

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION

FOR

PROPOSED IN GROUND POOL & SHED

AT

378 TOCAL ROAD, MINDARIBBA NSW 2320

Prepared on Behalf of: LIVINGSTONE

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ISSUE A

DERIVE / ARCHITECTURE
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Contents

1.0	INTRODUCTION	1
2.0	DESCRIPTION	1
2.1	The Site and Building Style	1
3.0	PLANNING PROVISIONS	5
3.1	Maitland Local Environmental Plan 2011	5
3.2	Maitland Development Control Plan 2011	14
10.0	CONCLUSION.....	23
	APPENDIX A.....	1
	DEVELOPMENT PLANS.....	1
	APPENDIX B.....	1
	WASTE MANAGEMENT STRATEGY	1

List of Figures

Figure 1 – Site Location Aerial Photo-image	1
Figure 2 – Maitland LEP 2011 Zoning for Locality	6

List of Tables

Table 1: LEP 2011 Relevant Requirements and Proposal Compliance.	7
Table 2: DCP 2011 Relevant Requirements and Proposal Compliance.....	14
Table 2: DCP 2005 Relevant Requirements and Proposal Compliance.	5

1.0 INTRODUCTION

Derive Design have been engaged by and act on behalf of the owners, Livingstone, in submitting a Development Application (DA) for a new shed & Inground pool as part of an existing Rural Property at 378 Tocal Road Mindaribba

2.0 DESCRIPTION

2.1 *The Site and Building Style*

The site is located at, Lot 1003 DP1034129, 378 Tocal Road, Mindaribba, NSW, 2320. The site covers approximately 41.98Ha according to survey. Refer to Figure 1 for site location.

The existing residence is a single storey free standing masonry and timber homestead with a sheet metal roof is a heritage listed item I188 known as 'Bellevue';.

An enclosed garage to the south, existing detached agricultural structures including a large sheet metal shed, managers residence, silos, tanks and stables are located to the west of the main residence.

The site is located on the west side of Tocal Road and enjoys a significant frontage to Paterson River. The existing Ground Floor of the Residence is RL 18.23.

The eastern fenced yard is the proposed location of the new shed + Inground pool structure.

The allotment is orientated with a north aspect which has been carefully considered in the proposal's site response to minimise impacts on neighbouring properties.



Figure 1 – Site Location Aerial Photo-image

STATEMENT OF ENVIRONMENTAL EFFECTS



Aerial Image of the Site looking North



Image of existing residence 'Bellevue'

Heritage Listing

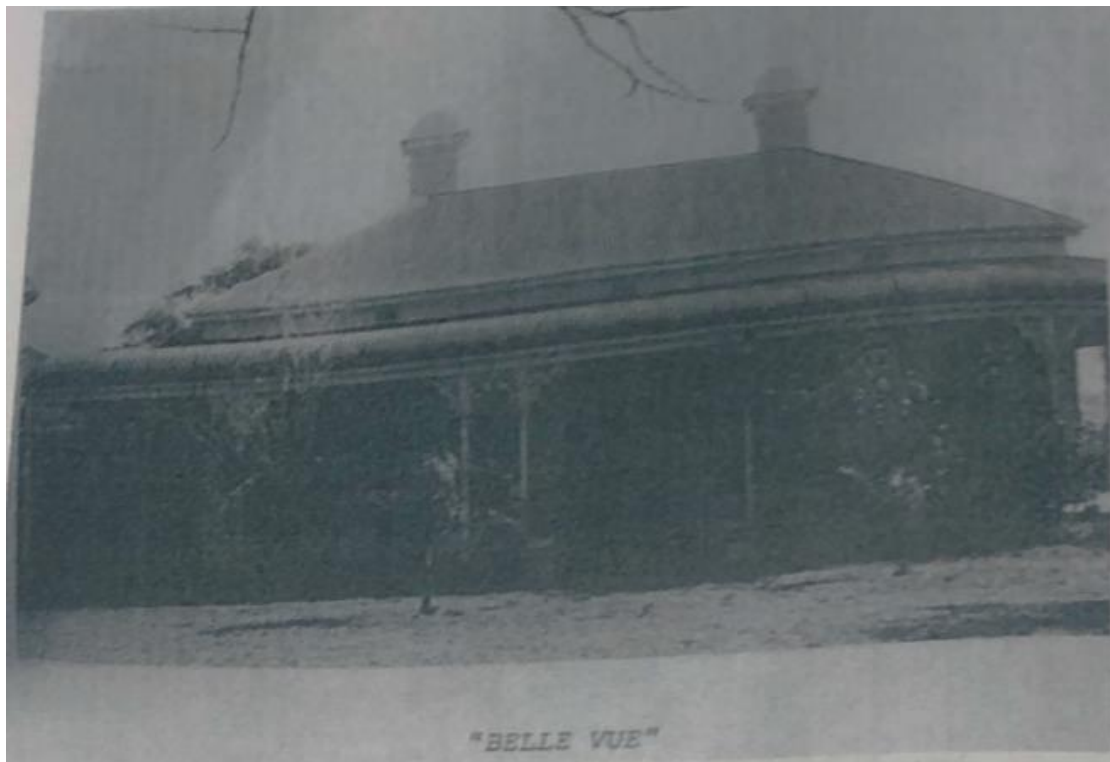
The proposed shed is located within the vicinity of a listed Heritage Item under Maitland Local Environment Plan 2011 (LEP 2011) Schedule 5 as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Mindaribba	"Bellevue"	378 Tocal Road	Lot 1003 DP1034129	Local	1188

