



Replacement dwelling  
113 Goldsborough Road, Moama

DECEMBER 2024

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# 1. Overview

## 1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of the landowner and is submitted to Murray River Council in support of a Development Application (DA) for a replacement dwelling and associated works at Lot 4 in DP252159 and addressed as 113 Goldsborough Road, Moama (the site).

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.

## 1.2 Background

The development, and subject of this application is proposed, by the current owner of the land that was created by the subdivision of Lot 2 in DP 572116 in August 1976 – refer to Title search and Deposited Plan provided attached at Appendix A. The existing dwelling was constructed by a previous owner at the time Mr John Eddy, between 1977-1978. As declared by John Eddys Statutory Declaration at Appendix B, the dwelling was constructed with the permission of Council at a setback of 50metres from the bank of the Murray River.

In June 2003, Murray Shire [Council] determined DA numbered 2015/03 by the granting of Development Consent for a 'Shed' on the subject land. The Development Consent was subject to a number of conditions including Condition 83 which provides that 'The conditional approval is for the shed to be used for storage purposes normally associated with a dwelling. No other use is permitted for the shed unless prior approval by Councils Planning Department is obtained.' Accompanying the Development Consent is the stamped approved plans, which includes the Site Plans that identify the 'existing dwelling' and is provided attached at Appendix C.

The dwelling, now in a dilapidated state and beyond structural repair is proposed for removal and replacement by the current owners of the site. The replacement dwelling is proposed in the same position as the current dwelling is located and along a similar alignment and setback to the dwellings located on the adjoining properties to the east and west.

Consultation with Council was undertaken with an Assessment for Dwelling Houses under Clause 4.2A of the LEP request made on 7 October 2022. Copies of the original and current Titles, Deposited Plans and a photograph of the existing dwelling were provided with the application. Council completed its 'assessment of relevant legislation' and advised by letter dated 5 May 2023 that 'currently a dwelling house is not permitted to be constructed on the site'. A copy of the application along with Councils advice is provided attached at Appendix D.

Habitat Planning were engaged to review the advice and undertake an independent assessment to determine the permissibility of a replacement dwelling. An extensive review of the site history and planning context has culminated in this application where it is confirmed that dwelling houses are permitted with consent under the LEP and zoning provisions, and that a replacement dwelling is permissible pursuant to the provisions Clause 4.2A (5)(a) of the LEP where *there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.*

Detailed plans, including a Demolition Plan and proposed replacement dwelling plans and BASIX Certificate have been prepared for GJ Garnder Homes and are provided attached at Appendix E.

### 1.3 Supporting plans and documentation

This application is accompanied by:

- Appendix A: Title Search and Deposited Plan
- Appendix B: Statutory Declaration
- Appendix C: Development Consent 2015/03 and Construction Certificate 03/115
- Appendix D: Application for dwelling houses under Clause 4.2A and Council correspondence
- Appendix E: Architectural Plans and BASIX Certificate #1773956S
- Appendix F: AHIMS Basic Search
- Appendix G: Biodiversity Values Map and Threshold tool assessment
- Appendix H: Waste Management Plan
- Appendix I: Bushfire Assessment Report
- Appendix J: DCP Assessment
- Estimated Development Cost

## 2. Site Analysis

### 1.1 Site location and context

The subject land to which this application relates is described as Lot 4 in DP252159 and is addressed as 113 Goldsborough Road, Moama.

The site is located 9kilometres northwest of the main commercial precinct of Moama and has direct frontage to Murray River. Goldsborough Road extends from Perricoota Road located 800metres to the north. It is a local sealed road which provides direct access to the site via a rural crossover.

The location of the site is shown at **Figure 1**.



**Figure 1: Site context map**

Land to the north, east and west comprise similar sized Lots created under the registration of DP252159 in 1976. That subdivision established ten (10) semi-rural lifestyle-sized development and now all contain at least one dwelling house multiple outbuildings on each allotment.

To the south and directly abutting the site is the high bank of the Murray River foreshore. The foreshore is lined with native trees and vegetation. The river abutting 95 Goldsborough Road contains a private mooring; pontoon and walkway structure.

### 1.2 Subject site

The site is formally known as known as Lot 4 in DP252159 and is addressed as 113 Goldsborough Road, Moama. The allotment was created by the subdivision of Lot 2 in DP 572116 in August 1976 for the purpose of a large lot rural lifestyle dwelling and is 10.43 hectares in size and is currently occupied by a single dwelling house and ancillary farm shedding.

