

**Applicant contact details**

Title	
First given name	Robert
Other given name/s	
Family name	Porto
Contact number	
Email	
Address	
Application on behalf of a company, business or body corporate	No

**Owner/s of the development site**

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	RMP Investments Pty Ltd
ABN / ACN	

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

**Site access details**

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
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**Developer details**

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

**Development details**

Application type	Development Application
Site address #	1
Street address	1 3 FOSTER COURT MULWALA 2647
Local government area	FEDERATION
Lot / Section Number / Plan	1/-/DP1255177 <input checked="" type="checkbox"/>
Primary address?	Yes
	Land Application LEP Corowa Local Environmental Plan 2012 Land Zoning R1: General Residential

Planning controls affecting property	Height of Building 9 m
	Floor Space Ratio (n:1) NA
	Minimum Lot Size 550 m <sup>2</sup>
	Heritage NA
	Land Reservation Acquisition NA
	Foreshore Building Line NA
	Local Provisions River Front Building Line Map
	Wetlands Wetland

### Proposed development

Selected common application types	Erection of a new structure
Selected development types	Dual occupancy (detached)
Description of development	Proposed dual occupancy (detached) and Community Title subdivision
Is the development proposed to be build-to-rent housing?	
<b>Dwelling count details</b>	
Number of dwellings / units proposed	2
Number of storeys proposed	2
Number of pre-existing dwellings on site	0
Number of dwellings to be demolished	0
Number of proposed occupants	0
Existing gross floor area (m2)	0
Proposed gross floor area (m2)	0
Total site area (m2)	0
Total net lettable area (m2)	0
<b>Cost of development</b>	
Estimated cost of work / development (including GST)	\$1,787,967.00
Capital Investment Value (CIV)	\$1,787,967.00
Do you have one or more BASIX certificates?	Yes
BASIX Certificate Number	1405279M
<b>Climate Zone</b>	
What climate zone/s is the development in?	Climate zone 4 - hot dry summer, cool winter
Has the climate zone impacted the design of the development?	No
<b>Subdivision</b>	
Number of existing lots	
<b>Proposed operating details</b>	
Number of staff/employees on the site	

### Number of parking spaces

Number of loading bays	
Is a new road proposed?	No

Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

#### Related planning information

Is the application for integrated development?	Yes
Acts under which licences or approvals are required	Water Management Act 2000
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
<b>Section 68 of the Local Government Act</b>	
Is approval under s68 of the Local Government Act 1993 required?	Yes
Have you already applied for approval under s68 of the Local Government Act?	No
Would you like to apply for approval under s68 of the Local Government Act?	No
<b>10.7 Certificate</b>	
Have you already obtained a 10.7 certificate?	
<b>Tree works</b>	
Is tree removal and/or pruning work proposed?	No
<b>Local heritage</b>	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
<b>Affiliations and Pecuniary interests</b>	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
<b>Political Donations</b>	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No

Please provide details of each donation/gift which has been made within the last 2 years

### Sustainable Buildings

Is the development exempt from the <a href="#">State Environmental Policy (Sustainable Buildings) 2022</a> Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the development any of the following:	Development that is wholly residential

### Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

Company Name	RMP Investments Pty Ltd
ABN	
ACN	
Trading Name	
Email address	
Billing address	

### Application documents

The following documents support the application.

Document type	Document file name
Architectural Plans	Revised Architectural Plans 2023-11-23
BASIX certificate	BASIX certificate
Cost estimate report	COST SUMMARY REPORT Rev
Other	nathERS certificate - unit 2 nathERS certificate - unit 1 nathERS certificate - summary
Owner's consent	Owners Consent
Proposed Subdivision plan	Proposed Plan of Subdivision V01
Site Plans	Revised Architectural Plans 2023-11-23
Statement of environmental effects	23186 - 1-3 Foster Court Mulwala - SEE report V2

### Applicant declarations

I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and	

materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	



# 1/3 FOSTER COURT, MULWALA, NSW 2647

LOT 1 / DP1255177

## Site Notes

**Sub-Division** Refer to Seet A-02 for Proposed Sub-Division Plan

**Overlooking** All windows orientated towards neighboring boundaries to be opaque. All flanking balustrades shall be 1500mm high Frosted Glass.

**Building Height** Proposed Building Height Unit 1 - 6.93m  
Unit 2 - 7.215m

**Sewerage Notes** All Sewerage shall be plumbed into the existing sewerage line.

**Gas Location** See Dial Before You Dig Plans

**Stormwater** All Stormwater shall be plumbed into the Legal Point of Discharge via Water Tanks. LPOD indicated on Site Plan.

**General Notes** All external finished surfaces surrounding the building must be drained away from the building as per Housing Provisions 2022, 3.3.3 Surface Water Drainage

**Termite Protection** Termite Protection where required shall be a combination of primary building elements not subject to termite attack as per Housing Provision 2022, 3.4.1 requirements for Termite Management Systems, Para (2). Proposed T2 Pine and Blue Guard Termite Barrier

## Construction Notes

**WH&S** - Builder to ensure that workers and site conditions comply with provisions required by the Work Health and Safety Act 2011 with the appropriate precautions in regards to Risk / Hazards reduction and mitigation as well as the provision of appropriate Signage and PPE.

**Power & Water** All Plumbing and Electrical work shall be completed by fully qualified licensed trades. Electrician to locate and setup temporary power. Plumber to source and or redirect water and waste as required.

**Fencing and Signage** Builder to ensure the installation of all temporary fencing and WH&S Signage meets the requirement for movement, security, Storage of materials and safety on the site. Temporary fencing indicated on plan.

**Storage of Materials** Materials may be stored on site securely within the confines of the fenced off area. Materials being stored on site shall be kept tidy and under cover if held for extended periods of time. Builder to allocate areas for material storage.

**Waste** All debris, offcuts and general waste shall be co-located and removed from site at the culmination of each work day. Alternatively Builder to order a skip proportional to the works being conducted and provide a central location for access on site.

**Foundations** All Footings, Pad Footings, Bore Holes and Slabs shown on plan are superseded by the Engineers Drawings and Specifications.

**Soil & Erosion** The primary objective shall be to protect Lake Mulwala from the environmental hazard of erosion and run off of sediment.

- Builder to ensure sediment fences are placed appropriately on site where needed during Earthworks, Excavation of kerb and bitumen as well as while soil is stored on site.
- Builder to ensure all soil stockpiles shall be stored within sediment fences and shall be covered if stored for lengthy periods.
- Sediment fencing shall be checked daily, and repairs conducted as required.

**Site Access** Site Access shall be organized through the Builder or through a Site Manager appointed by the Builder.

## Site Information

**Existing Levels Shown on Plan**

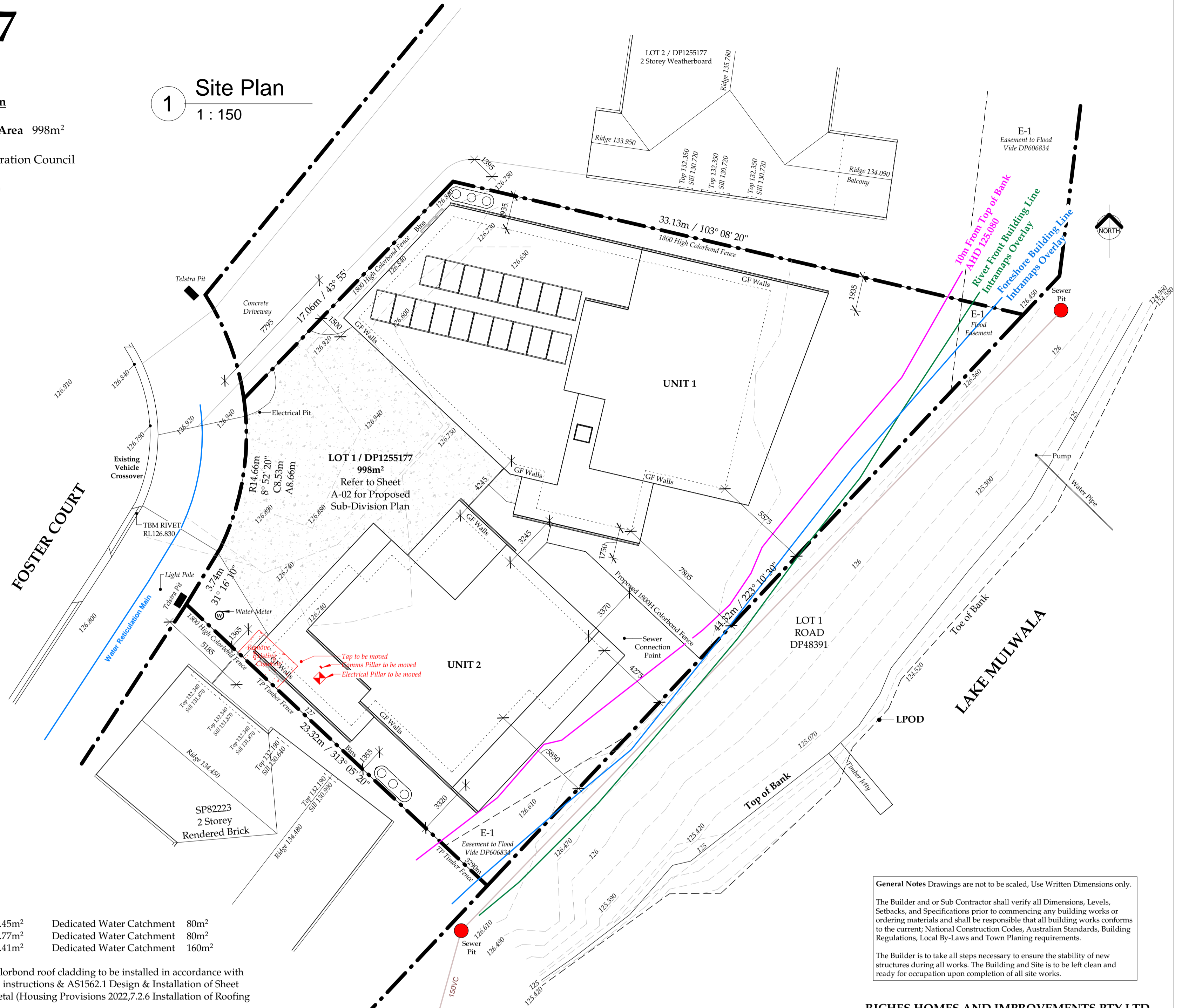
Lot 1 / DP1255177 Site Area 998m<sup>2</sup>

Local Government Federation Council

Zone General Residential (R1)

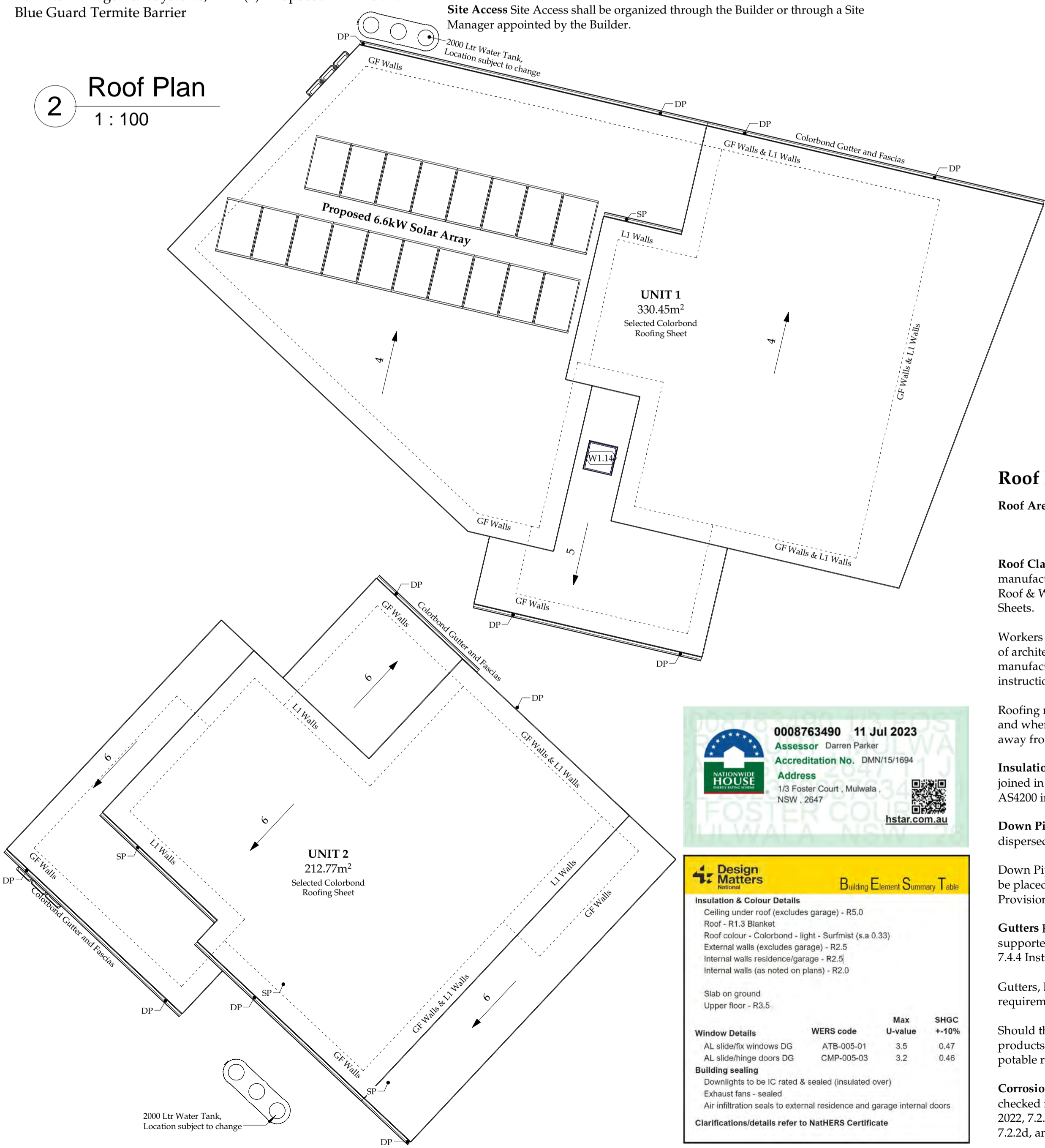
## 1 Site Plan

1 : 150



## 2 Roof Plan

1 : 100



## Roof Notes

<b>Roof Area</b>	Unit 1 330.45m <sup>2</sup>	Dedicated Water Catchment	80m <sup>2</sup>
	Unit 2 212.77m <sup>2</sup>	Dedicated Water Catchment	80m <sup>2</sup>
	Total 543.41m <sup>2</sup>	Dedicated Water Catchment	160m <sup>2</sup>

**Roof Cladding** Selected colorbond roof cladding to be installed in accordance with manufacturer's installation instructions & AS1562.1 Design & Installation of Sheet Roof & Wall Cladding - Metal (Housing Provisions 2022, 7.2.6 Installation of Roofing Sheets.

Workers are to determine safe manual & mechanical handling, lifting & installation of architectural fixtures & components while following WHS instructions on manufacturer's documentation. Install all roofing components as per manufacturer's instructions for LHL requirements & wind classification requirements.

Roofing must be installed to prevent water penetration into the building structure and whenever possible Roof Sheets shall be lapped so that the lap side is facing away from prevailing weather.

**Insulation** All Sarking material shall be installed with an overlap of 150mm or tape joined in accordance with Housing Provisions 2022, 7.3.4 Sarking and comply with AS4200 installation of pliable membrane and underlayment.

**Down Pipes** All down pipes shall feed into the Stormwater Ring Main and dispersed at the Proposed Legal Point of Discharge (LPOD).

Down Pipes to be installed and must not serve more than 12m of gutter length and be placed as close as possible to Valley Gutters in compliance with Housing Provisions 2022, 7.4.5 Downpipes - Size & Installation.

**Gutters** Eaves gutters must be installed with a fall not less than 1:500 and be supported by brackets at no more than 1200 centers as per Housing Provisions 2022, 7.4.4 Installation of Gutters.

Gutters, Downpipes & Flashings fabricated with metal are to meet AS/NZS2179.1 requirements while UPVC components are to comply with AS1273.

Should the roof form part of a drinking water catchment area no lead roofing products shall be used in order to prevent toxins from entering any potentially potable rainwater catchment supplies.

**Corrosion protection** Where different roofing components are used they shall be checked for compatibility to prevent corrosion of materials in Housing Provisions 2022, 7.2.2 Corrosion Protection & Compatibility Requirements Tables 7.2.2b, 7.2.2c, 7.2.2d, and 7.2.2e.