Local records indicate the property formed part of the larger Belle Vue estate established by William Evans. The current homestead first appears as a description in a newspaper article of 1887 Architect James Scobie advertising for tenders for the erection of "Bellevue House" for Mr Robert Graham.

The 1887 Homestead Architecture

The rural homestead was design with significant elements of the Victorian Georgian architectural style. The building style is conservative with an emphasis on symmetry, rectilinear form. The building style represents a form of practice commons in decades preceding the time of the construction of the homestead.



2.2 Proposed Development

The proposed development comprises a single freestanding shed structure to be constructed from timber and steel. The design of the shed includes a gabled roof form that considers the buildings relationship to nearby heritage listed buildings and the properties broader rural context.

The proposal includes the construction of an in ground pool structure with perimeter steel framed glazed balustrading, pool terrace and pathway connecting to the existing dwelling.

The design of the above shed and pool structure aims to develop the site in accordance with current development controls and local environmental guidelines.

The building material selection to the extension is sympathetic to the existing building's materials and to those directly adjacent the proposal in particular the existing heritage listed 'Bellevue' Residence located east of the proposed shed.

3.0 PLANNING PROVISIONS

3.1 Maitland Local Environmental Plan 2011

Under the provisions of Maitland LEP 2011 the subject land is zoned E2 Environmental Conservation & RU1 Primary Production Zones. Figure 2 illustrates the subject site and surrounding zoning.

The objectives of the E2 Environmental Conservation Zone are to:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters.*
- *To permit limited extensive agricultural uses where such uses do not compromise the ecological values of the wetland.*

The objectives of the RU1 Primary Production Zone are to:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

It is noted that Rural Buildings are Permitted with Consent.

The above zone objectives were considered during the design of the proposal resulting in a development that is consistent with the provisions for the zoning.