The site and surrounds have been largely modified by previous construction activities and historical agricultural livestock grazing and cropping pursuits. The abutting Murray River embankment contains established native vegetation whilst the balance of the land comprises maintain exotic grasses and week cover grasses. The banks within the area are gently sloping with no signs of erosion within the confines of the site.

An aerial image of the site existing features is provided in Figure 2 below.



Figure 2: Aerial image of site

An overview of the sites planning attributes are provided in Table 1 below.

Table 1: Project summary

| Planning attribute           | Site specific  |
|------------------------------|--|
| Property description         | 113 Goldsbrough Road, Moama<br>Lot 4 in DP252159   |
| Land size                    | 10.43ha  |
| Zone                         | RU1 – Primary Production   |
| Minimum subdivision lot size | 120 hectares   |
| Natural hazards              | Flood Planning Area<br>Bushfire Prone Lane   |
| Relevant LEP clauses         | Clause 2.7 – Demolition<br>Land use Table – Zone RU1 – Primary Production<br>Clause 4.2A – Erection of dwelling houses on land in certain rural and conservation zones<br>Clause 5.10 – Heritage conservation<br>Clause 5.21 – Flood planning<br>Clause 7.1 – Essential services |

|                              |   |
|------------------------------|---|
|                              | Clause 7.3 – Biodiversity protection<br>Clause 7.4 – Development on river front areas |
| <b>Relevant DCP controls</b> | Chapter 2 Residential Development<br>Chapter 10 Watercourses & Riparian Land          |

When considering development, it is important to firstly establish the permissibility of that development. Development of the land is subject to the statutory matters of consideration contained on the *Environmental Planning and Assessment Act 1979* (the Act), and the *Murray Local Environmental Plan 2011* (the LEP) which establishes the permissibility. An overview of the relevant clauses of the LEP are discussed further at Part 5 below.

## 3. Description of Proposal

### 1.3 Overview

The application seeks approval for demolition of the existing dwelling and construction of a replacement dwelling.



**Figure 3: 3D render of proposed dwelling**

The development is further described in the following sections.

### 1.4 Demolition of existing dwelling

The proposal seeks approval to demolish the existing single detached dwelling as shown in the demolition plans at Figure 4 below. Demolition works include:

- Disconnection of all services
- Removal of existing dwelling
- Removal of all non-native vegetation and environmental weeds (not requiring approval) including Privet



**Figure 4: Existing conditons layout**

The demolition works will include the capping of the applicable services such as electrical utilities and wastewater treatment plant. Demolition works will also involve the removal of waste material that cannot be recycled or reused.

## 1.5 Replacement dwelling

The development comprises the construction of a single storey replacement dwelling and attached garage. The dwelling comprises of four (4) bedrooms, three (3) bathrooms, a study, three living areas, and an attached alfresco.

The dwelling is proposed to be sited upon the same footprint as the dwelling that is proposed for removal and therefore has a 50metre setback from the nearest high bank of the Murray River to the south, an 89metre setback to the eastern side boundary and a 53metre setback to the western side boundary. The dwelling will maintain a setback to Goldsbrough Road of greater than 490 metres.

The dwelling is single storey with a 2.55metre wall height with a conventional 22.5degree roof pitch with 450mm eaves. The dwelling will comprise a variety of cladding materials including face brick, Axon cladding, selected stone finishes and Colorbond metal roof cladding. Refer to elevation plans at Figures 5 – 8 below.