## Contents

Sheet A-01	Site & Roof Plan
Sheet A-02	Proposed Sub-Division Plan
Sheet A-03	Ground Floor Plan
Sheet A-04	First Floor & Landscape Plan
Sheet A-05	Elevations
Sheet A-06	Vehicle Turning Diagram

## BASIX Notes

- Unit 1 to have 6.6kW solar array installed
- Downlights shall be IC rated & sealed to allow insulation cover
- Exhaust fans are to be fitted with self closing dampers
- External doors and garage internal doors shall be fitted with air infiltration seals
- Clotheslines shall be fitted internally to the garages and externally adjacent to the Laundry

Plumbing Fixture ratings are as follows

- Shower Heads 6 to 7.5 L/min
- Toilets 4 Star
- Kitchen Taps 4 Star
- Bathroom Taps 4 Star
- Gas Instant HWS 6 Star
- 1 x 2000Ltr Water Tank per unit for formally watered lawn only
- Water Tank to be fitted with tap
- Water Tanks to have a minimum of 80m<sup>2</sup> dedicated roof area for water catchment

**General Notes** Drawings are not to be scaled, Use Written Dimensions only.

The Builder and or Sub Contractor shall verify all Dimensions, Levels, Setbacks, and Specifications prior to commencing any building works or ordering materials and shall be responsible that all building works conforms to the current National Construction Codes, Australian Standards, Building Regulations, Local By-Laws and Town Planning requirements.

The Builder is to take all steps necessary to ensure the stability of new structures during all works. The Building and Site is to be left clean and ready for occupation upon completion of all site works.

## RICHES HOMES AND IMPROVEMENTS PTY LTD

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MOB 0418 579 988  
Licence DP-AD1974  
The North East Building Specialists

1/3 Foster Court, Mulwala, NSW 2647

Robert Porto

## SITE PLAN & ROOF PLAN

Project number	RH20230118/001	A-01
Date	25 September 2024	
Drawn by	Patrick Coates	Scale As indicated
Checked by	N.J. Riches	

This copy of drawings is for the sole use of the recipient and the acceptance of the same constitutes an agreement that it will not be published, reproduced or given to any other party without the permission of Riches Homes and Improvements and shall remain their property subject to return upon request.

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The contractor Shall Verify all dimensions on site prior to commencing any shop drawings. Figured dimensions take precedence over scaled. Scaled dimension shall be verified on site.



**Construction Notes**

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- Sediment fencing shall be checked daily, and repairs conducted as required.

**Site Access** Site Access shall be organized through the Builder or through a Site Manager appointed by the Builder.

**Proposed Sub-Division Plan**

1  
1 : 100

**Proposed Levels Shown on Plan**

**Proposed Lots Sizes**

- Lot 1 161m<sup>2</sup>
- Lot 2 303m<sup>2</sup> Unit 2
- Lot 3 534m<sup>2</sup> Unit 1

**Site Development Areas**

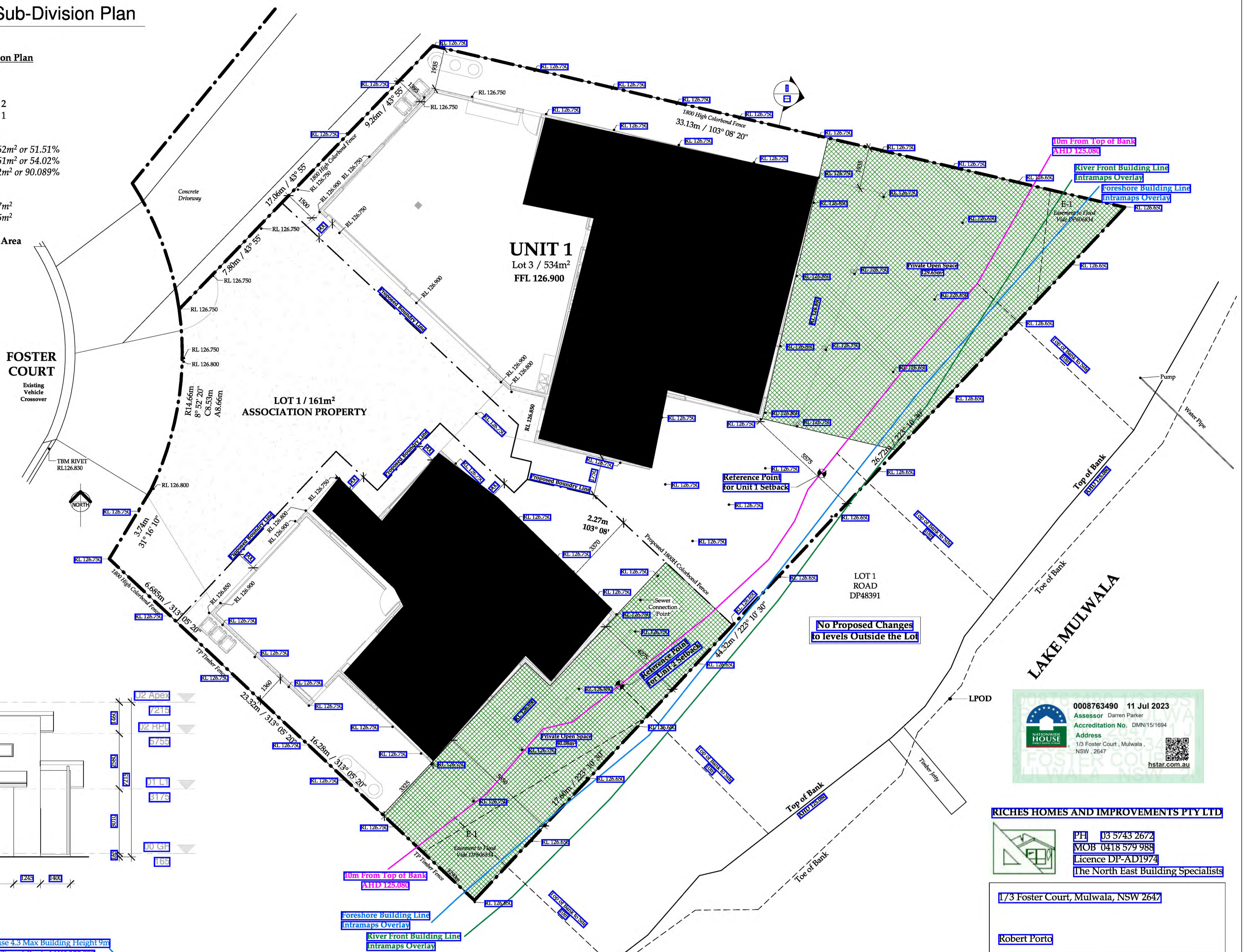
- Unit 1 Footprint 275.062m<sup>2</sup> or 51.51%
- Unit 2 Footprint 163.661m<sup>2</sup> or 54.02%
- Lot 1 Paving 146.32m<sup>2</sup> or 90.089%

**Private Open Space**

- Unit 1 138.57m<sup>2</sup>
- Unit 2 90.525m<sup>2</sup>

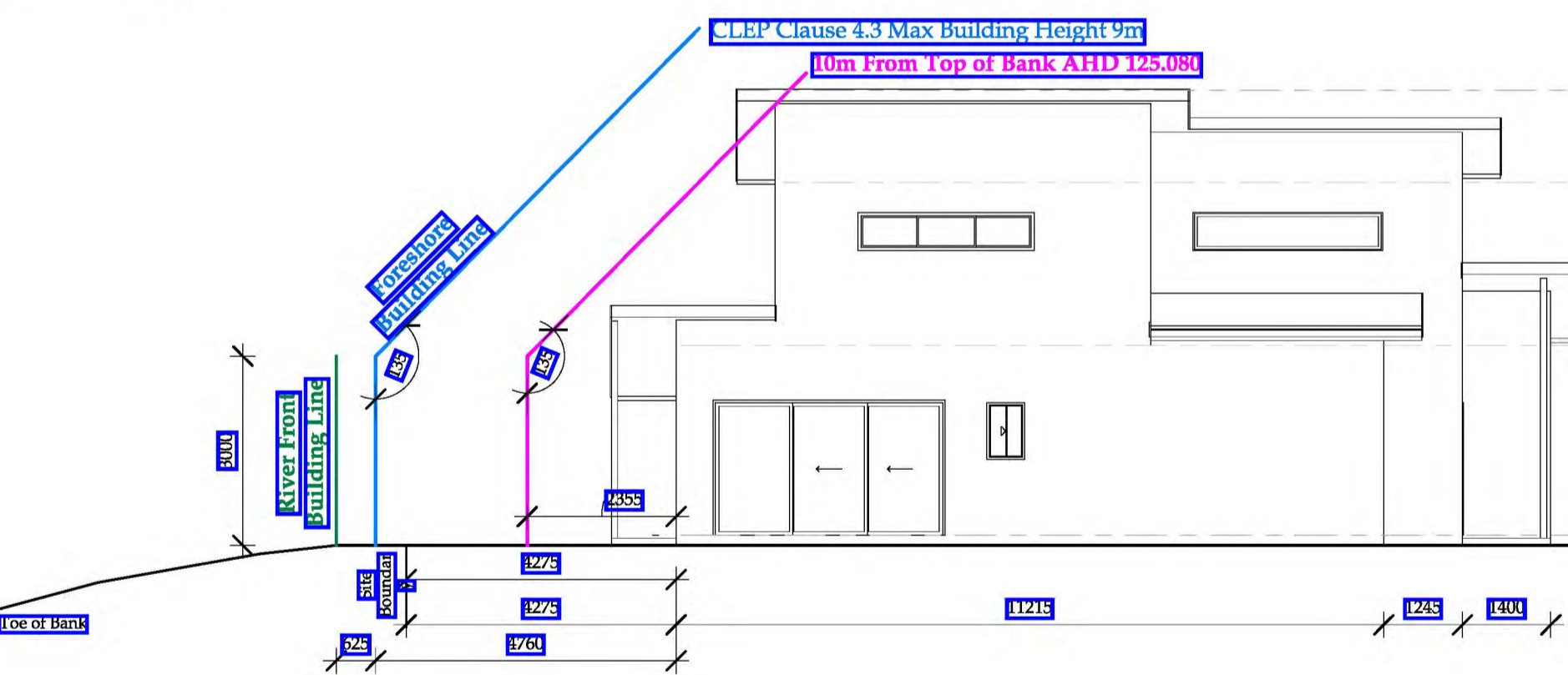
**Formally Watered Lawn Area**

- Unit 1 200m<sup>2</sup>
- Unit 2 100m<sup>2</sup>



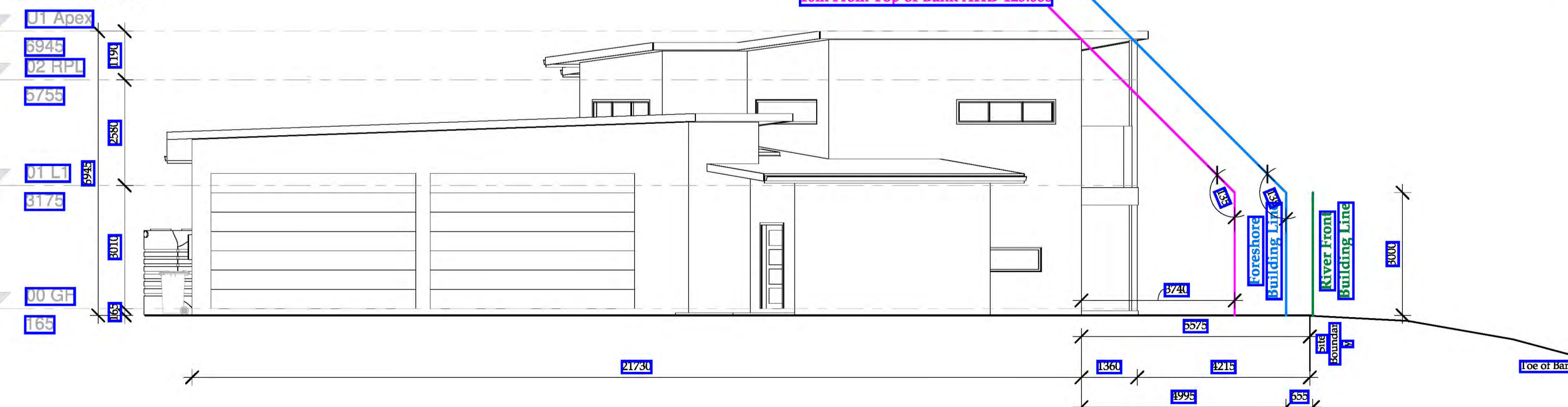
2  
**Unit 2 Lake Set Back**

1 : 100



3  
**Unit 1 Lake Set Back**

1 : 100



No Proposed Changes to levels Outside the Lot

0008763490 11 Jul 2023  
Assessor Darren Parker  
Accreditation No. DMN15/1694  
Address  
1/3 Foster Court, Mulwala, NSW 2647  
hstar.com.au

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Robert Porto

**PROPOSED SUB-DIVISION PLAN**  
Project number: RFI2020187001  
Date: 25 September 2022  
Drawn by: Patrick Costello  
Checked by: N.P. Kitchin  
Scale: 1:100  
**A-02**

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The contractor shall verify all dimensions on site prior to commencing any work. Drawings, figured dimensions take precedence over scaled.  
Scaled dimension shall be verified on site.

25/07/2023 10:58:17 AM



## 2 Landscape Plan

1 : 150

### Landscaping Notes

**Planting** All final quantities indicated on plans shall be checked by the successful landscape contractor.

**Landscape Areas**  
Garden Beds 26.917m<sup>2</sup>

Any substitute plants required due to unavailability shall be recommended by the landscape contractor to best match the substituted plants.

Landscape contractor shall locate and avoid any Stormwater or drainage services.

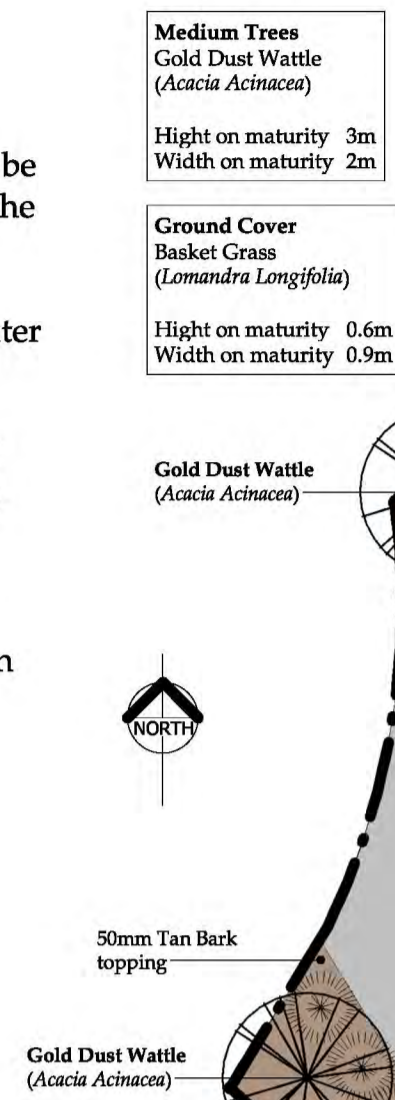
All trees shall have a minimum height of 1.30m at time of planting and shall be accompanied by the selected shrubs and or ground covers.

**Garden Beds** All designated Garden beds shall be well mulched and topped to a minimum thickness of 50mm tan bark (Pigment to be selected by Owners).