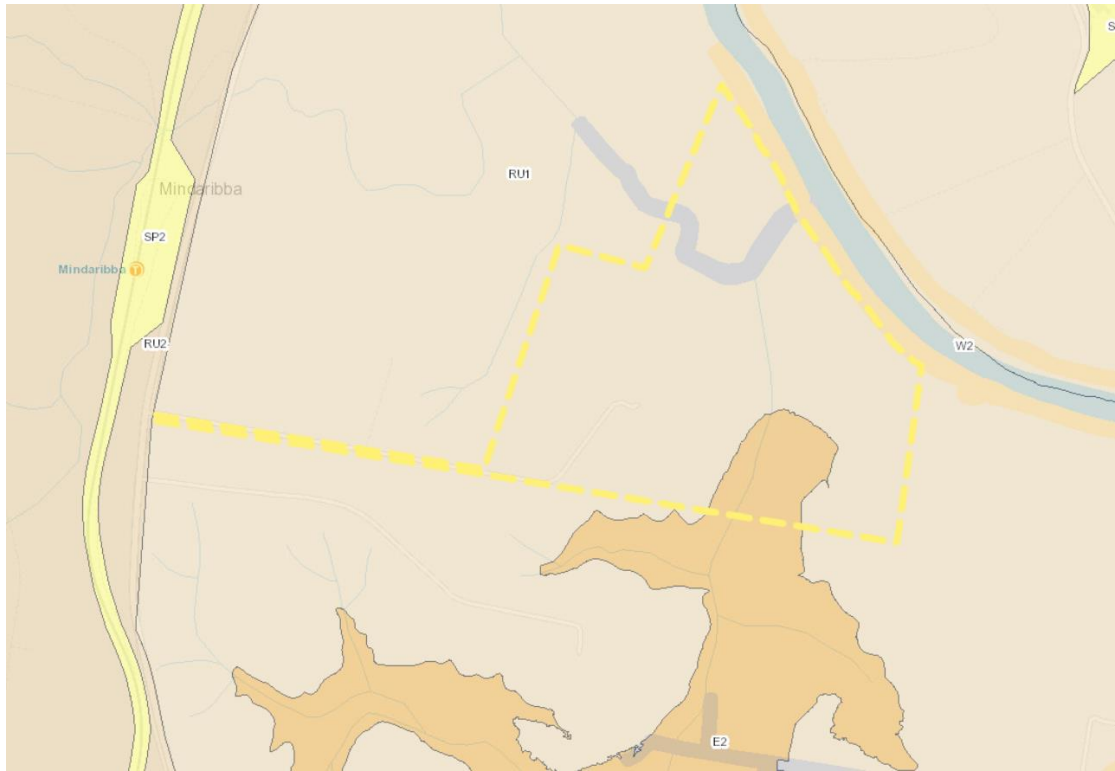


Figure 2 – Maitland LEP 2011 Zoning for Locality

Adherence with the intentions of LEP 2011 are listed in Table 1 below.

Table 1: LEP 2011 Relevant Requirements and Proposal Compliance.

<i>Element</i>	<i>Intention</i>	<i>This Proposal</i>
PART 4 – PRINCIPAL DEVELOPMENT STANDARDS		
4.3 Height of Buildings	<p>To ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy.</p> <p>(1) The objectives of this clause are as follows (a) to ensure that the height of buildings complements the streetscape or the rural character of the area in which the buildings are located, (b) to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items, (c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.</p>	<p>LEP HOB maps do not prescribe a maximum height of building for the property.</p> <p>The ridgeline of the existing homestead is at RL 24.83 approx. 7.18m above average natural ground level at its highest point.</p> <p>The proposed shed has a ground level RL 16.40. The ridgeline is RL 23.40 The building is therefore 7m above relative ground level.</p> <p>Refer to drawings for detail.</p>
4.4 Floor Space Ratio	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio documented in the LEP.</p>	<p>LEP FSR does not prescribe a maximum floor space ratio for the property.</p> <p>Development of Rural Buildings are typically not subject to Floor Space Ratio calculations</p> <p>The size of the shed structure is based on the clients storage requirements for activities on the site.</p>

PART 5 – MISCELLANEOUS PROVISIONS		
5.10 Heritage Conservation	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Maitland,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The proposed shed structure is located approximately 27.5m to the east of the existing heritage listed homestead.</p> <p>The shed structure is located on slightly lower ground on site at an RL16.40</p> <p>The heritage listed homestead has a ground floor level of RL 18.23</p> <p>The building is therefore located 1.83m below the floor level of the existing homestead.</p> <p>The location of the proposed shed structure is set a respectful distance away from the existing dwelling in order to minimise any visual impact including associated fabric, setting and views to and from the homestead. This is discussed in the Heritage Consultants Report.</p> <p>Sightlines are mitigated through the change in floor RL between the existing homestead and shed. See drawings for details.</p>

	<p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	<p>LEP Item 5 Subclause 2 (i) applies.</p> <p>The proposed rural shed structure requires Development Consent as the proposed structure is located on a site on which a heritage item is located.</p>
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	<p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The proposed rural shed structure is located on land on which a heritage item is located.</p> <p>As the proposed shed structure is located some 27.5m to the east of the existing heritage listed item, it is considered that a detailed heritage management document is not required to be prepared to assess the effect of the proposed development on the heritage item.</p> <p>A detailed Statement of Heritage Impact prepared by Heritage Consultant Eikos Environment and Heritage is included in the Development Application Documentation</p>
	<p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>As the proposed shed structure is located some 27.5m to the east of the existing heritage listed item, it is considered that a detailed heritage conservation management plan is not required to be prepared to assess the effect of the proposed development on the heritage item.</p> <p>A detailed Statement of Heritage Impact prepared by Heritage Consultant Eikos Environment and Heritage is included in the Development Application Documentation</p>

PART 7 – ADDITIONAL LOCAL PROVISIONS		
7.3 Flood Planning	(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The proposed rural shed structure is located 6.4m above RL10.00 AHD which is the contour that the flood planning map aligns diagrammatically. It is anticipated that the proposed shed structure will not adversely impact on flood behaviour as it is elevated above the maximum probable flood level for this area.
	(2) This clause applies to— (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level.	The subject site at 378 Tocal Rd Mindaribba is land that is shown in the Flood Planning Map – refer to Figure 3 below.

