is an inconsistency between this Section and Section 9 of the DCP applying to land in this Precinct, then Section 9.5.1 shall prevail.

Principles

- P1 Facilitate opportunities for the appropriate intensification of land.
- P2 Retain the established rural and landscape streetscape character of the area, including the retention of trees where possible.
- P3 Encourage the excision of existing dwelling houses and consolidation of individual residue land parcels to achieve coordinated land development.
- P4 Integrate water sensitive urban design including the establishment of swales within key road reserves to manage overland flow.
- P5 Encourage active and healthy lifestyles via the provision of open space areas and linear corridors that connect to the wider open space network.
- P6 Provide a clear and legible road hierarchy that promotes connectivity and permeability and limits new access points onto the surrounding road network.
- P7 Ensure that land is serviced with all necessary infrastructure and services.
- P8 Identity staging details that will achieve a coordinated and staged approach to land development.

Controls

- C1 Applications for subdivision and development (including staging) shall be in accordance with the concept master plan identified in figure 9.5.1b.
- C2 Existing dwelling houses may be excised in the interim without the need to augment the existing sewerage, road and stormwater networks.
- C3 Where subdivision of land is proposed for the residue lot shown in figure 9.5.1b, the developer shall be responsible for providing reticulated mains sewer supply to all allotments, including associated pump stations where required, to the satisfaction of Council. Detailed sewer design plans and on-site effluent decommissioning plans must be submitted with the development application.
- C4 Where further subdivision of land is proposed, stormwater detention facilities and swale drains are to be provided to ensure post development flows do not exceed pre-development flows, for both quantity and quality, for storm events up to and including the 1 in 100-year storm event.
- C5 Where further subdivision of land is proposed, development within the Precinct shall occur in accordance with a traffic impact assessment that identifies road and intersection works including improvements and upgrades to the existing traffic network.
- C6 Open Space shall be provided in accordance with Councils open space provisions. Areas of active open space (playgrounds) shall be appropriately embellished subject to the preparation of a landscape master plan.

Explanatory Note(s):