### Selected Planting

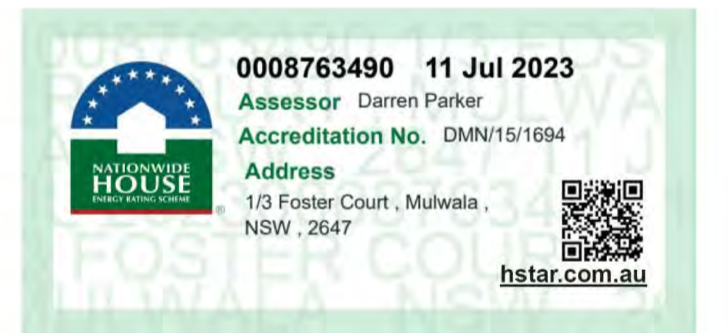
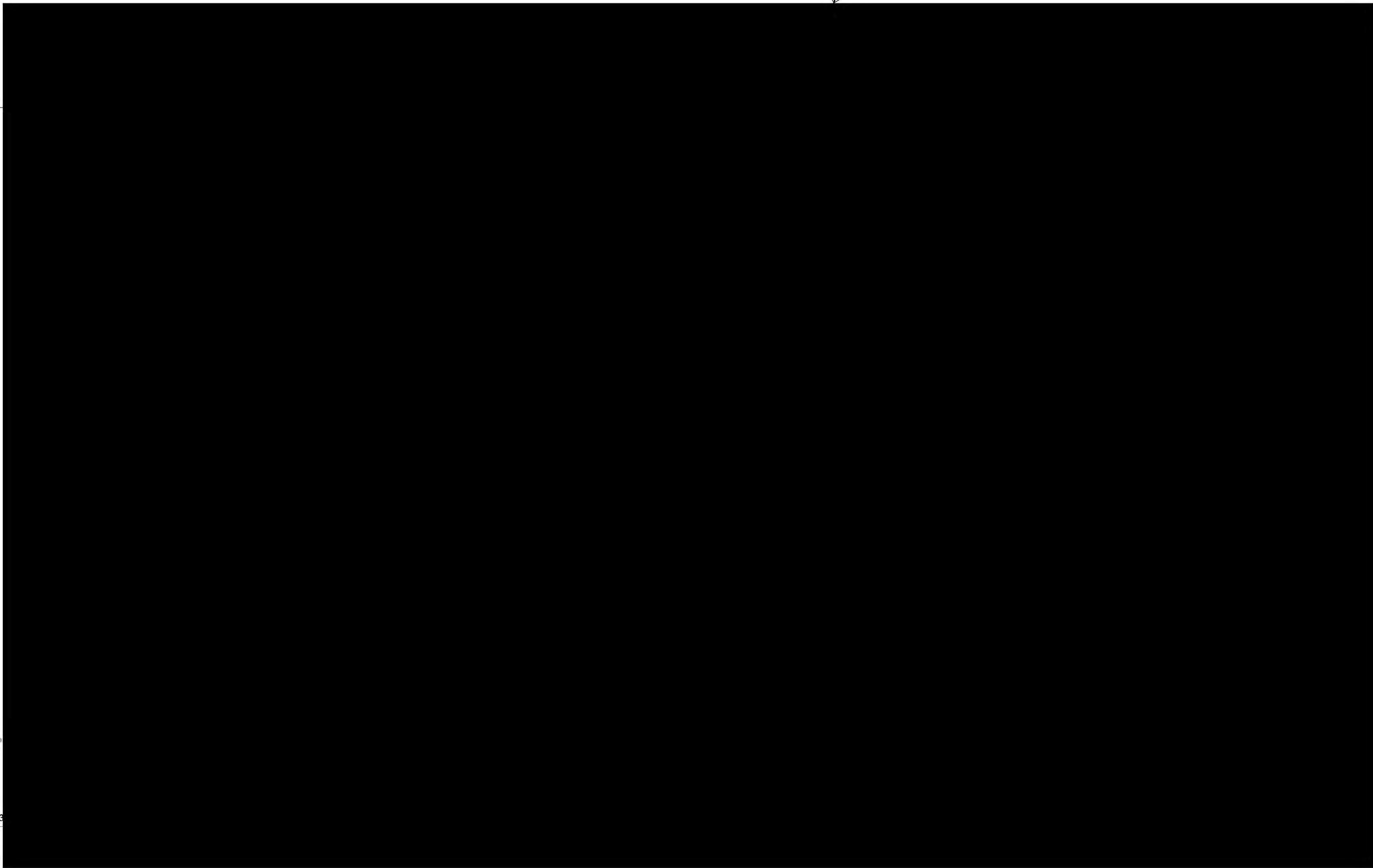
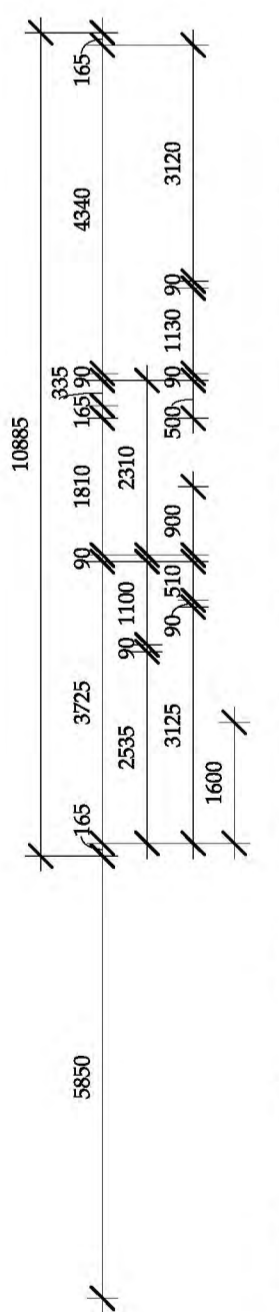
**Medium Trees** 3 x Gold Dust Wattle  
(*Acacia Acinacea*)  
Hight on maturity 3m  
Width on maturity 2m

**Ground Cover** 11 x Basket Grass  
(*Lomandra Longifolia*)  
Hight on maturity 0.6m  
Width on maturity 0.9m



## 1 First Floor Plan

1 : 100



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Robert Porto

### FIRST FLOOR & LANDSCAPE PLAN

Project number	RH20230118/001	A-04
Date	25 September 2024	
Drawn by	Patrick Coates	
Checked by	N.J. Riches	Scale As indicated

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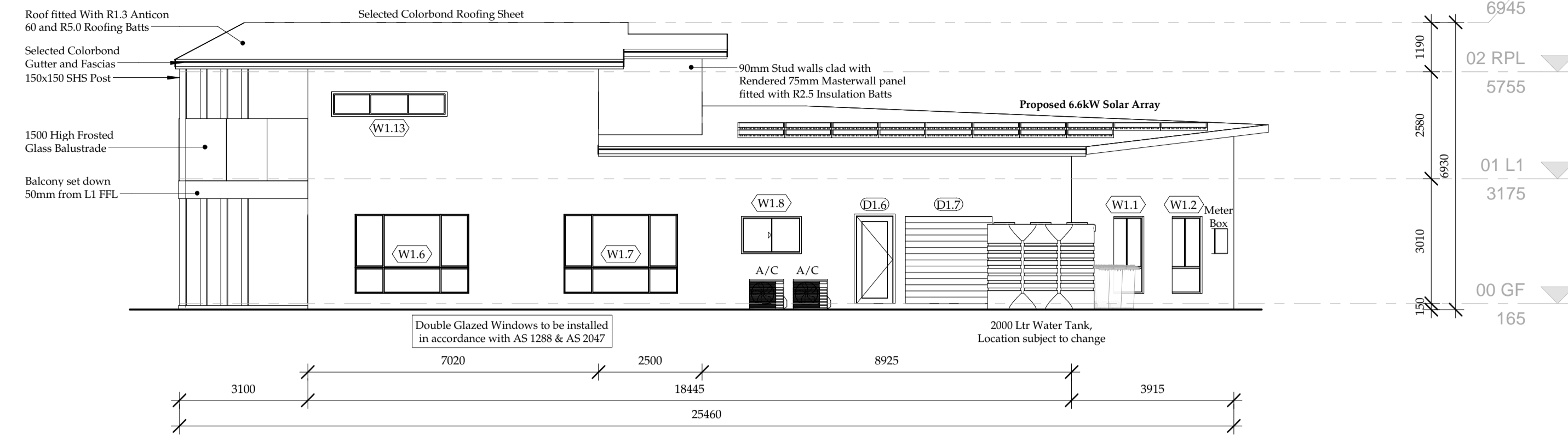
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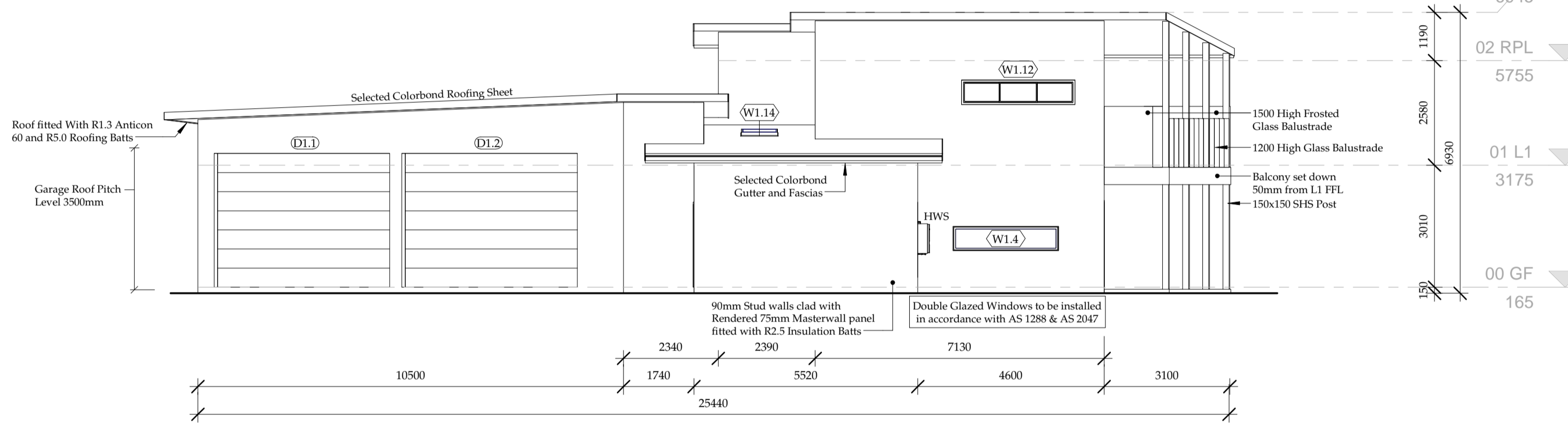
Scaled dimension shall be verified on site.