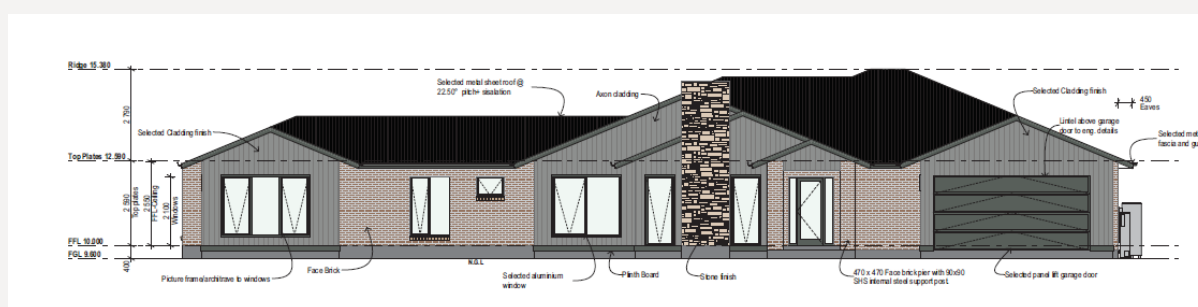


Figure 5: North elevation



Figure 6: Southern elevation

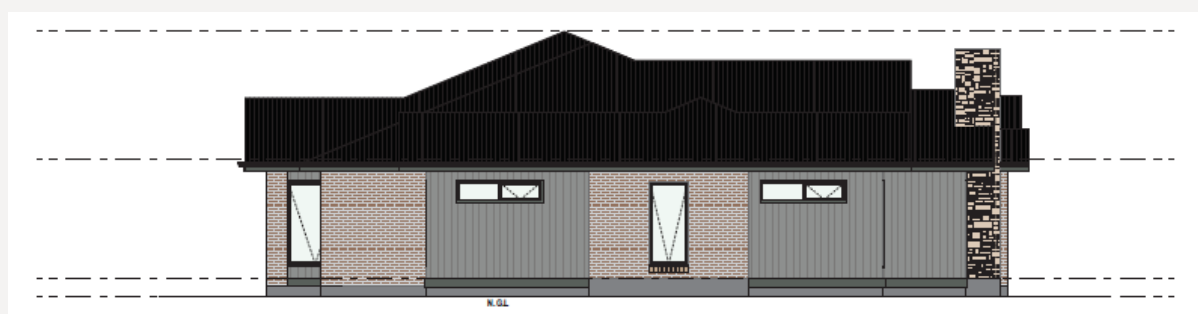


Figure 7: Eastern elevation



**Figure 8: Western elevation**

The dwellings plans are accompanied by a BASIX Certificate attached at Appendix E.

## 1.6 Infrastructure & servicing

The site is serviced by reticulated electricity. This supply will be disconnected from the existing dwelling and reconnected to the proposed dwelling.

The existing onsite wastewater management treatment system will be decommissioned and removed, and a new sustainable enviro septic system will be installed with treated wastewater drip irrigated on the site at greater than 110metres from the riverbank.

A reticulated water supply will be provided by a new 110,000litre water tank proposed to be located adjacent to the dwelling in the same location as the existing water tank.

Stormwater drainage will continue to be detained in the water tank with overflows to directed to controlled rural surface outflows within the adjacent paddocks.

The subject site is in an established rural residential setting and has frontage and access to the existing sealed local road network.

Although the proposal will comprise additional floor space, it will not increase the load on services from the site which would exceed the capacity of those proposed.

## 4. Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### 1.7 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* ("the EP&A Act") is the principal legislation governing the use and development of land in NSW. The objects of the Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The objects of the EP&A Act are intended to guide land planning and management. Section 4.15 (discussed below) of the Act lists matters for consideration when assessing and determining a development application.

### Section 4.15 – Evaluation

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 sections. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 6 of this SEE.

The proposal is not identified as “designated development”, pursuant to section 4.10 of the EP&A Act. or “integrated development”, pursuant to section 4.46 of the EP&A Act.

## 1.8 State Environmental Planning Policy

### State Environmental Planning Policy (Sustainable Buildings) 2022

‘Chapter 2 - Standards for residential development—BASIX’ and ‘Schedule 1 Standards for erection of BASIX buildings and change of use to BASIX buildings’ applies to this development.

The *Environmental Planning and Assessment Regulation 2021* provides that a BASIX development must be accompanied by a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and the other matters required by the BASIX certificate.

The proposal includes the submission of a compliant BASIX Certificate that was valid at the time the DA was submitted on the Planning Portal.

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

#### 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 land has historically been used for rural 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. Consideration of potential land contamination was undertaken as part of the DA due diligence and have determined that there is no evidence of potential contamination, and the property is not expected to be contaminated.

Consequently, the land is considered fit for use for its intended purposes and therefore the relevant considerations of this policy are satisfied by the current proposal.