	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>As the proposed shed is located above the maximum probable flood level identified on the Flood Planning Map the proposed development will not significantly adversely affect flood behaviour nor adversely affect the environment.</p>
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Figure 3 – Maitland LEP 2011 Flood Planning Map

3.2 Maitland Development Control Plan 2011

Adherence with the intentions of DCP 2011 are listed in Table 2 below.

Table 2: DCP 2011 Relevant Requirements and Proposal Compliance.

<i>Element</i>	<i>Intention</i>	<i>This Proposal</i>
SECTION C.8 – LANDUSE SPECIFIC PROVISIONS		
2. DESIGN CRITERIA		
	2.1 Site Analysis & Site Context	<p>Site Analysis</p> <p>A detailed survey of the existing site has been prepared by Registered Surveyors Rennie Golledge. The survey contains all of the significant elements listed in the Site Analysis Schedule</p> <p>Refer to drawings for detail</p> <p>c) Note that the site does not contain land where the slope exceeds a 20% gradient.</p> <p>Context Analysis</p> <p>The proposed Architectural Drawings and this SoEE provides images of the context including the existing heritage listed item, “Bellevue” homestead.</p> <p>The drawings indicate proposed side setbacks to the property boundaries. Refer to drawing A005 for details</p>
	3. Development Incorporating Existing Dwellings	<p>The proposed shed structure is detached from the existing dwelling. Therefore this section does not apply.</p> <p>g) The provisions of heritage items under the Maitland LEP 2011 have been taken into consideration within this SoEE. Refer to previous sections for response.</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

	<p>4. Bulk Earthworks and Retaining Walls</p>	<p>The proposed development will not comprise any significant bulk earthworks or retaining walls. There is a proposed raked embankment at the southern side between the proposed shed and the existing tennis court. The raked embankment caters for a level difference of approximately 800mm</p> <p>Finished levels of the proposed shed structure is noted on the Drawings</p>
	<p>5. Street Building Setbacks</p>	<p>The subject property is connected to Tocal Road via a long access driveway (approx. 643m long) and is therefore not subject to street building setback requirements.</p> <p>Table 1 Building Line Setbacks indicates RU1 Primary Production principal frontage setback to be 20 metres from the primary street.</p> <p>The proposed shed structure far exceeds this setback provision.</p> <p>Refer to the drawings for detail.</p>

	<p>6. Side and Rear Setbacks</p> <p>Objectives</p> <p>a) To allow flexibility in the siting of buildings and the provision of side and rear setbacks.</p> <p>b) To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings.</p>	<p>Design Requirements</p> <p>Table 2 Side and Rear Building Setbacks – Rural Zones</p> <p>RU1 Primary Production side boundary setback to be 10m.</p> <p>The proposed rural shed structure is setback 290m from the side boundary to the west side of the property common with Lot 1002 in DP 1034129 – 378A Tocal Rd Mindaribba.</p> <p>The proposed shed structure is approximately 505m east of the existing residence on 378A Tocal Rd. The residence is located at a height of approx RL20.00 and therefore the proposed shed structure will not obscure existing sightlines from the adjoining residence.</p> <p>The above setback complies with the DCP 2011 guidelines.</p> <p>The proposed design considers the prevailing development pattern within the local area and is consistent with this pattern.</p> <p>The proposed addition does not negatively impact neighbouring property's access to natural light, ventilation, privacy or views.</p>
	<p>7. Site Coverage and Unbuilt Areas</p>	<p>The proposed rural shed structure will not negatively impact on unbuilt areas of the site and maintains a balance between built and unbuilt areas within the immediate context.</p> <p>The proposed development complies with the provisions of Site Coverage and Unbuilt Areas outlined in Table 3 of DCP 2011.</p> <p>Refer to drawings for detail.</p>