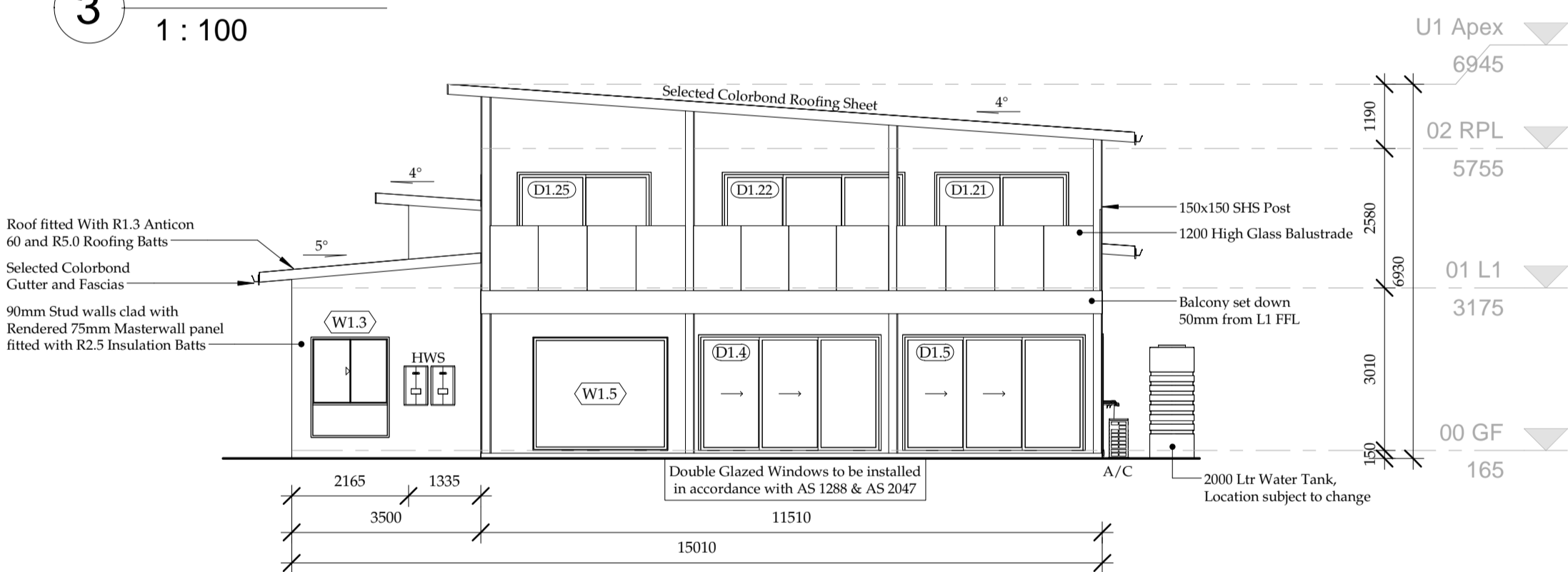
**1 Unit 1 North**  
1 : 100



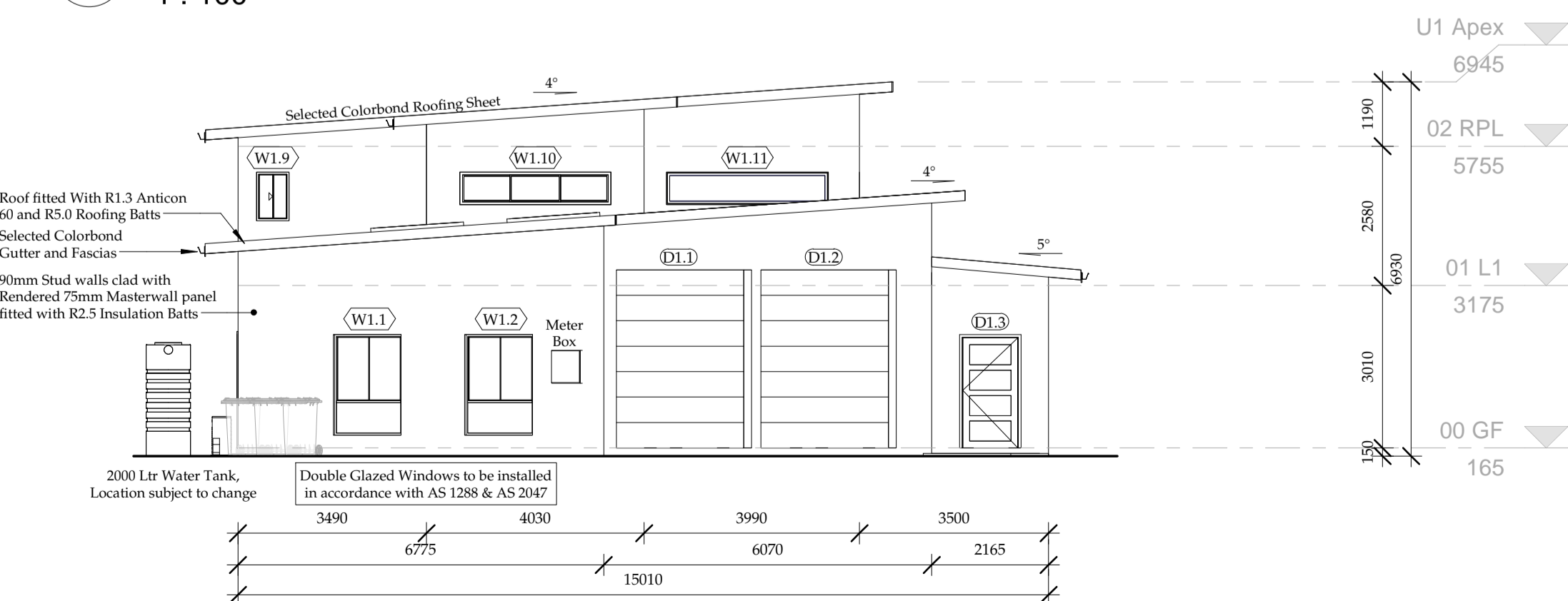
**2 Unit 1 South**  
1 : 100



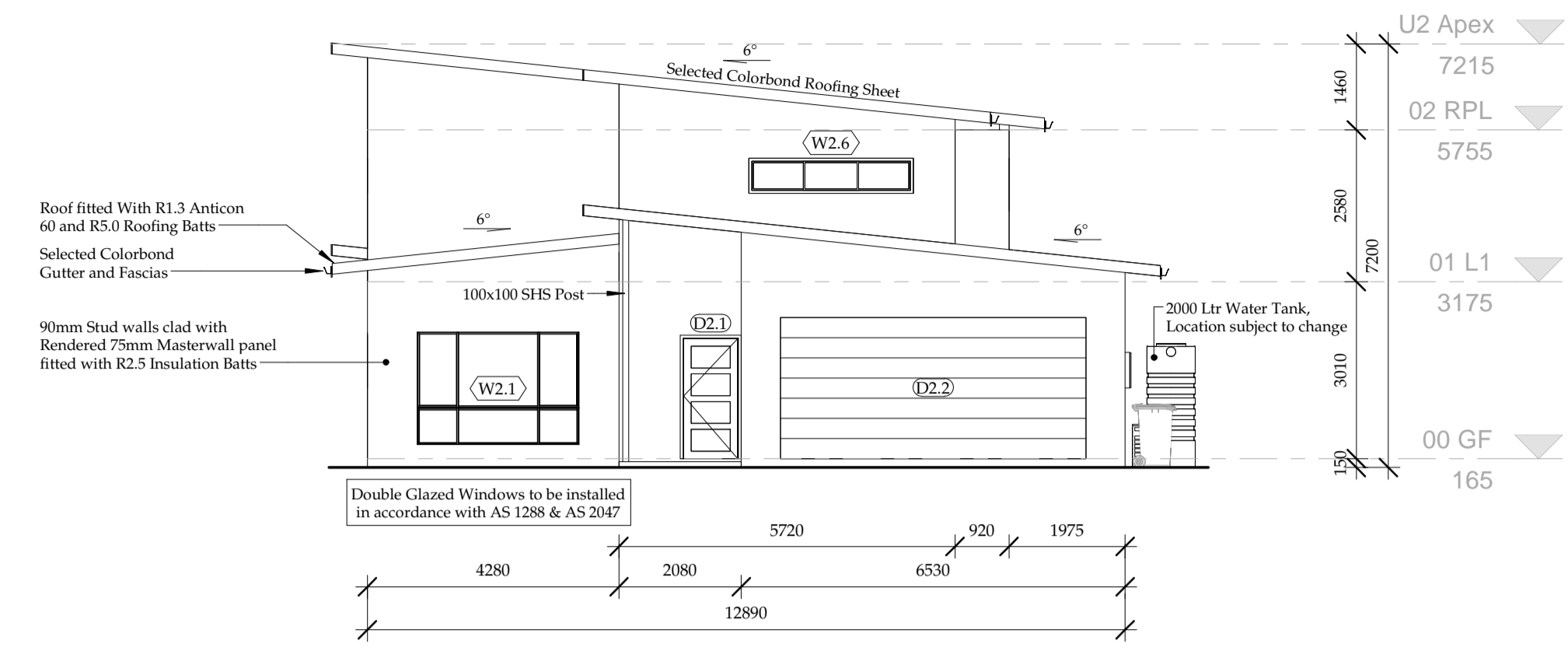
**3 Unit 1 East**  
1 : 100



**4 Unit 1 West**  
1 : 100



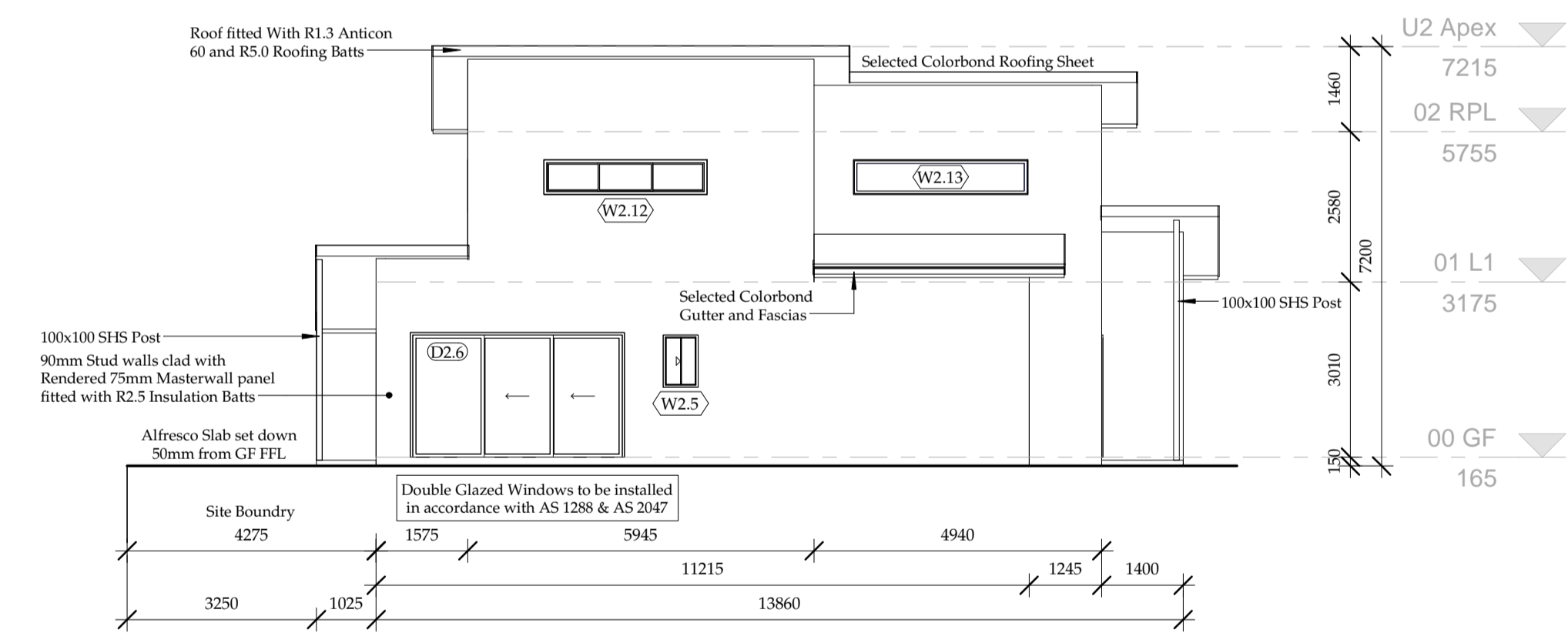
**5 Unit 2 North**  
1 : 100



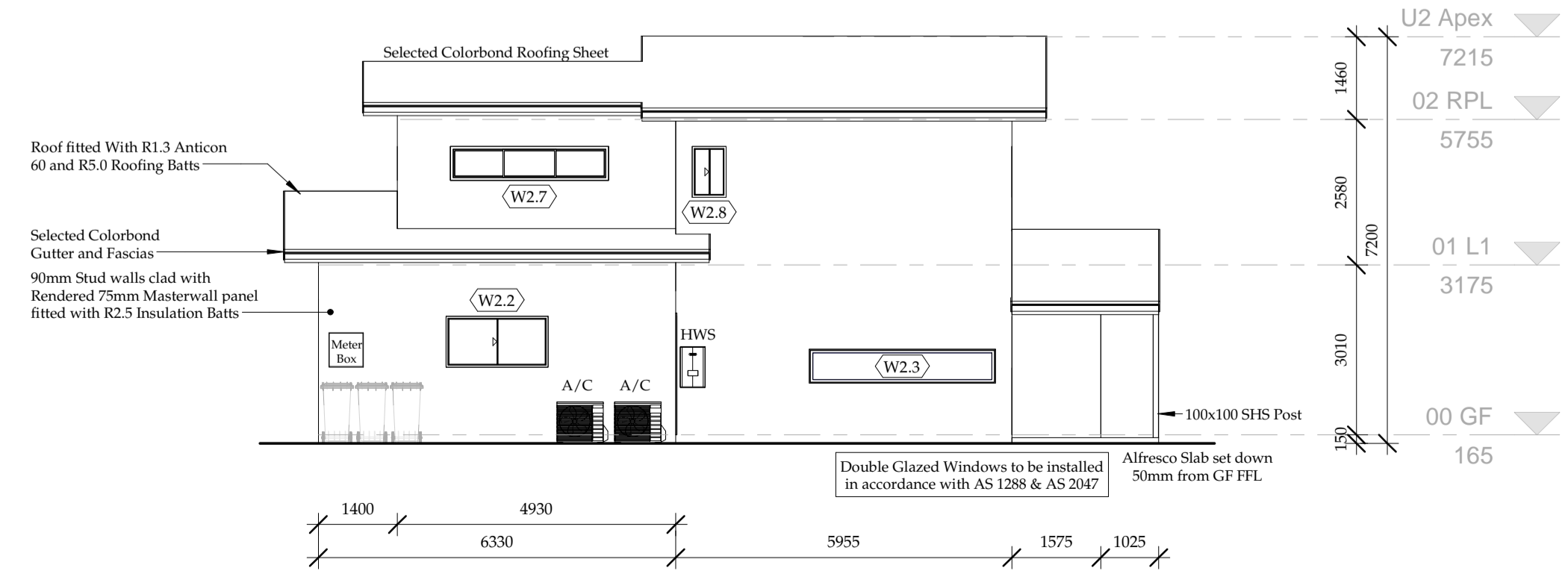
**6 Unit 2 South**  
1 : 100



**7 Unit 2 East**  
1 : 100



**8 Unit 2 West**  
1 : 100



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ELEVATIONS

Project number	RH20230118/001	<b>A-05</b>
Date	25 September 2024	
Drawn by	Patrick Coates	
Checked by	N.J. Riches	
		Scale 1 : 100

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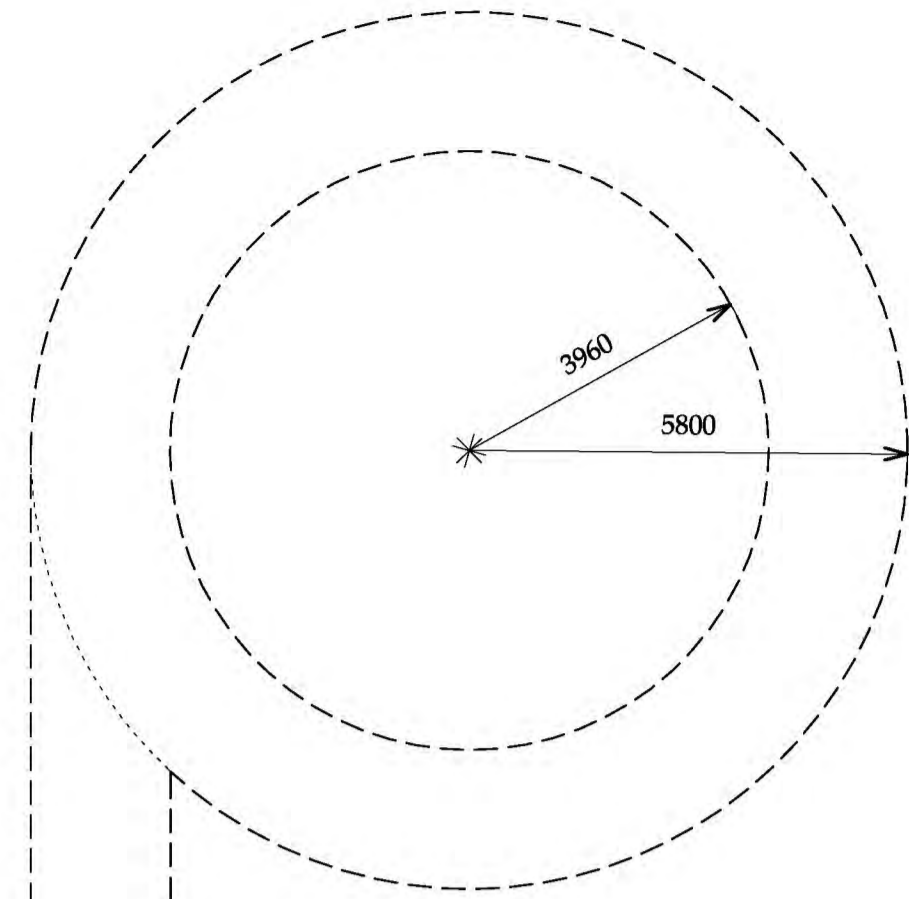
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Scaled dimension shall be verified on site.



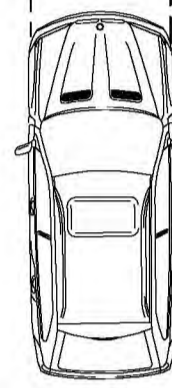
**3 Vehicle Turning Circle**  
1 : 100



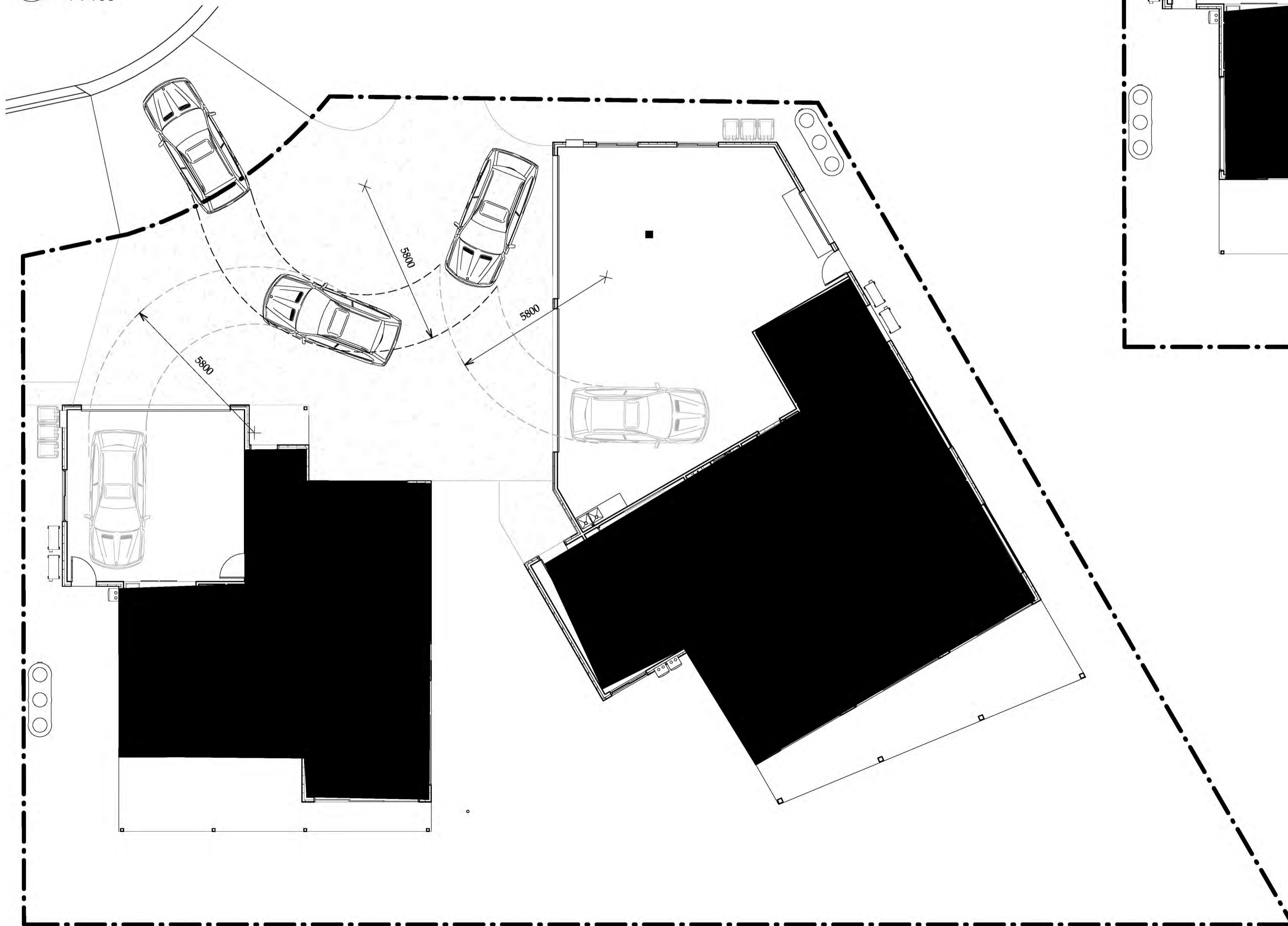
**Vehicle Movement**

Vehicles specifications and turning capabilities shown are based off the following

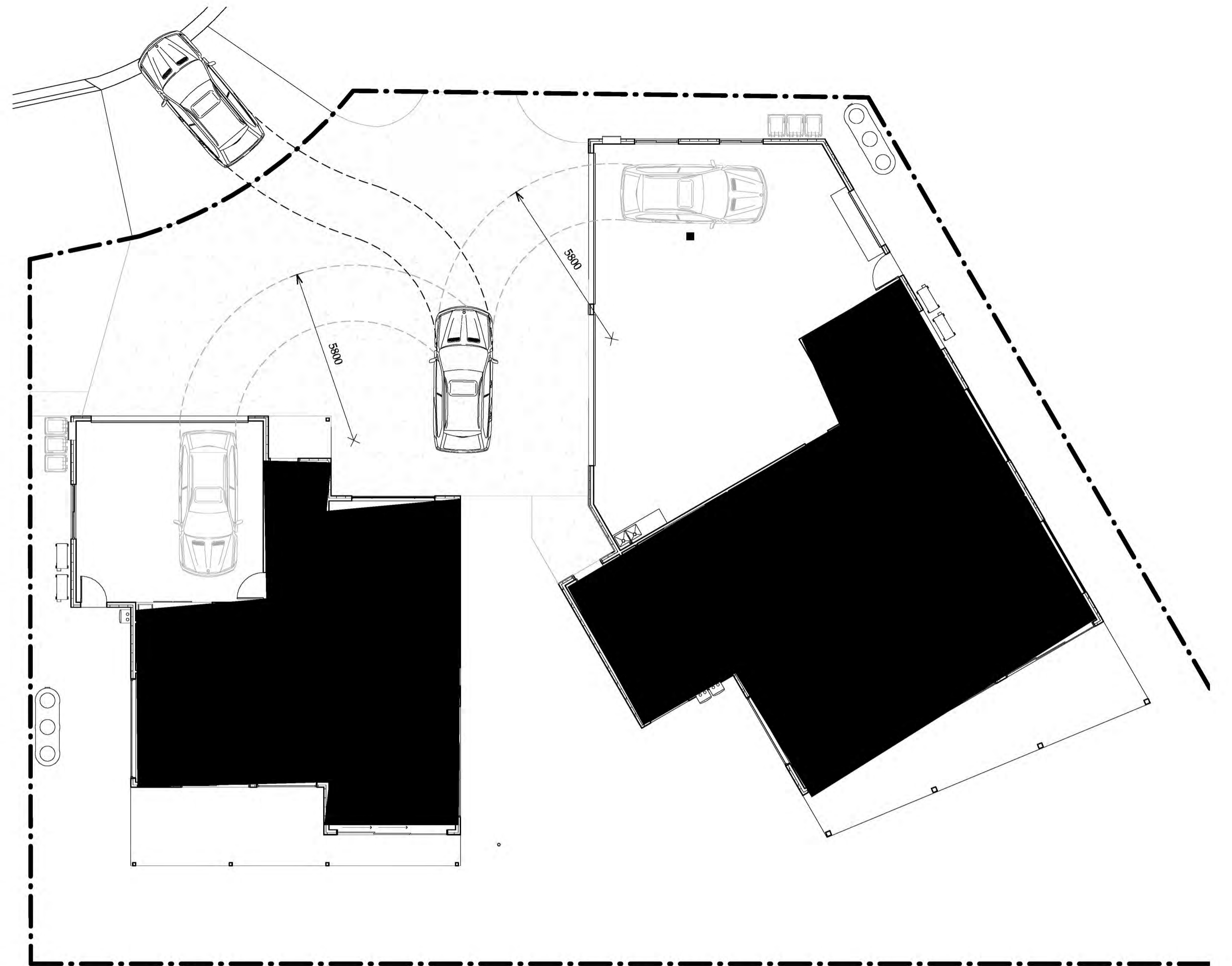
**Car** Toyota Camry Sedan  
Length 4.9m  
Width 1.84m  
Turning Radius 5.8m



**2 Vehicle Turning Diagram 2**  
1 : 100



**1 Vehicle Turning Diagram 1**  
1 : 100



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**VEHICLE TURNING DIAGRAM**

Project number	RH20230118/001	<b>A-06</b>
Date	25 September 2024	
Drawn by	Patrick Coates	
Checked by	N.J. Riches	
		Scale 1 : 100



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This Drawing is to be read in conjunction with the secondary consultants Drawings, Details and Specifications as well as any other written instructions issued during the course of the contract.