## State Environmental Planning Policy (Biodiversity & Conservation) 2021

### Chapter 4 – Koala Habitat Protection

Chapter 4 of *State Environmental Planning Policy (Biodiversity & Conservation) 2021* sets out considerations relating to land koala habitat protection across the state. The intention of the SEPP is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The provisions of this SEPP apply as the Murray River LGA is listed under Schedule 2 of this SEPP. Similarly, the subject landforms part of the Far West and South-west Koala Management Area.

Accordingly, before a Council may grant consent to a DA to carry out development on the land, it must assess whether the development is likely to have any impact on koalas or koala habitat.

It is confirmed that the proposed works do not require the removal of any trees that are known to form the habitat for Koala's and the works are not expected to have a deleterious long-term impact on the long-term survival of the koala population.

### Chapter 5 – Murray River Lands

Chapter 5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to the subject development. The aims of the SEPP are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of the Chapter 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.*

Clause 5.8 & 5.9 requires Council 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 and are addressed in Table 2 below.

Note: the type of development proposed in this application is not included in the list of specific developments which requires additional notification and referral.

Table 2: Part 5.2 Planning principles

| Principles to be taken into account  | Consistency  |
|--|--|
| <b>General</b>   |  |
| <i>(a) the aims, objectives and planning principles of this plan.</i>  | Satisfaction against the general objectives can be determined by the assessment against the specific principles below.   |
| <i>(b) any relevant River Management Plan</i>  | There are no known river management plans endorsed by the Murray Darling Basin Authority (MDBA) relevant to the proposal.  |
| <i>(c) any likely effect of the proposed plan or development on adjacent and downstream local government areas.</i>  | <p>Polluted stormwater is the only potential consequence of the development that impact downstream waters. However, all stormwater from impervious surfaces is captured and directed to the rainwater storage tank. Overflows from these tanks are directed away from the River bed and banks and discharged via controlled outflows upon the adjacent paddocks.</p> <p>In the context of construction works, only minor earthworks are required and will be controlled via erosion and sediment control measures as detailed in the submitted plans.</p> <p>Being a primary residential land use, there are no contaminated land use activities and consequently there will be no impact on waterways or downstream local government areas.</p> |
| <i>(d) the cumulative impact of the proposed development on the River Murray.</i>  | The development is not expected to have a cumulative impact on the Murray River.   |
| <b>Access</b>  |  |
| <i>The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.</i> | The subject land does comprise the foreshore of the Murray River, however, the site is an established residential property in a rural zone. The development does not alienate or obstruct the Murray River and is not intended to limit access for private purposes.   |
| <i>Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.</i>    | Noted. The development will be setback from the banks of the Murray River and contained within the private property.   |

| Principles to be taken into account   | Consistency  |
|---|--|
| <i>Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.</i>  | Noted. As above.   |
| <b>Bank disturbance</b>   |  |
| <i>Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.</i>  | Noted. The development will not disturb or alter the shape of the riverfront, and the riparian vegetation of the riverfront.   |
| <b>Flooding</b>   |  |
| <p><i>Where land is subject to inundation by floodwater:</i></p> <p><i>the benefits to riverine ecosystems of periodic flooding,</i></p> <p><i>the hazard risks involved in developing that land,</i></p> <p><i>the redistributive effect of the proposed development on floodwater,</i></p> <p><i>the availability of other suitable land in the locality not liable to flooding,</i></p> <p><i>the availability of flood free access for essential facilities and services,</i></p> <p><i>the pollution threat represented by any development in the event of a flood,</i></p> <p><i>the cumulative effect of the proposed development on the behaviour of floodwater, and</i></p> <p><i>the cost of providing emergency services and replacing infrastructure in the event of a flood.</i></p> | <p>The Echuca Moama Flood Study Report has been prepared to better understand flood behaviour of the Murray, Campaspe and Goulburn River systems. The Study was adopted by Council in April 2023.</p> <p>The Study confirms that the majority of the site, indeed the location of the proposed dwelling and all land between the dwelling and Goldborough Road and the Perricoota Road connection is elevated above the 1% AEP and is not at risk of flooding up to at least the 100-year ARI flood event.</p> |
| <i>Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources</i>  | See above.   |
| <b>Land degradation</b>   |  |