	<p>8. Building Height, Bulk and Scale</p> <p>Objectives</p> <p>a) To ensure that the height, scale, and length of new development is not excessive and relates well to the local context and overall site constraints.</p> <p>b) To ensure that the amenity of surrounding properties is properly considered.</p> <p>c) To minimise site disturbance and cut and fill.</p>	<p>The proposed rural shed structure has a ridge height of 7m.</p> <p>DCP 2011 Table 4 does not provide for a maximum height for Rural Buildings in Rural and Environmental Zones.</p> <p>The location, building height, bulk and scale of the proposed shed structure has considered the Design Principles set out in DCP 2011.</p> <p>The design considers the following</p> <p>Location of the shed structure at RL16.40 which is approximately 2.17m below the RL of adjoining dwellings.</p> <p>The building form comprises a gabled roof form which enables a sharing of views with neighbouring properties.</p> <p>The siting of the proposed shed structure has considered orientation to side and rear setbacks to maintain privacy and solar access for neighbouring dwellings.</p> <p>The walls of the proposed shed structure have been limited in length to minimise impact on neighbours.</p> <p>Refer to the drawing Site Plan for detail.</p>
	<p>9. External Appearance</p>	<p>The proposed shed structure is designed to consider the immediate surrounding rural landscape setting and its heritage context.</p> <p>The building will utilise corrugated sheet metal roofing and hardwood cladding to the exterior façade to provide a sympathetic treatment and detailing that is consistent with neighbouring properties.</p>
	<p>10. Open Space</p>	<p>The proposed shed structure does not alter the provisions of open space on the subject site as it is significantly detached from the existing homestead.</p>
	<p>11. Sites having a Boundary to a Laneway</p>	<p>The subject property does not have a boundary to a laneway. This clause does not apply.</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

	12. Accessibility and Adaptable Housing	This clause does not apply.
	13. Landscape Design	This clause does not apply.
	14. Fencing and Walls	The proposed rural shed does not include any design for fencing or walls to the property.
	15. Driveway Access and Parking	The proposed rural shed structure will not alter any existing driveway access or parking provisions on site.

	<p>16. Views, Visual and Acoustic Privacy</p> <p>Objectives</p> <p>a) To encourage the sharing of views whilst not restricting the reasonable development potential of a site.</p> <p>b) To site and design buildings to meet projected user requirements for visual and acoustic privacy.</p> <p>c) To protect the visual and acoustic privacy of nearby buildings and private open space.</p>	<p>View Sharing</p> <p>d) The proposed shed structure is approximately 505m east of the existing residence on 378A Tocal Rd. The existing residence and existing sheds are located between the adjoining property and the proposed shed. Therefore, there will be no visual impact from the proposed shed to the adjoining property. The residence is located at a height of approx RL20.00 and therefore the proposed shed structure will not obscure existing sightlines from the adjoining residence.</p> <p>e) Grand vistas and significant views shared by the community will not be affected by the proposed development</p> <p>f) The heritage listed homestead on site will be retained and is not obscured by the proposed rural shed structure.</p> <p>Privacy</p> <p>g) The proposed shed structure is setback a significant distance from existing neighbouring dwellings therefore maintaining existing privacy provisions.</p> <p>Visual Privacy</p> <p>h) The proposed shed does not overlook private open space or have any direct views to living areas.</p> <p>Acoustic</p> <p>i)The proposed location of the shed structure maintains significant acoustic distance to neighbouring properties.</p>
	<p>17. Water and Energy Conservation</p>	<p>The proposal comprises a shed structure with no residential component. This clause does not apply.</p> <p>A BASIX Certificate pertaining to the proposed In Ground Pool is enclosed.</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

	<p>18. Stormwater Management</p>	<p>The proposed shed structure implements a concept stormwater management plan that incorporates a dispersion system with a concrete headwall and riprap rocks that will prevent erosion, sedimentation and other associated effects of new development. The proposed development will not impact the existing stormwater management of the site and will be constructed in accordance with the relevant clauses of AS3500 and Maitland City Councils Requirements.</p>
	<p>19. Security, Site Facilities and Services</p>	<p>The proposed site is an existing allotment and contains all required services to adequately support the proposed rural shed structure.</p>