The contractor Shall Verify all dimensions on site prior to commencing any shop drawings. Figured dimensions take precedence over scaled.

Scaled dimension shall be verified on site.





Dual Occupancy and Three (3) Lot Community  
Title Subdivision

1/3 Foster Court, Mulwala

SEPTEMBER 2024

Submitted to Federation Council  
On behalf of RMP Investments Pty Ltd



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# 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of RMP Investments Pty Ltd and is submitted to Federation Council in support of a Development Application (DA) for a dual occupancy and associated three (3) lot community title subdivision at Lot 1 in DP1255177 addressed as 1/3 Foster Court Mulwala.

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 (“EP&A Act”) and the Environmental Planning and Assessment Regulation 2021 (“EP&A Regs”).

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

## 1.1. Pre-application correspondence

Pre-application correspondence regarding the proposal was facilitated via email in August 2023 whereby Council provided some preliminary feedback on a number of matters that may require further information, detail or review.

The feedback resulting in some minor modification, and there remains some minor variations to some of the development control outlined in Councils DCP. Those variations have been considered in the submitted design response are addressed in the SEE below.

## 1.2. Supporting Plans and Documentation

This application is accompanied by:

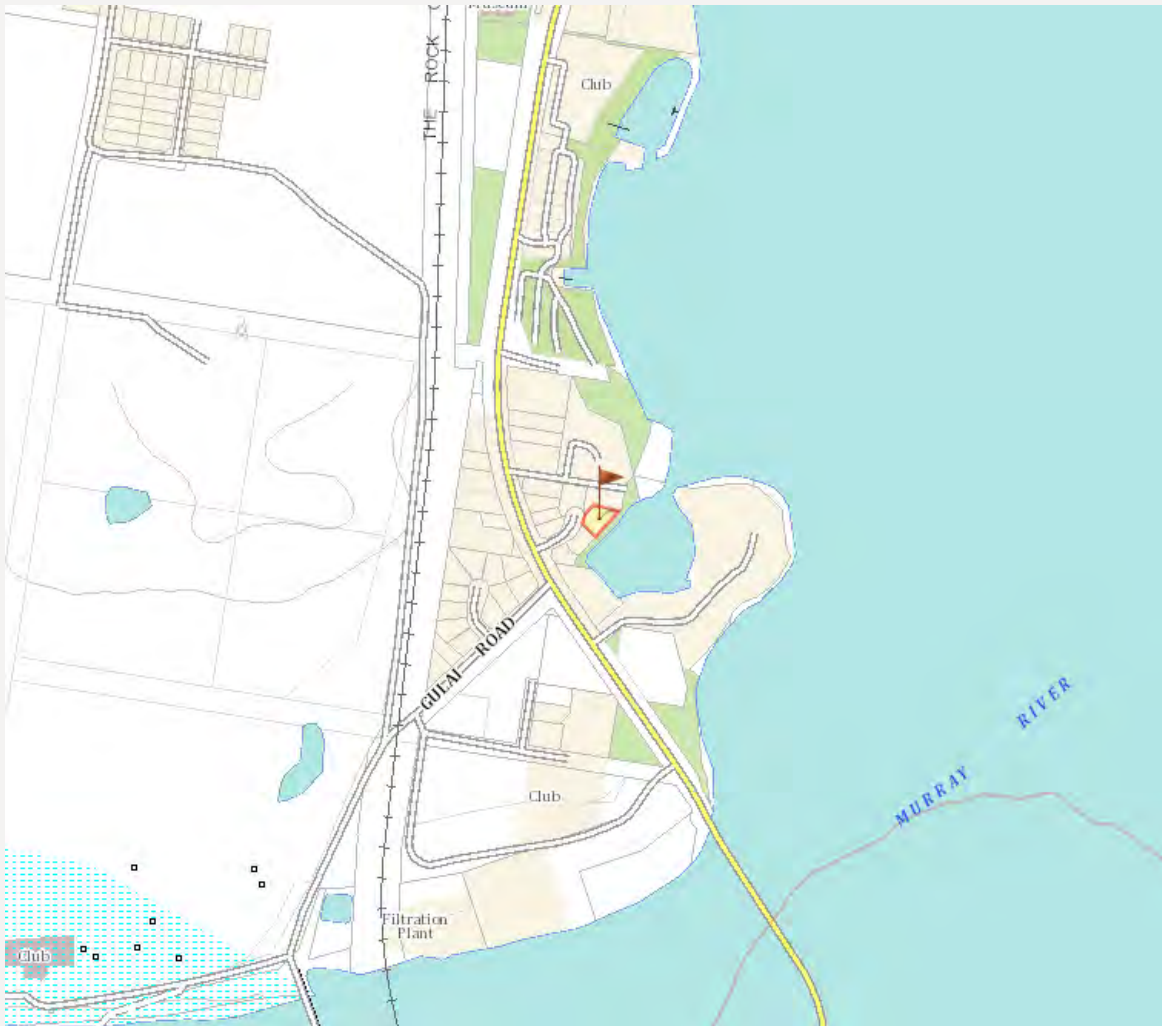
- Architectural Plans, prepared by Richies Homes and Improvements Pty Ltd (25 September 2024)
- Existing Conditions Plan and Proposed Subdivision Plan, prepared by Peak Surveyors.
- BASIX certificate
- natHERS certificates



## 2. Site Analysis

### 2.1. Site Location and Context

The subject land to which this application relates is described as Lot 1 in DP1255177 addressed as 1/3 Foster Court Mulwala. The site is located on the foreshore of Lake Mulwala and is identified in the Context Map and aerial image at Figures 1 and 2 below.



**Figure 1: Context Map**





**Figure 2: Aerial image of subject site, outlined (Source: NearMap, 2023)**

## 2.2. Site Description

The subject site is located adjacent to Lake Mulwala and in Foster Court. It's an irregular shape parcel with an area of 1,003m<sup>2</sup> that is oriented in a northeast direction, with five distinct boundaries. The site has frontage to Foster Court along a curved boundary of approximately 18metres. A southwestern common boundary of 23metres exists between the subject site and the abutting 5 Foster Court. The site has a 17-metre common boundary to the northwest and 33metre common boundary to the north with the property addressed as 2/3 Foster Court. It has a long boundary to the southeast that is 44metres which fronts Lake Mulwala.

The site has been cleared of all vegetation and building structures and is currently vacant. The site has an existing vehicle crossover, a water meter located in the southwestern corner of the land, with a garden tap, and a communication and electrical pillar nearby. Sewer access is located near the eastern boundary of the lot. It has a flat topography with less than 500mm variation across the site. The northeast corner and the southeast corner of the site has an easement to flood.

External to the site, there is a sewer pit located to the northeast and southeast of the site boundary and a sewer easement that runs the length of the lot abutting Lake Mulwala. There is also a water pipe emanating from Lake Mulwala and associated pump to the northeast of the subject site and a wooden jetty located at the top of the bank, east of the subject site. A mature gum tree is located near the bank of Lake Mulwala, southeast of the subject site. Along the Foster Court frontage, there is a street light pole located to the southwest of the subject site.

The images below further articulate the description of the site and existing conditions noting the cedar tree seen in the images below has been removed, as confirmed by the Existing Conditions Plan at Figure 5 below.





**Figure 3: View southeast towards Lake Mulwala**



**Figure 4: View northeast towards Lake Mulwala**



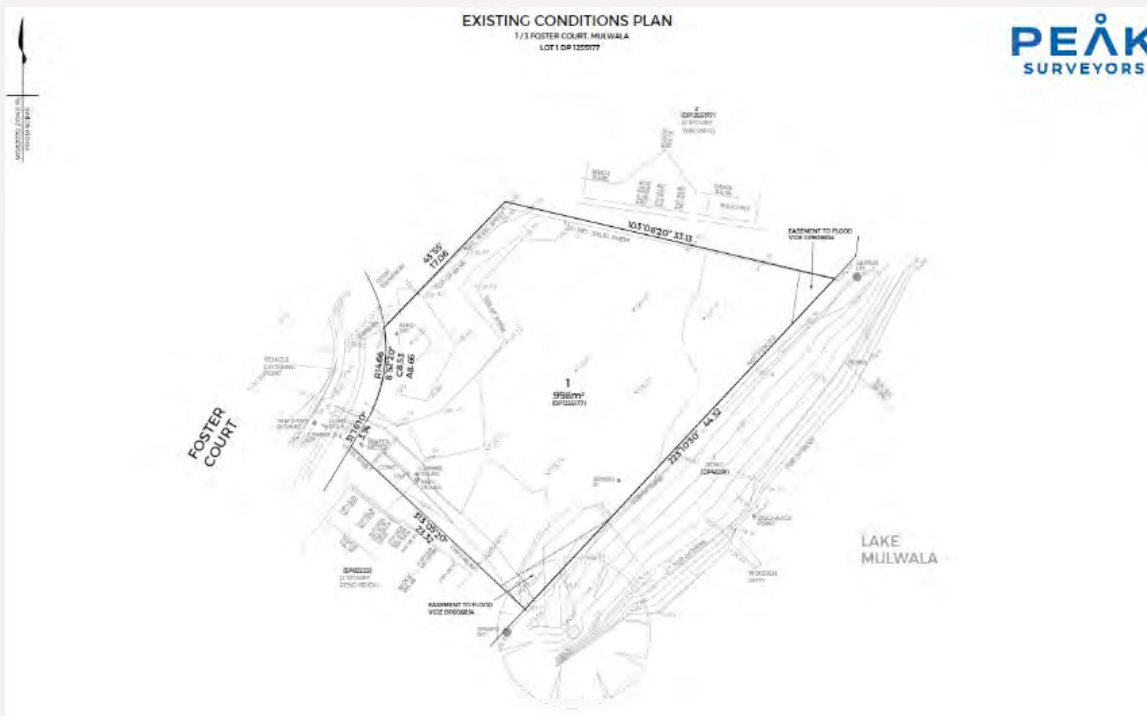


Figure 5: Existing Conditions Plan (Peak Surveyors)

### 2.3. Surrounding Development

The subject site is within an established residential neighbourhood. The land is zoned R1 General Residential and is surrounded by a similar fabric along the foreshore of Lake Mulwala. The main street of Mulwala, being Melbourne Street is located at the end of Foster Court approximately 80metre to the southwest. The residential density is considered medium with many double storey dwellings located nearby Lake Mulwala in a resort village style.

The site is approximately 1.4 kilometres south of the main commercial area of Mulwala, 1kilometre northeast of the Yarrawonga Mulwala Golf Club and 1kilometre north of Yarrawonga in Victoria.

To the north of the site is a two-storey dwelling house that has some habitable windows facing the site, however these are treated with internal louvres and others at ground level are screened by a 1.8 metre colorbond fence. Further north of the site is more residential dwellings in the form of attached townhouses and Endeavour Park which wraps around the Lake Mulwala foreshore.

The allotment to the south of the site comprises two detached two-storey dwellings in a Strata Title arrangement. This site has some habitable room windows facing the site. Some of these windows are raised height privacy windows, some are obscured glass windows and others are screened by the existing colorbond fence. Further south there are more residential dwellings of a finer grain nature in the form of attached and detached townhouses with lake and street frontage and some medium density flats.

East of the site is Lake Mulwala with Endeavour Park which borders the lake, extending to the north. The site has views of the lake to the east and other medium density townhouse style dwellings, approximately 100metres away.

West of the site is the 'handle' of the property addressed as 2/3 Foster Court and Foster Court itself. Further west of the subject site are some lower density dwellings, followed by Melbourne Street, which connects to the main commercial area of Mulwala and Yarrawonga.

Figure 6 below shows the surrounding development in further detail.



Figure 6: Aerial image of surrounding development (Source: NearMap 2023)



# 3. Description of Proposal

## 3.1. Overview

The proposal seeks approval for a dual occupancy and a three (3) lot community title subdivision.

The proposed subdivision plan and architectural plans are provided in **Appendix B and Appendix C**.

A detailed description of the proposal is provided in the following sections.

## 3.2. Community Title Subdivision

The application seeks approval for a three (3) lot community title subdivision. This will consist of two (2) residential lots and one (1) neighbourhood association property lot (Lot 1), which will front Foster Court and provide entry to the proposed dwellings on proposed Lot 2 and 3.

Details of the subdivision is provided in further detail in Table 1 and an image of the plan is reproduced at Figure 7 below. Figure 8 shows the proposed subdivision overlaid on the proposed development for reference. The full Subdivision Plan is contained within **Appendix C**.

**Table 1” Proposed Lot Summary**

Lot	Width	Depth	Size	Containing
1	Variable	Variable	237m <sup>2</sup>	Vacant land, water meter, comms and electrical pillar
2	Variable	Variable	248m <sup>2</sup>	Vacant land, sewer access hole. Future proposed dwelling (unit 2)
3	Variable	Variable	514m <sup>2</sup>	Vacant land. Future proposed dwelling (unit 1)



**Figure 7: Proposed Plan of Subdivision (Peak Surveyors)**

### 3.3. Dual Occupancy

The application seeks approval to construct two (2) double storey detached dwellings with attached garages on the newly subdivided lots described above. The dwellings will have access via the neighbourhood association property lot (Lot 1), which will utilise the existing vehicle crossover from Foster Court. Lot 1 will be predominantly a concrete hardstand area allowing for the manoeuvring of vehicles in and out of the two units.

#### Unit 1

Proposed Unit 1 has a front setback of 7.79metres to Foster Court street front boundary noting between the dwelling and the boundary is the Neighbourhood Association Lot 1 and open vehicle access driveway and circulation area common to Unit 1 and unit 2. It will have variable side setback to the northwest side boundary of between 1.395 and 1.5metres and will be a minimum 1.935metres from the north side boundary. The setback to the eastern rear boundary will be a minimum of 5.575metres. Unit 1 will have a proposed maximum height of 6.945metres.

Internally, Unit 1 will have four (4) bedrooms; two (2) on the ground floor and two (2) on the first floor. The unit will have a kitchen, dining and living area on the ground floor and two (2) ensuites and a laundry. On the first floor in addition to the bedrooms, there will be a study, second living area, a small kitchenette and a balcony facing east with a 1.2 metre glass balustrade fronting Lake Mulwala and 1.5metre high frosted glass screening on the north and south balcony sides.

It is noted that the ground and upper floor of the unit is accessible via a common front entry that fronts Foster Court and that the floors are not separated for separate occupation. The purpose of the kitchenette on the upper floor is to provide additional amenity for the upper floor occupants and will not comprise of a separate dwelling or occupation.

Externally, Unit 1 will have walls clad in rendered panels and a colorbond skillion roof, gutters and fascias. It will have two double garages fronting to the southwest, under a single storey section of the dwelling and a pedestrian entry visible from Foster Court. A 2000L water tank is located to the north, bin storage is located to the northwest which will be screened by a side fence and gate.

#### Unit 2

Proposed Unit 2, will have a front setback of 5.185metres to Foster Court also noting that the Neighbourhood Association Lot 1 and open vehicle access driveway and circulation area common to Unit 1 and unit 2 forms the setback. Unit 2 will have a southern side setback of 1.35metres, and a minimum rear setback of 5.85metres on the lower floor and 4.275metres on the upper floor. Unit 2 will have a maximum height of 7.215metres.