| Principles to be taken into account  | Consistency  |
|--|--|
| <i>Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.</i>   | The works will be internal to the site boundaries of a generally flat site and provided with erosion and sediment control measures to ensure minimal to nil disturbances on surrounding lands and waterways.   |
| <b>Landscape</b>   |  |
| <i>Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.</i>  | Noted. All proposed development will be setback from the riverbank, and the environmentally zoned land adjoining the site to the west.   |
| <b>River related uses</b>  |  |
| <i>Only development which has a demonstrated, essential relationship with the River Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray</i>   | <p>Noted. The site has an established residential dwelling that is well setback from the River Murray high bank.</p> <p>It is further noted that the development is located to the opposing side of the existing dwelling further setback from the riverbank.</p>  |
| <i>Development which would intensify the use of riverside land should provide public access to the foreshore.</i>  | The proposal will not intensify the use of riverside land apart from the development of two ancillary structures for domestic recreational uses.   |
| <b>Settlement</b>  |  |
| <p><i>New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:</i></p> <p>(a) <i>on flood free land,</i></p> <p>(b) <i>close to existing services and facilities, and</i></p> <p>(c) <i>on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.</i></p> | <p>Not relevant.</p> <p>The development is not a new or expanding settlement.</p> <p>The development is not subject to flooding, is close to existing services and facilities, and is not land zoned for agricultural purposes.</p> <p>The development appropriately responds to the natural constraints of the site as demonstrated within this report.</p> |

| Principles to be taken into account   | Consistency  |
|---|--|
| <b>Water quality</b>  |  |
| <p><i>All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.</i></p>  | <p>The proposed land use will not cause 'salt and nutrients' to enter the river.</p> <p>Water management techniques, including sediment controls, landscape coverage and connections to legal point of discharge will ensure no pollutants enter the river system.</p> |
| <b>Wetlands</b>   |  |
| <p><i>Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.</i></p> <p><i>Land use and management decisions affecting wetlands should:</i></p> <p><i>(a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland,</i></p> <p><i>(b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects,</i></p> <p><i>(c) control human and animal access, and</i></p> <p><i>(d) conserve native plants and animals</i></p> | <p>Not applicable, the subject land does not contain a wetland.</p>  |

## 1.9 Murray Local Environmental Plan 2011

The *Murray Local Environmental Plan 2011* ("the LEP") is the principal planning instrument that guides development within the Murray River LGA. The below provides an overview of consistency and compliance of the proposal against the relevant LEP provisions.

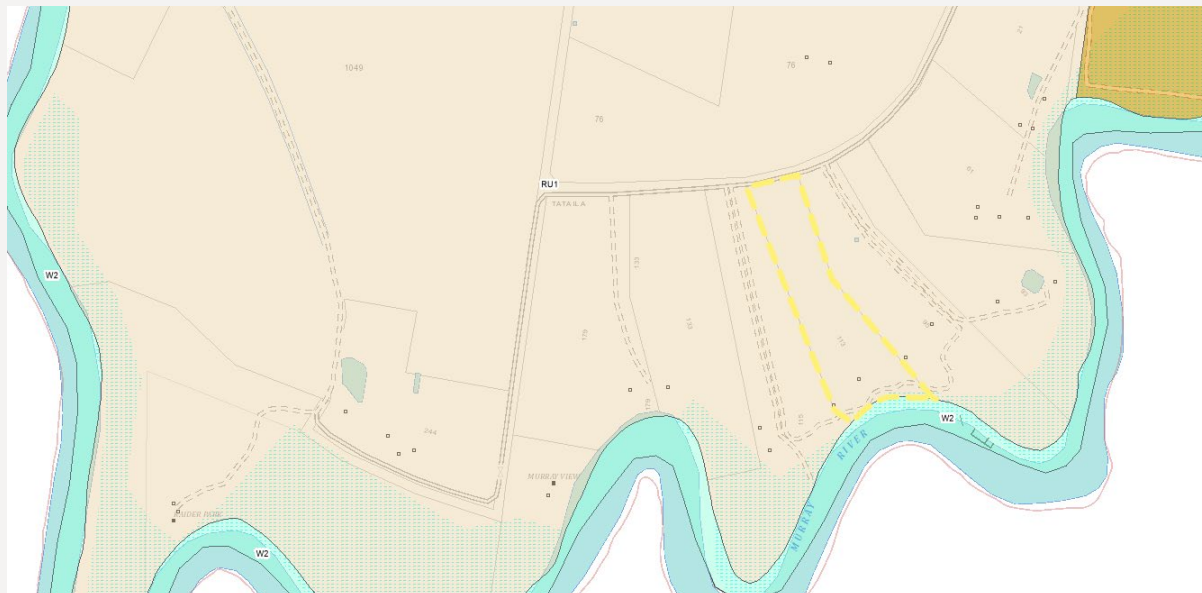
### Clause 2.7 Demolition requires development consent

Under Clause 2.7, the demolition of a building or work may be carried out only with development consent.

