

# JUSTIFICATION FOR PROPOSED MODIFICATION AND VARIATION TO CLAUSE D3.1 OF YASS VALLEY DEVELOPMENT CONTROL PLAN 2024

Development Application (DA240290) – Approved (subject to conditions) on 11 December 2024

Mr Peter Mahon

43 Church Street, Yass, NSW, 2582

Registered Plan: Lot 1 Plan DP 997056

Folio Identifier 1/997056

## PROPOSED MODIFICATIONS

We are submitting a request to modify Development Application DA240290, which was approved for the construction of a 112 sqm Colorbond shed on our property. The approved shed dimensions are 16 metres in length, 7 metres in width, with a height of 5 metres at the gutters and 5.68 metres at the apex.

This modification seeks approval for two proposed changes:

### 1. Sewerage System Update

We propose to install a gravity-fed sewerage system in place of the originally approved septic tank and pump system. This change is intended to:

- Improve the reliability of the shed's bathroom facilities,
- Reduce long-term maintenance requirements, and
- Provide a more sustainable and cost-effective solution.

### 2. Shed Base Elevation Adjustment

To facilitate the gravity-fed sewerage system and to mitigate the risk of water ingress into the shed, we propose to raise the shed's base by 170mm above natural ground level (NGL) at the highest point of the proposed site. This adjustment will be carried out during the earthworks phase and will result in a drop edge beam at the rear of the shed.

We believe these modifications will enhance the functionality and longevity of the shed while aligning with best practices for site drainage and infrastructure.

## Supporting documentation

Alongside this document, we have also prepared and submitted:

- An updated ***Sewer Service Diagram (SSD)*** with a hydraulic diagram demonstrating the levels for the sewerage system.
- A ***Drop Edge Beam Plan*** – demonstrating how a drop edge beam will be used to raise the slab by 170mm above natural ground level (NGL) at the highest point of the proposed site.

# JUSTIFICATION FOR PROPOSED VARIATION TO CLAUSE 3.1 OF YASS VALLEY DEVELOPMENT CONTROL PLAN 2024

## 1. EXTENT OF THE VARIATION AND THE CIRCUMSTANCES WHY THE VARIATION IS BEING SOUGHT

Extent of the Variation		
Section	Control	Proposed Variation
D3.1.i	Outbuildings should not exceed 4.5 metres in ridge height or 3.5 metres to the eaves;	<p>The proposed shed is 5m to the gutters and 5.68m to the apex (approved in DA240290).</p> <p>This modification request is seeking approval to raise the shed's base by 170mm above natural ground level (NGL) at the highest point of the proposed site, leading to a 'drop edge beam' on the lower side of the shed (see Figure 1).</p>

A licensed plumber (Licence No. 463510C) assessed the site using a laser level and determined that the shed slab must be raised by at least 150mm above natural ground level to achieve the minimum required fall for a compliant gravity-fed sewer connection. To accommodate construction tolerances and ensure reliable performance, a 20mm buffer has been added, resulting in a total slab elevation of 170mm. Given the natural slope of the site, a detailed plan has been prepared to illustrate ground levels at multiple points around the shed, demonstrating how the raised slab aligns with the existing topography. In addition to facilitating proper drainage, this elevation will help prevent water ingress by protecting the shed from surface runoff during heavy rainfall.

We believe that the reasons put forward as part of our original development application, to justify the variation to the height control, are still appropriate for the modification that we are proposing.

### 1.1 Shed height

A variation to the allowable shed height is being sought so that our family's shed can have an internal upper level. Adding this upper level to the shed allows us to achieve an extra 63% of floor space, allowing our family to achieve as much as possible within the small space. We hope to use the shed for a range of purposes, including:

- Garage
- Home office space
- Workshop
- Art studio
- Storage
- Home gym

The upstairs upper level is critical for storage needs. As a member of the Army Reserves, I have a substantial amount of equipment that needs secure storage, including uniforms, gear, and other bulky items. The upper level allows for organized storage without occupying the ground-level workspace, which is reserved for vehicle parking and daily use. Additionally, the upper level is necessary to maximize the use of the shed's footprint, providing long-term, flexible storage solutions for my family's needs.