Internally, the unit will have four (4) bedrooms. The ground flood will host the master bedroom, double garage, a laundry, and a kitchen with an open living and dining area. The first-floor hosts three (3) bedrooms, one (1) bathroom, one (1) ensuite and a balcony facing east, with access of Bedroom 2.

Externally, unit 2 will have walls clad in rendered panels and a colorbond skillion roof, gutters and fascias. The double garage and pedestrian entry fronts Foster Court. A 2000L water tank is located long the southern boundary, bin storage is located to the on the southern boundary which will be screened by a side fence and gate and the and the site is wrapped by a green perimeter to the south, east and north which will be landscaped extensively.

Services to the dwellings will be relocated from their current location and provide access to reticulated water, wastewater, and electricity.

The proposed site plan and elevations are reproduced in Figures 8 and 9 below and are available in full at Appendix B.



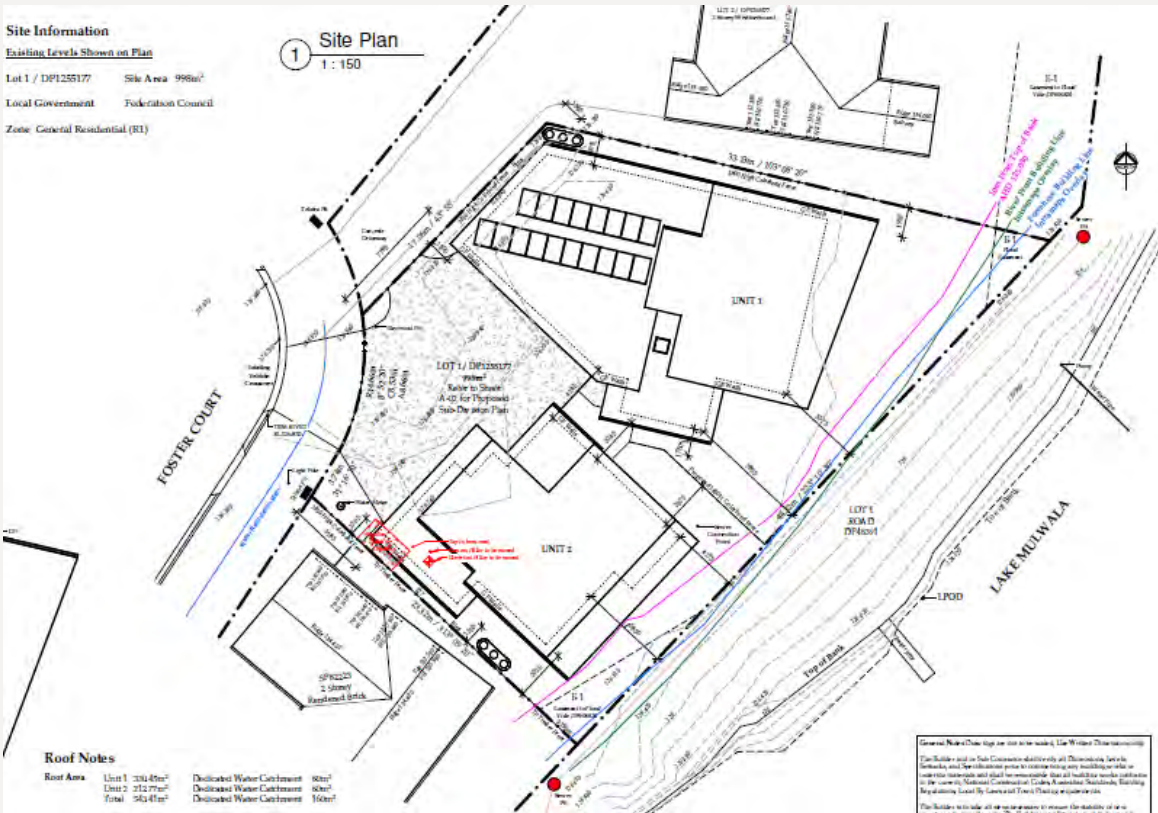


Figure 8: Site plan for proposed units



Figure 9: Elevations for proposed units

## 4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

### 4.1. Applicable Environmental Planning Policies, Instruments and Controls

- Environmental Protection and Biodiversity Conservation Act 1999
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Corowa Local Environmental Plan 2012
- Corowa Development Control Plan 2013

Compliance with the applicable legislation and policies is discussed below.

### 4.2. Strategic Planning Policies

#### 4.2.1. Riverina Murray Regional Plan 2041

The *Riverina Murray Regional Plan 2041* (Regional Plan) was adopted by the NSW Government in 2023 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions for the next 20 years.

The Regional Plan is underpinned by three (3) key parts including:

- *Part 1 – Environment*
- *Part 2 – Communities and places*
- *Part 3 – Economy*

Each of these 3 key parts is supported by a number of objectives, strategies and actions to realise the vision for the plan.

The proposed development responds to the Regional Plan by aligning with the following directions:

- Objective 5: Ensure housing supply, diversity, affordability and resilience.
- Objective 6: Support housing in regional cities and their sub-regions
- Objective 9: Plan for resilient places that respect local character.

The proposed development complies with these directions as it encourages and supports the residential development of land zoned for residential purposes, which will promote the growth of Federation Local Government Area, provide additional space for a range of dwelling types and deliver a healthy built environment of quality urban design.



#### 4.2.2. Urban Design for Regional NSW

Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW has been prepared specifically for regional NSW. The guide recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area. The guide also supports the object of the Environmental Planning and Assessment Act 1979 to ‘promote good design and amenity of the built environment’.

The guide also plays an important role in implementing the nine Regional Plans for NSW by responding to actions to prepare regional urban design guidelines for planning, designing and developing healthy built environments.

#### 4.3. Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* (“the EPBC Act”) is the principal Commonwealth legislation relating to environmental protection. Specifically, it sets out a framework for identification, protection and management of significant flora, fauna, ecological communities and heritage places as specified within the EPBC Act. The EPBC Act stipulates that approval from the Commonwealth Environment Minister is required if a development is likely to have a significant impact on matters considered to be of “national environmental significance.”

The proposal will not result in any loss of vegetation or habitat and has been designed as such to minimise impact on Lake Mulwala and ecological communities within. It is considered unlikely to have a significant impact on matters considered to be of national environmental significance.

#### 4.4. Environmental Planning and Assessment Act 1979

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

(1) *Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*”

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

#### 4.4.1. Division 4.8 – Integrated Development

The application has been identified as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as the subject development requires concurrence under the following:

- **Water Management Act 2000 (s91)** – authorisation under section 91 activity approvals is required, for controlled activity at a specified location in, on or under waterfront land. As the proposed development is within 40metres of the waterfront of Lake Mulwala a controlled activity approval will be sought separate this Development Application and it is expected that this will be a condition of approval.

Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body concerning the development.

### 4.1. State Environmental Planning Policy (Resilience & Hazards) 2021

#### 4.1.1. Chapter 4 – Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience & Hazards) 2021* sets out considerations relating to land contamination across the state. The intention of the SEPP is to establish ‘best practice’ guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 4.6 of Chapter 4 generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose. The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land has been previously developed for residential purposes and is not known to be contaminated, nor is it expected to be at risk of contamination given its historical use and surrounding context.

### 4.2. State Environmental Planning Policy (Transport & Infrastructure) 2021

#### 4.2.1. Chapter 2 – Infrastructure

Chapter 2 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* provides a provides a consistent and flexible planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities.

The Chapter 2 contains provisions relating to approval processes and assessment requirements for infrastructure proposals according to the type or sector of infrastructure. It outlines land-use zones where types of infrastructure are permissible with or without consent and identifies certain works as exempt and complying development.



There are several Clauses under the SEPP that trigger referral and concurrence matters. These are addressed in the table below for consideration.

**Table 2: SEPP (Transport & Infrastructure) matters for consideration.**

Matter for consideration	Response
<p><b>Clause 2.48 – Determination of development applications – other development</b></p>	<p>This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <ul style="list-style-type: none"> <li>(a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></li> <li>(b) <i>development carried out—</i> <ul style="list-style-type: none"> <li>(i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></li> <li>(ii) <i>immediately adjacent to an electricity substation, or</i></li> <li>(iii) <i>within 5m of an exposed overhead electricity power line,</i></li> </ul> </li> <li>(c) <i>installation of a swimming pool any part of which is—</i> <ul style="list-style-type: none"> <li>(i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></li> <li>(ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></li> </ul> </li> <li>(d) <i>development involving or requiring the placement of power lines underground unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></li> </ul> <p><b>Comment:</b></p> <p>Referral under Clause 2.48 is required to the relevant electricity supply authority due to the proposal requiring the relocation of the existing electricity pillar and underground electricity to service each proposed unit.</p>
<p><b>Clause 2.118 – Development with frontage to a classified road</b></p>	<p>The objectives of this clause are—</p> <ul style="list-style-type: none"> <li>(a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></li> <li>(b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></li> </ul> <p><b>Comment:</b></p> <p>The development does not front a classified road, as such referral to TfNSW is not required.</p>

### 4.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### 4.3.1. Chapter 5 – River Murray lands

The subject site falls within the area to which *Chapter 5 – River Murray lands* (previously “MREP”) applies. The aims of this chapter are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray;*
- (b) *to establish a consistent and coordinated approach to environmental planning and assessment along the River Murray; and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

Part 5.2 of this chapter requires the consent authority to take into account a number of general and specific principles when considering development proposals to which the plan applies. These controls generally relate to the protection of the River Murray.

It is acknowledged that the subject site is near the River Murray and Lake Mulwala, and the development is located greater than 10metres from the high-water mark. The proposed development will not involve access to the waterway or bank disturbance, is not subject to flooding, and will not result in land degradation or affect water quality or the wetlands.

The development does not include development matters that are under planning control in Clause 5.12. The proposal will ensure that all wastewater utilises the reticulated sewage system and stormwater will be discharged to the legal point of discharge reducing risks to the Lake. The site will be suitably landscaped allowing for absorption of rainwater and infiltration of any surface pollutants and surface water accumulating in landscaped areas will be drained towards the stormwater drainage.

The proposal is therefore deemed to comply with the requirements of this SEPP.

### 4.4. Corowa Local Environmental Plan 2012

Corowa Local Environmental Plan 2012 (“the LEP”) is the principal planning instrument that guides development within the LGA. The below provides an overview of consistency and compliance of the proposal against the relevant provisions.

#### 4.4.1. Clause 2.3 - Zone objectives and Land Use Table

The subject land is within the R1 General Residential Zone (“R1 zone”) by the LEP. Refer to the zoning map extract at Figure 10 below.





**Figure 10: Extract of Land Zoning Map (Source: NSW Planning Portal)**

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is consistent with the zone objectives as follows:

- it provides additional housing supply and may assist in providing housing accommodation in the community.
- it provides for a variety of residential densities including 4-bedroom dwellings,
- it may support housing affordability by increasing the supply of housing in the market.
- It proposes a medium density housing design that is of a high quality and that will achieve a high standard of amenity for occupants.

Overall, the proposal represents a suitable land use within an established residential neighbourhood.

Residential accommodation for the purpose of dwelling houses and multi-dwelling houses are expressly permitted with consent in the R1 General Residential Zone.

#### **4.4.2. Clause 2.6 - Subdivision – consent requirements**

Clause 2.6 of the LEP states that development consent is required to subdivide land unless it is classified as exempt or complying development under any applicable Environmental Planning Instrument. The proposed subdivision is not exempt or complying development and this application is made seeking development consent pursuant to this clause.

#### 4.4.3. Clause 4.1 Minimum Subdivision Lot Size

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

The proposal seeks consent for a Community Title Subdivision under the *Community Land Development Act 2021* and pursuant to subclause (4) the minimum subdivision lot size clause does not apply in relation to the subdivision of any land by any kind of subdivision under the *Community Land Development Act 2021*. Consequently, the minimum subdivision lot size requirements under this clause do not apply.

#### 4.4.4. Clause 4.3 - Height of Buildings

Clause 4.3 of the LEP requires that built development in Mulwala and specifically Lake Mulwala maintains the existing low rise, small-scale character of built environment. It also aims to preserve views to and from Lake Mulwala, its foreshores, and public spaces. The maximum building height in this area is not greater than 9metres and the proposed development complies with this requirement with a maximum building height of 7.215 metres.

#### 4.4.5. Clause 7.1 – Earthworks

Clause 7.1 of the LEP notes that development consent is required for earthworks unless—

- (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) *the earthworks are ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed works are not expected to adversely impact on environmental functions as per below:

- The subject site does not contain any drainage lines, and the proposed subdivision and dwellings will be connected to Council's constructed stormwater drainage system in Foster Court.
- Upon completion of the earthworks, the site will be stabilised and maintained to avoid ongoing erosion and stabilisation concerns.
- The works will support the development of the land for residential purposes, consistent with the surrounding land uses.
- The development will involve minor cut and fill works, which will achieve a site balance and avoid the need to import or remove excavated and fill material off-site and no retaining walls are required to undertake the development.
- The works are not expected to adversely affect any surrounding residential dwellings due to the site responsive nature of the design.



- The subject site has been heavily disturbed and is not expected to contain any relics or items of Aboriginal Cultural Heritage Significance within 50metres of the site.

#### 4.4.6. Clause 7.3 - Stormwater management

Clause 7.1 of the LEP notes that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposed development will be connected to Council's reticulated stormwater and drainage system and the landscaped areas around each unit will provide sufficient water permeable surfaces for infiltration of water. Furthermore, any surface water accumulation will be drained towards stormwater pits that will be piped to the Council stormwater and drainage system. The proposal is therefore deemed to comply with this clause.

#### 4.4.7. Clause 7.5 – Wetlands

Clause 7.5 of the LEP applies to this application given the proximity of the site to the area described as Wetland on the *Wetlands Map*, which borders, but is not within the Wetlands Map. The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development. The LEP notes that before determining a development application for development on land to which this clause applies the consent authority must consider a range of matters and the consent authority must not be granted unless the consent authority is satisfied that:

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposal, as noted, is not strictly within the Wetlands Map, but borders this area. Notwithstanding this, it is considered that the proposed development will not have any significant impact on:

- existing nature and flora on the subject site or adjoining wetland,
- the provision and quality of habitats on the land for indigenous and migratory species,
- the surface and groundwater characteristics of the land, including water quality, natural flows and salinity.

The proposal is setback adequately from the Lake Mulwala foreshore, will be connected to reticulated sewage and stormwater services and the site has adequate landscaped areas that allow for infiltration of rainwater and surface pollutants and is deemed to comply with this clause.

#### 4.4.8. Clause 7.6 - Development on river front areas

Clause 7.6 of the LEP applies to this application as part of the subject site is considered within the river front area as determined on the *River Front Building Line Map*. The objectives of the clause are as follows:

- to support the natural migration of the river channel, including riverine processes,*

- (b) to protect and improve the bed and bank stability of rivers,
- (c) to maintain or improve the water quality of rivers,
- (d) to protect the amenity, scenic landscape values and cultural heritage of rivers,
- (e) to protect public access to riverine corridors,
- (f) to conserve and protect riverine corridors, including wildlife habitat.

Development consent may be granted to development in a river front area for specific purposes and must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following:

- (a) that the development will contribute to achieving the objectives for the zone in which the land is located,
- (b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,
- (c) that the development is not likely to cause environmental harm such as—
  - (i) pollution or siltation of the river, or
  - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or
  - (iii) an adverse effect on drainage patterns,
- (d) that the development will only cause minimal visual disturbance to the existing landscape,
- (e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,
- (f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

The LEP defines a river front area as:

*the land between the river front building line and the bank of the nearest river or if there is no river front building line—*

*(a) in Zone R1 General Residential, Zone R2 Low density residential, Zone R5 Large Lot Residential and Zone E1 Local Centre—the land within 40 metres of the high bank of the river, or*

*(b) in Zone RU1 Primary Production, Zone RU3 Forestry and Zone C3 Environmental Management—the land within 100 metres of the high bank of the river.*

Notwithstanding the land is in a R1 zone, the land does have a river front building line as shown on the River Front Building Line Map extract at Figure 11 below.



**Figure 11: River Front Building Line Map extract (Intramaps, Federation Council)**



The proposed development complies with this clause as it does not propose any development in the river front area as it is setback greater than 10metres from the Lake Mulwala foreshore and on the Foreshore Building Line.

**4.4.9. Clause 7.6 – Essential services**

Clause 7.1 of the LEP notes that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

The subject land is within an established residential area and has access to all necessary servicing infrastructure.

The relevant services are understood to have adequate capacity to accommodate the two units proposed and the proposal complied with this clause.

**4.5. Corowa Development Control Plan 2013**

The Corowa Development Control Plan 2013 (“the DCP”) provides specific requirements for development within the LGA, including the subject site.

The following chapters of the DCP are applicable to the proposed works:

- Part 2 – Residential Development
- Part 6 – Strategic Land Use Plan
- Part 7 – Mulwala Foreshore Land
- Part 12 – Notification policy

These matters are addressed in the following sections below.