The application seeks development consent pursuant to this clause.

## Clause 2.3 Land use

As provided by the LEP zoning map excerpt at Figure 5 below, the subject site is zoned RU1 Primary Production by the LEP.



**Figure 9: Zoning map excerpt**

The site is part of an established low-density semi-rural residential setting, which is notably more reflective of a large lot residential area or small Lot primary production zone. Notwithstanding the proposal, in isolation is not contrary to the RU1 zone objectives where it does not contribute to the fragmentation and alienation of resource lands and does not create any conflict between land uses within this zone and land uses within adjoining zones.

## Clause 4.2A Erection of dwelling houses on land in certain rural and conservation zones

Clause 4.2A seeks to minimise unplanned rural residential development and enable the replacement of lawfully erected dwelling houses in rural and conservation zones and applies to land in the RU1 zone.

Given the proposed dwelling replaces the existing dwelling on the subject land and is surrounded by similar sized and scaled rural residential living we consider that the development is highly unlikely to contribute to unplanned residential development and is consistent with objectives of this clause.

The Lot was created by the registration of the Plan of Subdivision (DP252159) in 1976. The same plan created a total ten (10) lots, all of a similar size and with frontage to Goldsborough Road. All ten (10) of those Lots now contain dwelling houses. In the absence of the documentation that supported the subdivision application, it cannot be concluded that the subdivision was not intended for rural residential development, or that development of the Lots for the purpose of a rural dwelling is unplanned. To the contrary, the highly probable intent of the, now established lifestyle Lot sized subdivision was likely and specifically for semi-rural residential development. This is supported by the fact that Council have consented to dwelling houses on all Lots created by the 1976 subdivision and these Lots are all rated for residential (non-urban) land uses.

The current use of the land for rural residential living and small-scale sustainable agriculture will remain unchanged with the replacement dwelling, and on this basis, the replacement would not conflict with the objectives of the RU1 zone.

The development does not satisfy the criteria under subclause (3) and relies on the provision of subclause (5) where:

*Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—*

- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or*
- (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—*
  - (i) a minor realignment of its boundaries that did not create an additional lot, or*
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.*

The application seeks consent to erect a dwelling on the subject land where there is a lawfully erected dwelling house, and the proposed dwelling is intended only to replace the existing dwelling.

A search of historical files has been unable to recover a copy of the original Permit that permitted the erection of the original and existing dwelling. Similarly, Council have been unable to recover the documentation that permitted the erection of the dwelling.

Enclosed at Appendix B is the Statutory Declaration prepared and signed by the owner and builder of the dwelling. The Statutory Declaration confirms that Council approval to build the dwelling was obtained and inspected by Councils Building Inspector.

Despite the absence of the approval documentation, it cannot be concluded that the dwelling is not lawful.

It is concluded that Council may grant development consent pursuant to Clause 4.2A(5)(a) of the LEP.

## **Clause 5.10 Heritage conservation**

The subject land is not identified as a heritage item nor is it located within a heritage conservation area following a review of Schedule 5 and the Heritage Map of the LEP.

Matters regarding Aboriginal Cultural Heritage have also been investigated as part of an AHIMS desktop search of the site with a 200-metre buffer and a desktop due diligence assessment. No recorded Aboriginal sites or places were recorded.

## **Clause 5.21 Flood planning**

The objectives of this clause are:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

This clause requires the consent authority is satisfied [that] development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Under subclause (3) *in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion*

The southern boundary of the site is identified in the flood modelling as 1% AEP flood depth. The encumbrance extends past the bank of the riverbed however it is not clear from the mapping if the flooding encroaches the site. It is clear however that the flood hazard does not extend to the building footprint or accessway located greater than 50metres from the southern boundary at the River.

It is therefore concluded that the area of the site within the property in which the dwelling is proposed continues to remain free of the flood hazard. Further the land to the north to Goldsborough Road and Perricoota Road also remains free of the flood hazard.