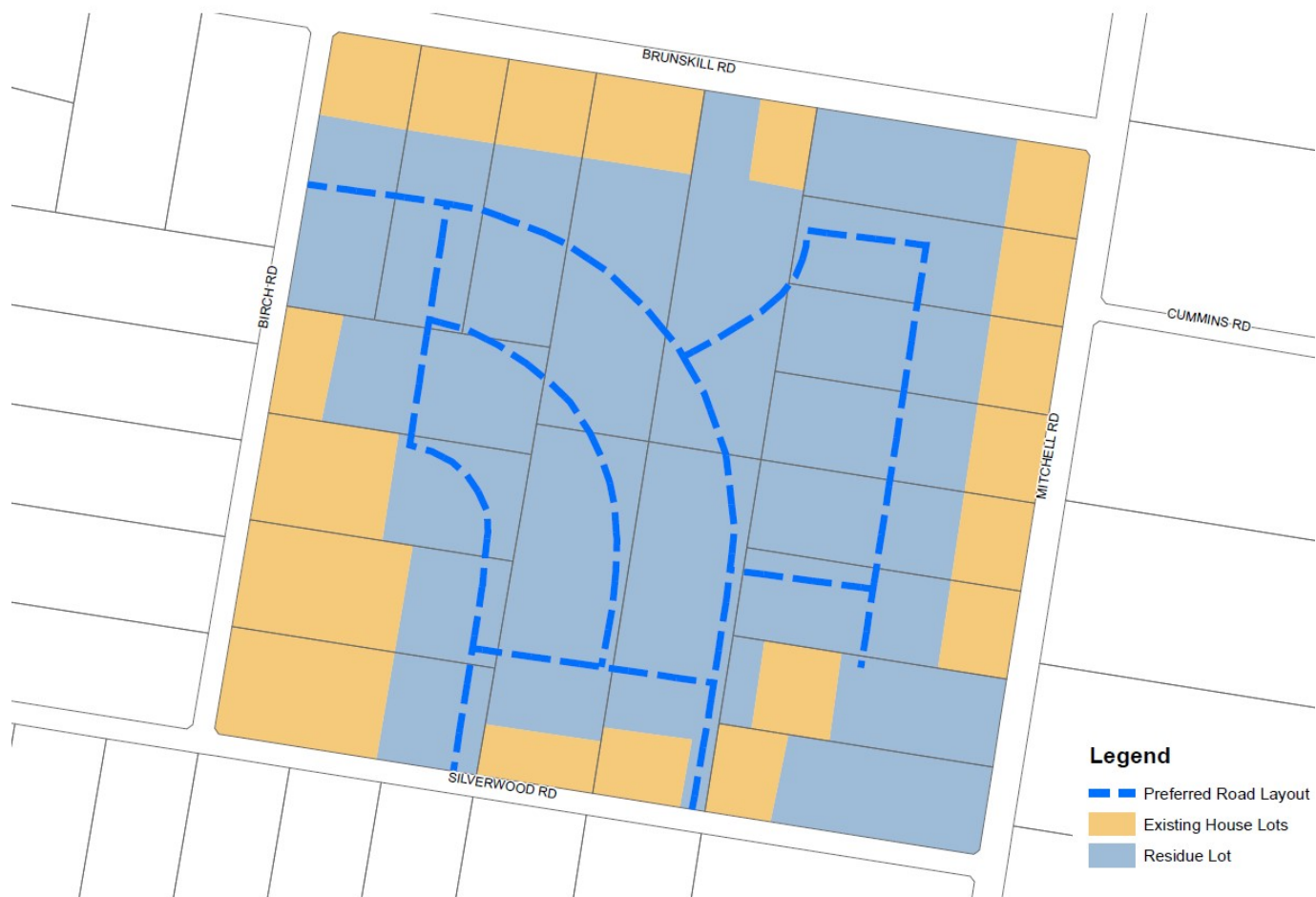


Figure 9.5.1b – Concept Plan – Silverwood, Mitchell, Birch & Brunskill Road

9.5.2 R5 Zone – Gregadoo & Tallowood Precinct

Where this Section Applies

This section provides site-specific provisions for land located on the southern side of Gregadoo Road as identified in figure 9.5.2a below:



Figure 9.5.2a – Subject land – Gregadoo and Tallowood Precinct

Development within this Precinct shall comply with the requirements of Section 9 of the DCP, as well as this Section.

Where there is an inconsistency between this Section and Section 9 of the DCP applying to land in this Precinct, then Section 9.5.2 shall prevail.

Principles

- P1 Facilitate opportunities for the appropriate intensification of land.
- P2 Retain the established rural and landscape character of the area, including the retention of trees where possible.
- P3 Ensure that sites have sufficient areas to achieve adequate access, parking, landscaping, and building separation.
- P4 Incorporate appropriate interface/buffer treatments to minimise land use conflicts with surrounding lands.
- P5 Provide a clear and legible road hierarchy that promotes connectivity and permeability.
- P6 Minimise traffic and road safety impacts with Gregadoo Road.
- P7 Ensure that land is serviced with all necessary infrastructure and

services.

- P8 Identity staging details that will achieve a coordinated and staged approach to land development.

Controls

- C1 Applications for subdivision and development (including staging) shall be in accordance with the desired connections identified in figure 9.5.2b, ensuring Tallowood Crescent remains a closed road.
- C2 Development adjoining the Tallowood Crescent cul-de-sac head is to consider merits of a pedestrian access or infrastructure easement connection in consultation with Riverina Water County Council and Wagga Wagga City Council to ensure infrastructure servicing requirements can be addressed.
- C3 The development will be staged, commencing at Gregadoo Road and progressing south to ensure orderly and economic provisions of services. If development is proposed that is inconsistent with this, the extension of infrastructure through undeveloped land will be the responsibility and at the cost of the developer.
- C4 The developer shall be responsible for providing reticulated mains sewer supply to all allotments, including associated pump stations where required, to the satisfaction of Council. Detailed sewer design plans and on-site effluent decommissioning plans must be submitted with the development application.
- C5 Subdivision within the Precinct shall occur in accordance with a stormwater management plan prepared for the area that addresses both stormwater management and overland flooding impacts. This plan shall ensure that post development flows do not exceed pre-development flows, for both quantity and quality, for storm events up to and including the 1 in 100-year storm event.
- C6 Development within the Precinct shall occur in accordance with a traffic impact assessment that identifies road and intersection improvements, including the need to restrict the number of individual access points onto Gregadoo Road.
- C7 Appropriate buffer areas shall be provided to adjoining RU1 Primary Production zoned land to the south.