**4.5.1. Variations to Development Controls**

In considering the requirements of the DCP, it is important to acknowledge the changed role of DCP’s since the *Environmental Planning and Assessment Amendment Act 2012*. The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority rather than statutory controls. If a development application does not comply with provisions in a DCP, the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards.

Planning Circular PS13-003 provides an overview as to what weight should be given to controls within a DCP when assessing development applications.

**Table 3: Summary of variations sought to development controls.**

Guideline	Requirement	Compliance	Justification
<b>2.5 Building setbacks</b>	As per Part 3 - Housing Code, Division 3, Subdivision 2 Clause	Departure from control	The departure from controls with regard to the side setback for

<p>Average density</p> <p><i>As per General Housing Code in Subdivision 3, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>	<p>3.10 Minimum setbacks and maximum height and length of boundary walls of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• a primary street setback that is over the required 6.5 metres, thus complies.</li> <li>• a side setback of 3.185 metres for Unit 1, which has a nominal 'lot width' of over 24 metres, requiring a minimum side setback of 2.5 metres, thus complies.</li> <li>• a side setback of 1.355 metres for Unit 2, which has a nominal 'lot width' of 17.6 metres, requiring a minimum side setback of 1.65 metres, thus this is a departure from the controls.</li> <li>• a rear setback of 3.075 metres for Unit 1, which is less than the required 8 metres for a lot between 300-900m<sup>2</sup> with a building height between 4.5-8.5m</li> <li>• a rear setback of 2.425 metres for Unit 2, which is less than the required 7.85 metres average of the adjoining dwelling houses for a lot between 200-300m<sup>2</sup> with a building height between 4.5-8.5m</li> <li>• .</li> </ul>	<p>for rear setbacks</p>	<p>Unit 2 is considered acceptable as the portion of the dwelling that encroaches the side setback is the garage, which has no habitable room or windows that overlook the neighbouring dwelling. Oversight into neighbouring habitable room windows and private open space is also limited by the 1.8metre colorbond fence and habitable room windows on the south side of the dwelling are positioned at sill height to reduce overlooking.</p> <p>The rear setback is considered appropriate given the rear of the dwellings front Lake Mulwala and there are no dwellings with privacy and overshadowing to consider</p>
<p>Average density</p> <p><i>As per General Housing Code in Subdivision 5, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p>As per Part 3 - Housing Code, Division 3, Subdivision 4 Clause 3.16 Car parking and vehicle access requirements of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• The Garage of Unit 1 is setback from the dwelling with the entry of the dwelling protruding. However, the Unit 2 garage protrudes out from</li> </ul>	<p>Departure from control regarding garages setback from dwelling</p>	<p>This is acceptable given the entry of the dwelling is still very legible from the street and the glazed frontage of the master bedroom and bedroom 4 addresses the street, so the garage does not dominate the dwelling fronting the street achieving the intent of the control.</p>



	the dwelling and departs for this control.		
<p><b>7.3 Building envelope</b></p> <ul style="list-style-type: none"> <li><i>To soften the appearance of building along the lake foreshore.</i></li> <li><i>To avoid buildings dominating the foreshore landscape</i></li> </ul>	<p>1. Any building to be erected on land adjoining foreshore land shall be contained within the building envelope depicted in the diagram below.</p> <p>2. The 45° foreshore building plane is intended to form part of the limiting envelope for buildings adjoining foreshore land. It will not necessarily dictate the actual building profile.</p> <p>3. Building elements that are of an open nature and specifically intended to assist in climate control, landscaping or softening the external appearance of building, may be permitted to extend beyond the building envelope. Such elements might include trellises, pergolas, open balustrades, window boxes or roof planting boxes.</p>	Departure from control	<p>The proposed development is sited as such that it is predominantly setback within the building envelope and 45-degree foreshore building plane, however there is a small section of Unit 1 and 2 that are outside the 45-degree foreshore building plan and a departure from the control is required.</p> <p>This departure is considered acceptable as some of the building components that protrude the building envelope include a pergola or balcony and open balustrade providing assistance with climate control.</p> <p>Furthermore, the buildings do not dominate the foreshore landscape, are sited as such so the amenity of adjoining landowners is not compromised and have screening in the balcony areas to further reduce any impact.</p>

**4.5.2. Part 2 – Residential Development**

Part 2 of the DCP relates to Residential Development. The purpose of the controls in this chapter is to create well-designed and liveable residential environments for current and future residents. As the development is in a R1 General Residential zone, the standards that apply within this part are the general and average density standards.

The proposed development has been assessed against these general and average density standards and a response is provided in the Appendix D. The proposal is generally in accordance with these standards, apart from some minor variations as noted above.

#### 4.5.3. Part 6 – Strategic Land Use Plan

Part 6.0 of the DCP relates to Council's Strategic Land Use Plan (SLUP). The general purpose of the SLUP is to guide future development and use of land.

The site is residential zoned land and is located to the southwest of Mulwala's CBD on the Lake Mulwala foreshore. The development aligns with several of the town development principles noted in the Strategic Land Use Plan for Mulwala (pg.34), notably the proposal is an infill development, increasing residential dwellings and the development is proximal to existing development, requiring no further infrastructure to service the site.

#### 4.5.4. Part 7 – Mulwala Foreshore Land

This part in the DCP applies to 'foreshore land' and adjoining land around Lake Mulwala with the township of Mulwala and applies to this application. The objectives of this part of the DCP are:

- *to improve the appearance, stability and amenity of the foreshore areas of Lake Mulwala;*
- *to improve awareness of and access to Lake Mulwala and public foreshore lands;*
- *to provide for public walkways linking foreshore public lands, and in the longer term provide continuous public pedestrian access along the lake foreshore;*
- *to maintain the existing low rise, small scale character of the built environment; and*
- *to encourage development sympathetic to natural landforms.*

This part of the DCP has a range of standards that apply to development in this area which are addressed below.

##### 7.1 Application requirements

The architectural plans provided at Appendix B include a site plan that illustrates the 'foreshore building line' and 'river front building line' both extracted from Intramaps. The submitted plans also identify the relevant foreshore building line as determined from the Lake Mulwala foreshore where the natural bank of Lake Mulwala at surcharge level is AHD reduced level of 125.08m and where no retaining wall or artificial level has been constructed.

##### 7.2 Development on foreshore land

The objectives of this clause are:

- *To provide sufficient building setback from the lake to accommodate an appropriate landscape buffer and foreshore public access; and*
- *To preserve views and privacy.*

Under Part 7.2, 'any buildings or any part of a building proposed to be erected on foreshore land shall be considered by Council as inconsistent with the objectives of this section.

The proposed development has been designed to ensure compliance with this clause. As shown in the site plan extract at Figure 12 below, both dwellings are proposed entirely outside of the area defined as the foreshore land.

It is noted that a reference to a building, does not include a boat ramp, jetty, an aerial, mast or pole, a ventilator or chimney stack or a fence of less than 1.3 metres. The proposal does not include these types of development.





#### **7.4 Landscaping**

The land between the development and the lot boundaries will be landscaped with trees and shrubs, sympathetic to the environment. The colour of wall rendering and roofing will complement the natural environment, softening the interface with Lake Mulwala foreshore and is deemed to comply with this standard.

#### **7.5 Visual amenity**

The building façade and roof fronting Lake Mulwala will not be made of highly reflective materials or brightly coloured surfaces. The design of the two units is not repetitive and there are no high solid fences proposed with frontage to the Lake. It is considered that the appearance of the building along the lake foreshore will be soft and is deemed to comply with this standard.

#### **7.6 Signage**

It is noted that signage standards apply to land fronting Lake Mulwala, however the proposed application does not include any signage, thus this standard is not applicable.

### **4.5.5. Part 12.0 –Notification Policy**

Chapter 12.0 of the DCP outlines Council's process and criteria for the notification and advertising of development applications, modification applications and review of determination applications.

The proposal does not identify as a development that does not require advertising and therefore, will be notified in accordance with the requirements of the DCP.



## 5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

These impacts and mitigating measures have been identified following comprehensive analysis of the site and the proposed plans.

The analysis and impact identification under this section is informed by:

- Site analysis and visual inspection of the subject land and surrounding properties.
- Analysis of the proposed plans for development (provided attached for reference)
- Desktop review of applicable Environmental Planning Instruments
- Consideration of the Councils Development Plans and Policies including the DCP
- Assessment of relevant strategic planning documents.
- Consultation with Council and other authorities

**Table 4 – Assessment of impacts Summary**

Impact	Impact Identification	Response
<b>Context &amp; setting</b>	<p>Consideration of the DCP</p> <p>Inspection of the property.</p>	<p>The subject land is located within an established residential area of Mulwala with the proposal seeking to achieve a medium density residential outcome, consistent with the intent of the R1 General Residential zone.</p> <p>The proposed Community Title subdivision and the medium density nature of the proposal is consistent with the character of the surrounding development context. Surrounding the subject site there are numerous examples of medium density, two-storey attached and detached townhouse or terrace style dwellings in the vicinity of the subject site.</p> <p>The proposed development represents a high-quality infill development of the land and will deliver new detached dwellings on their own separate allotment, which are generally consistent with the surrounding residential character and built form of the area in terms of building heights, setbacks, landscaping, carparking and open space. The siting of the proposed dwellings has taken into consideration the surrounding properties and the foreshore building setback requirements. It proposes an adequate primary street setback, side setbacks and although seeking a variation to the rear setbacks, the outcome of the proposal will meet the intent of rear setback to achieve a high level of amenity. Similarly, the size of the lots provides diversity in housing with lot sizes.</p> <p>The dwellings are to be detached and include setbacks and separation distances that will not dominate the street and will be in keeping with the neighbourhood character. Each dwelling provides a suitable large area of accessible private open space with good solar orientation.</p>
<b>Privacy</b>	<p>Analysis of plans and supporting details.</p> <p>Visual inspection of the property.</p>	<p>The proposal has considered impacts of privacy, including any oversight into private open spaces and habitable rooms of neighbouring dwellings through the appropriate siting of the dwellings and use of frosted glass screening. The proposal includes appropriate screening or shutters for windows that are in proximity to neighbouring dwellings. Neighbouring dwellings will also be afforded privacy also by way of the 1.8 metre colorbond fence that is located on common boundaries.</p>



Impact	Impact Identification	Response
<b>Biodiversity</b>	Visual inspection of the property	<p>The property is vacant and contains no native vegetation that would provide habitat to any threatened species and is therefore not expected to have any impacts upon biodiversity or habitat values.</p> <p>The proposal seeks to minimise any impact on the adjoining Lake Mulwala, through adequate setbacks, being connected appropriately to reticulated stormwater and sewage systems. The sites will have adequate landscaped areas with permeable surfaces allowing for infiltration of rainwater reducing the impact the development will have on the surrounding environment and the biodiversity in the area.</p> <p>In addition, the development also proposes a range of landscaping embellishment works to soften and improve the overall appearance of the development, which will in time provide habitat for local fauna and contribute to biodiversity of the area.</p>
<b>Infrastructure</b>	Analysis of plans and supporting details.	<p>Given the urbanised nature of the site, all essential urban infrastructure and services, including electricity, reticulated water and sewerage, stormwater drainage and telecommunications are available to the site.</p> <p>It is expected that services may require minor augmentation to provide appropriate connection to each dwelling. This is not expected to exceed the design capacity or cause any loss of function.</p>
<b>Access, Traffic and Parking</b>	<p>Analysis of plans and supporting details.</p> <p>Review and consultation with Council and relevant service authorities</p>	<p>The subject site is part of an existing residential area and has an existing vehicle crossover from Foster Court. The proposed development, whilst increasing the dwellings available on the site, is not expected to increase traffic in Foster Court significantly. Foster Court has capacity for this slight increase in vehicle movements per day and this will not impact the road surface, given it is a sealed and good quality road.</p> <p>The proposal seeks to include a neighbourhood association property lot which will provide the dwellings at proposed Lots 2 and 3 with access. This association lot will be a hard stand area, allowing for vehicles to enter and exit in a forward direction with adequate space for manoeuvring.</p> <p>The dwellings both have adequate off-street parking in the form of double garages that are located under the roofline of the proposed dwellings, satisfying the DCP requirements.</p>

Impact	Impact Identification	Response
<b>Infrastructure</b>	<p>Analysis of plans and supporting details.</p> <p>Review and consultation with Council and relevant service authorities.</p>	<p>Development is to be serviced by existing water and sewer services at the property. A water connection is provided to the frontage of the property, with sewer traversing the rear boundary. Electrical services, telecommunications will also be provided from existing services.</p>
<b>Heritage</b>	<p>Review of Heritage Items &amp; Conservation Areas in the LEP and DCP.</p>	<p>There are no heritage items or heritage conservation areas in the immediate surrounds.</p>
<b>Cultural Heritage</b>	<p>Search of NSW AHIMS database for registered cultural heritage items.</p> <p>Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, Department of Environment, Climate Change and Water NSW, 2010</p>	<p>The subject land is a highly modified site and has very little likelihood of any items of containing cultural heritage. A search of the AHIMS databased found no registered cultural heritage items within a 50-metre perimeter of the subject site.</p> <p>Previous urban development has occurred on the property, as well as more recent disturbance by demolition and clearing of the property. In the event that the applicant does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed.</p>



Impact	Impact Identification	Response
<p><b>Soils</b></p>	<p>Visual inspection of the property.</p> <p>Consideration of Managing Urban Stormwater: Soil and Construction Volume 1 (Landcom, 2004) 9'the Blue Book) (Particularly Section 2.2) and Managing Urban Stormwater: Soil and Construction Volume 2A – Installation of Services (DECC, 2008).</p> <p>Consideration of likelihood of any contamination.</p>	<p>The proposed works will involve disturbance of the existing site. Minor excavation works will be required as part of the extension and connection of services, as well as the construction of the proposed dwellings.</p> <p>These activities will be appropriately secured and managed by the appointed contractors to avoid any significant impact on drainage infrastructure. Erosion impacts will be mitigated by use of sediment control and stabilisation techniques, both before and after construction including sediment fencing.</p> <p>To ensure all potential impacts are minimised, appropriate soil and water management techniques will be implemented during construction and subdivision works, in accordance with Council's guidelines.</p> <p>The subject site has been recently created as part of a residential subdivision and is not known to be contaminated. Consequently, there is a high degree of confidence that the land is not contaminated.</p>
<p><b>Noise</b></p>	<p>Anticipated</p> <p>Visual inspection of the property.</p>	<p>Construction works may include a period of noise generation during establishment.</p> <p>Works will occur over a short period of time, and will be limited to appropriate hours of operation, as determined by Council, and expressed through conditions of approved consent.</p> <p>Noise impacts will be of a minor nature and include predominantly power tools and manual construction, with very limited machinery and vehicle noise expected.</p> <p>The impacts of the construction works will be minor and experienced for a short period of time. Noise outputs will be of a minor nature and include predominantly power tools and manual construction, with more infrequent machinery and vehicle noise.</p> <p>The level of construction noise expected from the development is considered acceptable given that it will only occur for a short period of time and will be controlled by relevant conditions of development consent.</p>

Impact	Impact Identification	Response
<b>Natural hazards</b>	<p>Visual inspection of the property.</p> <p>Bushfire Prone Land Map.</p> <p>NSW Planning Portal</p>	<p>The subject site is not identified as being flood prone or bushfire prone.</p> <p>The land is also not expected to be contaminated following consideration of State Environmental Planning Policy (Resilience &amp; Hazards) 2021, Chapter 4 – Remediation of Land.</p>
<b>Social &amp; Environmental impact</b>	<p>Anticipated.</p> <p>Visual inspection of the property.</p>	<p>The proposal will increase the range and type of residential housing within Council’s identified residential growth front, which will have an overall positive social impact, particularly during the current condition of the residential housing market.</p> <p>The proposed dwelling will increase the variety and choice of housing within the local residential market and provides an alternative residential product to the surrounding residential lot types. Consistent with the established character of the area, the development involves the construction of double storey detached residential dwellings contained on their own separate allotment as part of a Community Title subdivision arrangement.</p> <p>Positive flow-on effects to the local economy including trades and services during construction, and additional demand for retail activities and services from additional permanent population.</p> <p>The proposed development represents continued investment in development of high-quality residential infill development in Mulwala, which expands the availability and diversity of housing.</p>
<b>The Public Interest</b>		<p>The public interest is a broad consideration relating to many issues and is not limited to any one particular issue. Taking into account the full range of matters for consideration under Section 4.15C of the Environmental Planning and Assessment 1979 (as discussed within this report), it is considered that approval of the application is consistent with the public interest.</p> <p>The development of land in an orderly and economic way is in the public interest.</p>

## 6. Conclusion

The Development Application seeks consent for a dual occupancy and associated three (3) lot Community Title Subdivision at Lot 1 in DP1255177 addressed as 1/3 Foster Court Mulwala

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and development control plan
- it represents a site responsive design representative that is consistent with its context and setting, being an established residential area
- it will increase the variety of housing types and densities available to the market in an area that is well serviced
- it will create an opportunity for high quality residential housing
- it will not create any adverse environmental or social impacts
- it encourages continued future investment in residential development in Mulwala generally; and
- it will have no detrimental impact upon the function of existing services or essential infrastructure.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.