The development is therefore considered to be compatible with the nearby flood hazard and will not be impacted by the 1in 100year flood event. Similarly, the development will not affect flood behaviour in any way or the safe occupation and efficient evacuation of people for the surrounding area in the event of a flood.

The development is consistent with the consideration under this clause and entirely appropriate in the context of the flood hazard affecting the site.

### **Clause 7.1 Essential services**

This clause requires that the development consent must not be granted unless the following services are available:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or non-site conservation,*
- *suitable road access.*

The site is serviced by reticulated electricity. This supply will be disconnected from the existing dwelling and reconnected to the proposed dwelling. A secondary source of power supply will be obtained from PV solar panels.

The existing onsite wastewater management treatment system will be decommissioned and removed, and a new sustainable enviro septic system will be installed with treated wastewater drip irrigated on the site at greater than 110metres from the riverbank.

A reticulated water supply will be provided by a new 110,000litre water storage tank proposed to be located adjacent to the dwelling in the same location as the existing water tank.

Stormwater drainage will continue to be detained in the water tank with overflows to directed to controlled rural surface outflows within the adjacent paddocks.

The subject site is in an established rural residential setting and has frontage and access to the existing sealed local road network.

### **Clause 7.2 Earthworks**

The development requires only minimal earthworks and disturbances which mainly relates to service provisioning and adjustment and construction. No earthworks proposed by this application does not require consent under this clause.

All earthworks are contained entirely within the site and will be undertaken by earthmoving specialists to ensure minimal disruption on any existing drainage and soil stability in the locality and the amenity of adjoining properties and the Murray River.

### Clause 7.3 Biodiversity protection

The objective of this clause is to maintain aquatic and terrestrial biodiversity by:

- (a) *protecting native fauna and flora,*
- (b) *protecting the ecological processes necessary for their continued existence,*
- (c) *encouraging the recovery of native fauna and flora and their habitats.*

The development proposes a replacement dwelling on pre-existing disturbed land. It will remove non-native, exotic vegetation, some of which are environmental weeds including Privet (*Ligustrum lucidum*) around the existing dwelling and will have no impact on terrestrial or aquatic biodiversity.

The development has been designed and sited to avoid any adverse impact upon aquatic and terrestrial biodiversity.

### Clause 7.4 Development on river front areas

This clause seeks to support natural riverine processes, protect and improve the bed and bank stability, maintain and improve the water quality, protect the amenity, scenic landscape values and cultural heritage and to protect public access to their riverine corridors, and conserve and protect the riverine corridors, including wildlife habitat.

The development satisfies the purpose of the clause where it seeks to construct the replacement dwelling in the same location as the dwelling to be removed and minimise the impact upon surrounding lands and riverfront areas. The dwelling will maintain scenic landscape values of the riverine environment and rural landscape, and conserve and protect the existing biodiversity values.

The site is part of an established low-density semi-rural residential setting, which is more reflective of a small Lot primary production zone, notwithstanding the application seeks to replace the existing dwelling satisfies the intent of the clause.

The dwelling will be sited in the same location previously approved by Council for a dwelling and upon land that is disturbed by its current use and development. Alternate siting within property would not be preferred due to the additional disturbances required through the construction process.

## 1.10 Murray Development Control Plan 2010

The *Murray Development Control Plan 2010* ("the DCP") provides specific guidelines for development within the Murray River Local Government Area, including the subject site. A full DCP assessment is included at Appendix J.

The Wakool 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 10 – Watercourses and Riparian Land

These matters are addressed in Tables 4 and 5 at Appendix J.

## 5. Assessment of 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 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

### 1.11 Context and setting

The development principally comprises the demolition of the existing single dwelling and construction of a new replacement single dwelling. The nature of the works will not result in adverse impacts to the character and context of the surrounding area, particularly given the established low density rural residential character and setting.

The environmental and landscape setting have also been considered in the design response. The subsequent design represents a compatible form of new residential development by retaining the dominant build form and siting with consistent setbacks and single level construction.

The dwelling is designed to be compatible with the landscape setting and Murray River environment with a sympathetic scale and material selection described above and in the submitted plan set. It includes sustainable design and build outcome and performance targets described by the submitted BASIX Certificate which will result in a compatible and efficient use of the land and takes advantage of the Murray River environs.