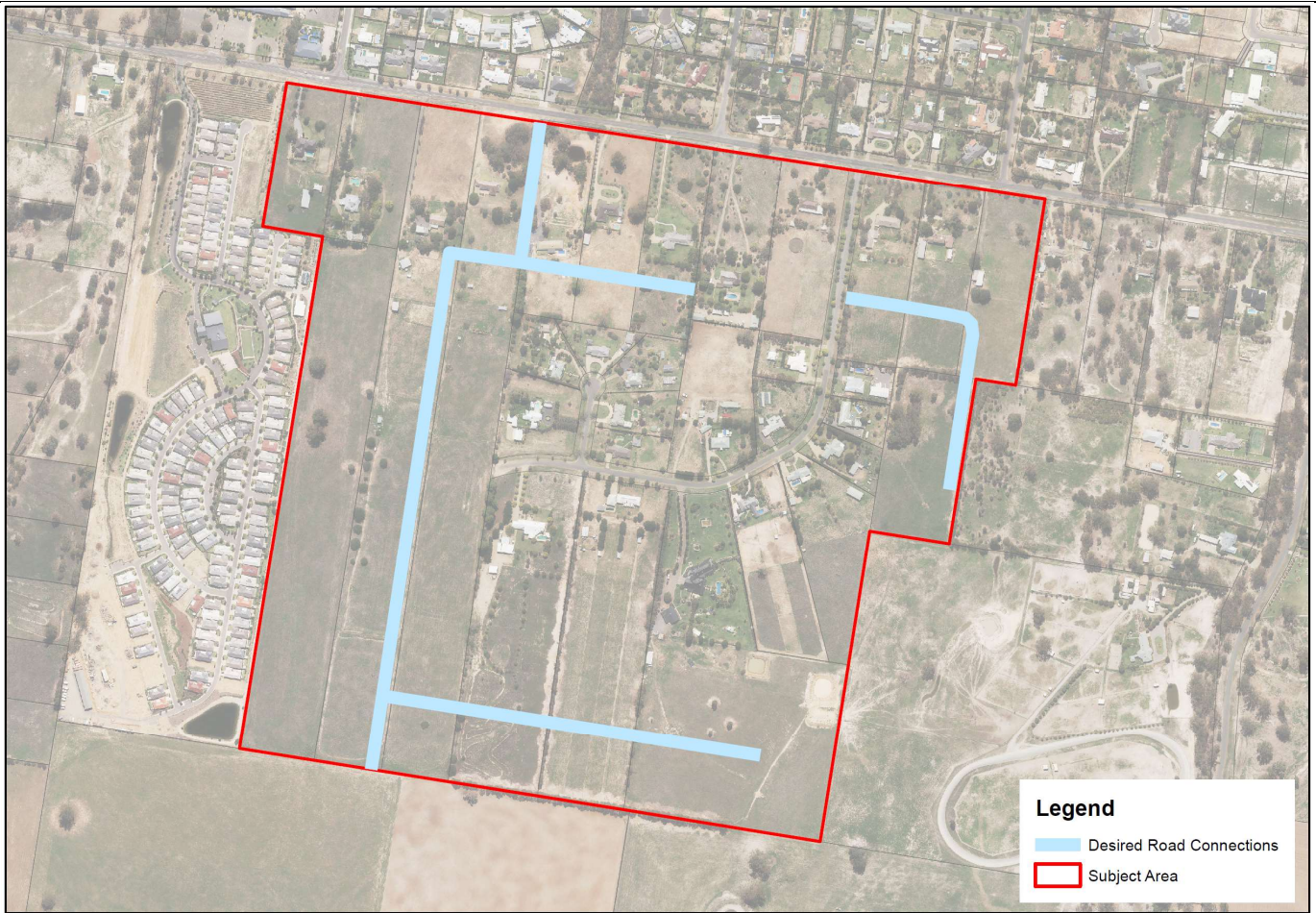


Figure 9.2.5b – Gregadoo and Tallwood Precinct Desired Connection Map