<i>Element</i>	<i>Intention</i>	<i>This Proposal</i>
SECTION 4 – RISK MINIMISATION PROVISIONS		
4.01 Flood Management	Applies to all development on flood prone land in the Maitland LGA.	The property is located on flood prone land. A Flood Certificate is enclosed in the documentation.
4.03 Mine Subsidence	Ensure that all developments proposed within an area that is subject to mine subsidence are referred to the Mine Subsidence Board for investigation and approval.	The property is not located within the Newcastle Mine Subsidence District. See NSW Planning Diagram below.
SECTION 5 – ENVIRONMENTAL PROTECTION PROVISIONS		
5.01 Soil Management	To prevent export of sediments from the site during construction.	Site disturbance is less than 250m ² . Minimal cuts to the natural ground level are in accordance with the DCP2012 requirements (refer to drawings for detail).
5.02 Land Contamination	Protect human health and environment	The long-term residential occupation for the site and adjacent lands suggests the site is not contaminated.
5.03 Tree Management		No established native or exotic species of trees will be affected by the proposal. Tree Protection Zones (TPZ) will be established around key existing trees as part of the overall construction management plan for the site.

<p>5.04 Aboriginal Heritage</p>		<p>No Aboriginal Heritage items have been identified in relation to the site or the proposal.</p> <p>If Aboriginal objects are discovered during operations, all work will cease in the area and the Contractor will inform the owner as soon as possible. The owner will contact NPWS and the relevant local Aboriginal Land Council(s).</p> <p>Under Section 90(1) of the <i>National Parks and Wildlife Act 1974</i> it is an offence to knowingly destroy, deface or damage, or cause or permit the defacement of or damage to, an object or Aboriginal place without first obtaining consent of the NSW National Parks and Wildlife Service.</p> <p>It is the responsibility of the developer to ensure all staff, workers and contractors are aware of this statutory responsibility. If any cultural materials are uncovered all work in the immediate area should stop. NSW NPWS or an archaeologist should be informed for identification of the object and appropriate measures undertaken including consultation with the local Aboriginal community.</p>
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10.0 CONCLUSION

The proposed shed and in ground pool development is consistent with the character, bulk and scale of the surrounding area.

This proposal utilises environmentally sustainable principles of heating, cooling and energy conservation and is not expected to have any significant or discernible impact upon the environment of the immediate area.

The proposal is consistent with the intentions of Maitland LEP 2011 and conforms to recommended standards and intentions of Maitland DCP 2011. The development complies with all local and state planning requirements.

On the above basis, the proposal is recommended for approval.

**APPENDIX A
DEVELOPMENT PLANS**

APPENDIX B
WASTE MANAGEMENT STRATEGY

Construction Phase

During the construction phase a supervisor (Waste Management Officer) should be appointed to oversee the waste management of materials. The Waste Minimisation Strategy should follow the waste minimisation hierarchy of Avoid (waste at source), Reuse (materials and components), Recycle (materials into new products) and Dispose (in a responsible manner).

Table 2 lists the Waste Minimisation Plan for the construction phase of the development. As listed in the *Waste Planning Guide for Development Application* published NSW Waste Boards, the Waste Management Officer should:

- Identify waste material before work commences;
- Consider site areas and day to day waste produced by staff and sub-contractors;
- Identify any reusable and recyclable materials during construction of the proposed dwelling;
- Involve waste contractors to ensure records are kept and waste targets are met;
- Develop a disposal procedure:
 - Specify the number and type of waste containers, allowing for different stages in the project;
 - Organise signage and location of bins, skips and stockpiles;
 - Designate areas for reusables, returnables and recyclables;
 - Keep separated waste material clean;
 - Provide training and education to ensure waste management objectives are met.

During the fit out and finishing waste management should:

- Provide areas for dedicated cardboard skips for packaging waste;
- Arrange for waste pickups as needed;
- Maintain a clean waste stream and ensure new sub-contractors are aware of waste minimisation strategy.

Table 2: Construction Phase Waste Minimisation Strategy

Construction Stage				
Materials on site		Destination		
		Reuse & Recycle		Disposal
Type of Material	Estimated Volume	On-site	Off-site	
Concrete	<1 m ³	-	Trucked to Recycling Centre such as Concrush, Teralba.	Skip Bin
Plasterboard (Off Cuts)	N/A	-	N/A	N/A
Timber (Off Cuts)				
Hardwood	<1 m ³	ALL	-	
Other	<1 m ³	-	Sort & Recycled at a Second Hand Building Supplies such as Concrush, Teralba.	Skip Bin
Metals (Off cuts)				
Gutters	<1 m ³	-	Recycled at Metal Recyclers such as Summerhill Reuse Centre, Shortland.	Skip Bin
Colourbond Roofing	<1 m ³			
Other				
Packaging	<1 m ³	-	Broken and sent to recyclers such as Thiess or Cleanaway Technical Services	