We believe these purposes satisfy one of the primary objectives of R1 – General Residential land:

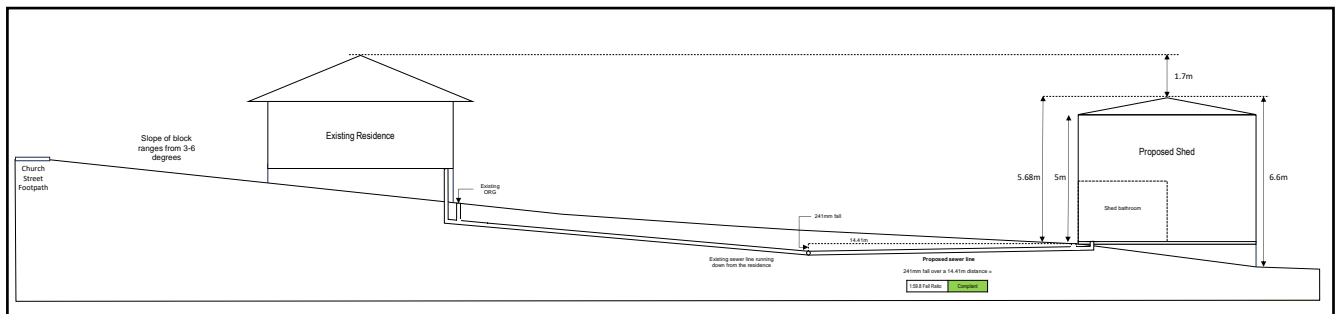
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

## 2. WHY STRICT COMPLIANCE IS UNACHIEVABLE, UNREASONABLE, OR UNNECESSARY

### 2.1 Shed height

Strict compliance with the 4.5-meter height limit would be unreasonable in this instance for several reasons. Firstly, the National Construction Code provides strict requirements for ceiling heights. The engineers at MA Steel in Yass designed the shed to the lowest height possible that would allow for an upper level while complying with the National Construction Code ceiling height requirements downstairs and upstairs in the shed. The designers and engineers factored in the space lost in the depth of the upper level, insulation, and ceilings to determine that the shed would need to be 5m to the gutters and 5.68m to the apex. The proposed 5.68-meter height is essential to ensure compliance with national building standards while allowing for practical use of the shed.

While our proposed shed is higher than the requirements set out in the Yass DCP for sheds, it's worth noting that the shed is still far lower in height than residential homes in the area, which are allowed to be up to 8m tall in our area (see the *Yass Valley Local Environmental Plan 2013 – Height of Buildings Map*).



**Figure 1 - Side view of Property**

Most importantly, due to the slope of the block, the shed is still 1.7m lower than our single-storey house, remaining inconspicuous from the street and preserving the natural character of the area. We believe this fact makes strict compliance with D3.1.i unnecessary.

## 3. HOW THE OBJECTIVES OF THE CONTROL ARE MET OR AN ACCEPTABLE SOLUTION IS ACHIEVED

### 3.1 Shed height

We believe that allowing our family to build a shed that is 5m at the gutters and 5.68m high at the apex will be an acceptable solution. While the DCP doesn't specifically list a purpose for the provisions listed under D3.1, we believe that the height control's primary objective is to maintain the visual integrity of the area, particularly by preventing overbearing or visually disruptive structures. In this case, the proposed shed, despite its height, will meet these objectives:

- The variation supports one of the primary purposes of R1 General Residential land, to enable other land uses that provide facilities or services to meet the day to day needs of residents.

- Due to the slope of the block, the shed is still 1.7m lower than our single-storey house, remaining inconspicuous from the street and preserving the natural character of the area.
- Our property backs onto an industrial property (TAFE, NSW), which already has a number of large sheds on their property. Behind the TAFE land there is a carpark at the back of the Club House Hotel, and a number of industrial properties including the Yass Outdoor Power Centre, and the AMPOL service station.
- The shed would not cast any significant shade onto the neighbouring properties.
- We have shared the plans with our neighbours, who have expressed that they're comfortable with the shed design.
  - 41 Church Street, Yass (side neighbour)
  - 45 Church Street, Yass (side neighbour)
  - 47 Church Street, Yass – TAFE, NSW (rear neighbour)

#### **4. THERE WILL BE NO ADVERSE IMPACTS AS A RESULT OF THE VARIATION**

##### **4.1 *Shed height***

The proposed height variation will not result in any adverse effects on the neighbourhood or surrounding properties:

- The shed is located at the far end of the block, ensuring it does not cast significant shade on neighbouring properties or disrupt their use of outdoor space.
- The shed will be hidden behind the existing single-storey dwelling, preserving the existing streetscape along Church Street.
- We have shared the designs with our neighbours, who expressed that they are comfortable with the shed's overall design. In particular, our residential neighbours appreciated that the shed did not have any windows facing their properties.

## **CONCLUSION**

Overall, while our proposed shed slightly exceeds the height restrictions for outbuildings in the DCP, these factors are sufficiently mitigated by several factors, including:

- the natural slope of the block making the shed hidden from Church Street, and
- early and collaborative consultation with our neighbours.

We believe the factors listed in this document make strict compliance with sections D3.1.i. Under section A.7 of the Yass Valley Development Control Plan 2024, we formally request a variation of the controls listed in section D3.1.

We thank you for your time in considering this development application modification request.