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## Appendix A: Title Details

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## Appendix B: Architectural Plans

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## Appendix C: DCP Assessment

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**Table 5: Part 2 - Residential Development**

Controls	Complies	Comment
<b>2.1 Neighbourhood character</b>		
<p>General</p> <ol style="list-style-type: none"> <li>1. <i>The design of residential development is to suit the existing scale, density, setbacks and character of the neighbourhood.</i></li> <li>2. <i>No more than two dwellings should be provided within any one building (unless proposed as a residential flat building).</i></li> <li>3. <i>The density of proposals in the R1 and/or RU5 zones at the interface with the R2 and/or R5 zones shall be varied to provide a transition from higher to lower residential density.</i></li> </ol>	<b>Complies</b>	<p>The proposed development is of a suitable scale and density and is setback sufficiently, so it suits the character of the neighbourhood.</p> <p>The two units are detached and only one dwelling is present in each building.</p> <p>The subject site is in an R1 zone; however, it does not interface with a R2 or R5 zone.</p>
<b>2.2 Streetscape</b>		
<p>General</p> <ol style="list-style-type: none"> <li>1. <i>Dwellings are to 'face' street frontages.</i></li> <li>2. <i>The rear or service areas of a dwelling (bathrooms, laundry, etc) shall not face a primary street frontage or be visible from a secondary street frontage.</i></li> </ol>	<b>Complies</b>	<p>The two (2) units both have frontage to Foster Court with dwelling pedestrian and vehicle entries that are clearly visible from the street.</p> <p>The rear or service areas do not front the street and the proposal does not seek to build fencing on the primary street frontage.</p>

Controls	Complies	Comment
<p>3. <i>Fences on street frontages and side boundaries forward of the front building line are to be a maximum height of 900mm except for properties on streets as listed.</i></p> <p>4. <i>All fences forward of the front building line are to be designed to make a positive contribution to the streetscape.</i></p> <p>5. <i>High quality materials and finishes should be used for residential building exteriors as well as any fences constructed as part of the development.</i></p> <p>6. <i>Double garages must not extend across more than 50% of the lot frontage</i></p>		<p>The proposed development will utilise high quality building materials and finishes, resulting in a quality residential dwelling.</p> <p>The double garage of proposed unit 2 presents to the street however does not extend across more than 50% of the frontage. Unit 2 has two double garages however is orientated internally so as not to dominate the Lot frontage.</p>

### 2.3 Site Requirements

<p>Average density</p> <p>1. <i>As per General Housing Code in Subdivision 2, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p><b>Complies</b></p>	<p>Complies</p>
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### 2.4 Building Heights

Controls	Complies	Comment
<p><i>General</i></p> <p>1. <i>As per General Housing Code in Clause 3.13, Subdivision 3, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p><b>Complies</b></p>	<p>As per Part 3 - Housing Code, Division 3, Subdivision 2 Clause 3.8 Maximum building height of the <i>SEPP (Exempt and Complying Development Codes)</i>, the development is less than 8.5m above ground level.</p>
<p><b>2.5 Building setbacks</b></p>		
<p><i>General</i></p> <p>1. <i>A 1m wide articulation zone for no more than 25% of the frontage of the building is permitted within the front building setback.</i></p> <p>2. <i>A garage must be setback a minimum 1m behind the front building line if the building is at the minimum setback distance.</i></p> <p><i>Average density</i></p> <p>3. <i>As per General Housing Code in Subdivision 3, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>	<p><b>Complies</b></p>	<p>As per Part 3 - Housing Code, Division 3, Subdivision 2 Clause 3.10 Minimum setbacks and maximum height and length of boundary walls of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• The setback of the dwellings from Foster Court is not less than the average setback from the primary road of the 2 nearest dwelling houses.</li> <li>• a side setback of 1.36metres for Unit 2, which has a nominal 'lot width' of 1.6 metres, requiring a minimum side setback of 1.65 metres, thus this is a departure from the controls</li> <li>• a rear setback of 3.075 metres for Unit 1, which is less than the required 8 metres for a</li> </ul>



Controls	Complies	Comment
		<p>lot between 300-900m<sup>2</sup> with a building height between 4.5-8.5m</p> <ul style="list-style-type: none"> <li>a rear setback of 2.425 metres for Unit 2, which is less than the required 7.85 metres average of the adjoining dwelling houses for a lot between 200-300m<sup>2</sup> with a building height between 4.5-8.5m</li> </ul> <p>The departure from controls with regard to the side setback for Unit 2 is considered acceptable as the portion of the dwelling that encroaches the side setback is the garage, which has no habitable room windows that overlook the neighbouring dwelling. Oversight into neighbouring habitable room windows and private open space is also limited by the 1.8metre colorbond fence and habitable room windows on the south side of the dwelling are positioned at sill height to reduce overlooking.</p> <p>The rear setback is considered appropriate given the rear of the dwellings front Lake Mulwala and there are no dwellings with privacy and overshadowing to consider.</p>

**2.6 Privacy & amenity**

Controls	Complies	Comment
<p><i>General</i></p> <ol style="list-style-type: none"> <li>1. <i>Balconies that permit overlooking in to a neighbouring property's living areas or private open space areas will be considered inconsistent with the objective of this control.</i></li> <li>2. <i>Noise transmission between attached dwellings is to comply with the Building Code of Australia. Swimming pools and other recreational areas are not encouraged close to neighbour's living areas and bedrooms.</i></li> <li>3. <i>External lighting shall be baffled so there is no light spillage onto adjoining properties.</i></li> </ol> <p><i>Average density</i></p> <ol style="list-style-type: none"> <li>4. <i>As per General Housing Code in Subdivision 3, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></li> </ol>	<p><b>Complies</b></p>	<p>The proposed development has balconies located to the east of the building facing Lake Mulwala that will not result in any areas of overlooking into neighbouring property's living areas or open space areas as these have been screened with panels of frosted glass that are 1.5m high.</p> <p>The proposed dwellings are not attached thus standard 2 does not apply and lighting in the proposed development will be baffled and reduce spillage to adjoining properties.</p> <p>The proposed dwellings will have obscured glass or privacy screens for any windows to habitable rooms that are 1.5 metres above the finished floor levels where overlooking is possible from first floor areas, and where and these windows face adjoining dwellings and are less than 3 metres form a side or rear boundary.</p>

## 2.7 Landscaping

Controls	Complies	Comment
<p><i>General</i></p> <ol style="list-style-type: none"> <li>1. <i>A minimum of 15% of a lot area should have a surface permeable to water</i></li> <li>2. <i>Existing mature trees should be incorporated in the development wherever possible. Selection of species should have regard to the surrounding context and Council's preferred species list.</i></li> <li>3. <i>Wherever possible native plant species are to be utilised in landscaping with preference given to drought tolerant species</i></li> <li>4. <i>Deciduous species of trees to be used in open space located on the northern side of living areas.</i></li> <li>5. <i>Landscaping must comply with that shown on the approved BASIX certificate for the dwelling.</i></li> </ol> <p><i>Average density</i></p> <ol style="list-style-type: none"> <li>6. <i>As per General Housing Code in Clause 3.24, Subdivision 4, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></li> </ol>	<p><b>Complies</b></p>	<p>The proposed development will ensure that over 40% of the lot that is permeable to water. The landscaping provided will comply with the BASIX requirements and include some mature trees and native plant species that are drought tolerant which will complement the wetland and lake environment.</p> <p>As per Part 3 - Housing Code, Division 3, Subdivision 3 Clause 3.13 Minimum landscaped area of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• Over 20% of the lot is landscaped for Lot 2, which is a lot area of between 450-600m<sup>2</sup>.</li> <li>• Over 10% of the lot is landscaped for Lot 2, which is a lot area of between 200-300m<sup>2</sup>.</li> <li>• The landscaped areas have a minimum width and length of 1.5 metres or greater.</li> </ul>

**2.8 Private Open Space**



Controls	Complies	Comment
<p><i>General</i></p> <ol style="list-style-type: none"> <li>1. <i>Private open space (i.e. space that is not visible at ground level from a public place or adjoining property) is to be provided at the rate of:</i> <ul style="list-style-type: none"> <li>• 30m<sup>2</sup> for a one bedroom dwelling.</li> <li>• 50m<sup>2</sup> per two or more bedroom dwelling</li> </ul> </li> <li>2. <i>The principal private open space is to be in close proximity to the main living area of the dwelling.</i></li> </ol> <p><i>Average density</i></p> <ol style="list-style-type: none"> <li>3. <i>As per General Housing Code in Clause 3.25, Subdivision 4, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></li> </ol>	<p><b>Complies</b></p>	<p>All private open space is provided accordingly exceeding the minimum area coverage required and these areas are accessible from main living areas:</p> <p>Unit 1 has over 50m<sup>2</sup> POS to the rear (northeast) of the dwelling.</p> <p>Unit 2 has 30m<sup>2</sup> POS to the northeast of the dwelling and 42m<sup>2</sup> to the east of the dwelling.</p> <p>As per Part 3 - Housing Code, Division 3, Subdivision 3 Clause 3.13 (4) Minimum area of principal private open space of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• Adequate principal private open spaces that are of a gradient less than 1:50.</li> </ul>
<p><b>2.9 Carparking &amp; Access</b></p>		
<p>Average density</p>	<p><b>Departure from control regarding</b></p>	<p>As per Part 3 - Housing Code, Division 3, Subdivision 4 Clause 3.16 Car parking and vehicle access requirements of the <i>State Environmental</i></p>

Controls	Complies	Comment
<p>1. As per General Housing Code in Subdivision 5, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>	<p><b>garages setback from dwelling</b></p>	<p><i>Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development has:</p> <ul style="list-style-type: none"> <li>• The required amount of off-street parking spaces, accessible from hard stand spaces and within garages under the roofline of the dwelling.</li> <li>• The car parking meets all AS/NZS standards, vehicles will be able to enter and exit in a forward direction.</li> <li>• The Garage of Unit 1 is setback from the dwelling with the entry of the dwelling protruding. However, the Unit 2 garage protrudes out from the dwelling and departs for this control.</li> </ul> <p>This is acceptable given the entry of the dwelling is clearly identifiable and accessible from the street frontage and the glazed frontage of the master bedroom and bedroom 4 addresses the street, so the garage does not dominate the dwelling fronting the street achieving the intent of the control.</p>

**2.10 Earthworks & Drainage**

Controls	Complies	Comment
<p>Average density</p> <p>1. <i>As per General Housing Code in Subdivision 6, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p><b>Complies</b></p>	<p>As per Part 3 - Housing Code, Division 6, Subdivision 4 Clause 3.30 Car parking and vehicle access requirements of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, the proposed development will not exceed the depths for excavation within the boundary limitations or fill levels as outlined within SEPP. There will be no retaining walls required as part of the proposed development.</p>
<p><b>2.11 Ancillary development</b></p>		
<p>Average density</p> <p>1. <i>As per General Housing Code in Subdivision 7, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p><b>Not applicable</b></p>	<p>No ancillary development is proposed.</p>
<p><b>2.12 Outbuildings</b></p>		
<p><i>Standards</i></p>	<p><b>Not applicable</b></p>	<p>No outbuildings are proposed with this application.</p>



Controls	Complies	Comment
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**2.13 Development standards for particular land**

<p><i>Average density</i></p> <p>1. <i>As per General Housing Code in Subdivision 9, Division 2, Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p>	<p><b>Not applicable</b></p>	<p>Not applicable.</p>
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**2.14 Site Facilities**

<p><i>General</i></p>	<p><b>Complies</b></p>	<p>Service meters are located to the sides of dwellings, as are clothes drying facilities. The mailbox will complement the dwelling and landscaping. Garbage bins will be located in a concealed area to the side of each dwelling and screened by a side fence and gate.</p>
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Controls	Complies	Comment
<ol style="list-style-type: none"> <li>1. <i>Service metres shall not be placed on the street frontage of the building.</i></li> <li>2. <i>Clothes drying facilities are to be provided within the private open space of each dwelling.</i></li> <li>3. <i>The mail box design and location should be complementary to the front setback landscaping and the dwelling design.</i></li> <li>4. <i>Garbage bins for each unit are to be stored within the building or private open space. If a common bin storage area is proposed, it shall be located in a screened enclosure central to the development.</i></li> </ol>		

### 2.15 Security

<p><i>General</i></p> <ol style="list-style-type: none"> <li>1. <i>The site layout is to be designed to enhance personal safety and minimise the potential for fear, crime and vandalism.</i></li> <li>2. <i>The design of dwellings enables residents to survey streets, public areas and dwelling entries to enable surveillance of the neighbourhood to take place.</i></li> <li>3. <i>Adequate lighting must be provided for all paths, access ways, parking areas and building entries.</i></li> </ol>	<p><b>Complies</b></p>	<p>The siting of the development is such that the dwellings address the street adequately to offer informal surveillance of the public realm and to towards Lake Mulwala where there is likely to be activity along the public foreshore in Endeavour Park.</p> <p>The dwellings will have adequate lighting for the main entrances and driveway area to deter criminal</p>
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Controls	Complies	Comment
<p>4. <i>Private open space should only be accessed from within the site i.e. not accessible directly from the street or other public space.</i></p>		<p>activity in the area and private open spaces will be accessible from the rear of the dwellings and fenced to avoid access from public areas.</p>

### 2.16 Energy Efficiency

<p>General</p> <ol style="list-style-type: none"> <li>1. <i>Buildings should be oriented to make appropriate use of solar energy, be sited and designed to ensure energy efficiency of existing dwellings is not unreasonably reduced.</i></li> <li>2. <i>Living areas and private open space should be located on the north side of development where practicable.</i></li> <li>3. <i>Developments should be designed so that solar access to north facing windows is maximised.</i></li> <li>4. <i>Buildings should be articulated with appropriate vertical and horizontal variations to ensure an appropriate year round variation of shade and sunlight according to the heating/cooling needs and shadow patterns across glazed surfaces during seasonal changes through the year.</i></li> <li>5. <i>Buildings should be constructed of materials and using designs which improve thermal mass.</i></li> <li>6. <i>Buildings should provide for natural cross-ventilation.</i></li> </ol>	<p><b>Complies</b></p>	<p>The dwellings enable appropriate solar access, particularly in the cooler months and will not impact the solar access to adjoining dwellings.</p> <p>The dwellings are designed with adequate eaves to shelter walls and windows from westerly sun and will be fitted with internal shutters to reduce overheating of these areas.</p> <p>The dwellings have valid BASIX certificates indicating energy efficiency and are located to allow for cross ventilation from Lake Mulwala.</p> <p>As the buildings are setback adequately from side setbacks, they are unlikely to cause any issues of overshadowing to neighbouring lots.</p>
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Controls	Complies	Comment
<p>7. <i>Buildings shall be designed to ensure living areas and private open space of adjoining residences maintain at least three hours direct sunlight between 9am and 3pm at the winter solstice. An overshadowing diagram may need to be provided to demonstrate this development standard can be achieved</i></p>		
<p><b>2.17 Subdivision</b></p>		
<p>General</p> <p>1. <b><i>Compliance with Council’s Design Manual for the Subdivision of Land in regards to:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Road layout</i></b></li> <li>• <b><i>Road pavement</i></b></li> <li>• <b><i>Sub-surface drainage</i></b></li> <li>• <b><i>Stormwater drainage</i></b></li> <li>• <b><i>Site works (e.g. cut &amp; fill)</i></b></li> <li>• <b><i>Soil &amp; water management (e.g. erosion)</i></b></li> <li>• <b><i>Waterfront development</i></b></li> <li>• <b><i>Cycleway &amp; pedestrian paths</i></b></li> </ul>	<p><b>Not applicable</b></p>	<p>The standards in this control do not apply in this context given the proposal seeks consent for a Community Title Subdivision pursuant to the <i>Community Land Development Act 2021</i>.</p> <p>Notwithstanding, the subdivision will result in good solar access to lots, does not require any new roads, cycleways, service infrastructure and will not result in allotments of a battle-axe shape.</p>

Controls	Complies	Comment
<ul style="list-style-type: none"> <li>• <b>Bushfire protection</b></li> <li>• <b>Water reticulation</b></li> <li>• <i>Sewerage system</i></li> </ul> <ol style="list-style-type: none"> <li>2. <i>Minimum lot widths should be provided in accordance with the following table.</i></li> <li>3. <i>A minimum of 70% of allotments in a subdivision are to have favourable northern orientation as per the figure opposite.</i></li> <li>4. <i>Allotments orientated in a north-south direction can be longer and narrower than required to allow good solar access to yards and living areas.</i></li> <li>5. <i>Allotments orientated in east-west direction need to be wider than required to provide greater opportunity for solar access to yards and living areas.</i></li> <li>6. <i>Battle-axe allotments are not encouraged. However, where they are necessary the minimum access handle within is to be 5m and the maximum length to the land is to be 30m. Shared access handles may be a minimum of 5m in width.</i></li> <li>7. <i>Not applicable.</i></li> </ol>		