### 1.12 Access, traffic & parking

The proposed dwelling will not result in any change to the existing access arrangements or changes in traffic volumes or behaviour over what is already generated by the existing dwelling. Access to the site will continue to be achieved directly from Goldsborough Road via the existing formed rural access and driveway.

The dwelling will have adequate carparking with an attached double garage and suitable hardstand areas for visitors and overflow parking requirements generated by the use of the dwelling.

The proposal will not increase the number traffic movements or the intensity of site. Similarly, there will be no increase in the parking requirements.

### 1.13 Infrastructure

The site has an existing electrical service connection to the existing dwelling that will require disconnection, and a new connection established to the proposed new dwelling in accordance with the electrical authority's requirements. Reticulated water will be obtained from a 110,000litre static rainwater

supply with 20,000 litre dedicated firefighting supply. A new rainwater tank will replace the existing smaller rainwater in the same location and service the proposed dwelling and provide appropriate bushfire protection measures.

All wastewaters will be managed on site via a new sustainable, enviro septic system to be installed, replacing the existing septic system. The system will drip irrigate the treated wastewater and a distance greater than 110metres from the Murray River.

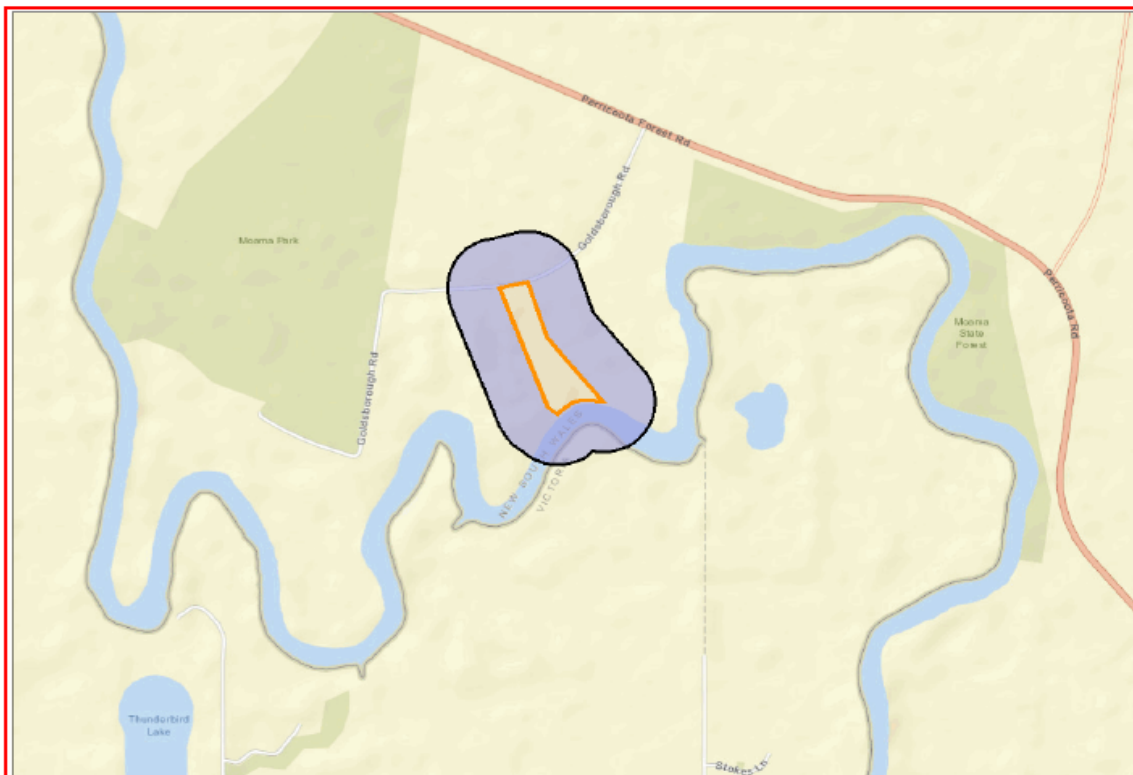
There are no works or development that will increase the demand for these resources or require any infrastructure upgrades.

#### 1.14 Cultural heritage

Matters regarding Aboriginal Cultural Heritage have been considered and assessed. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken to determine the presence of any recorded aboriginal heritage sites or objects within, or in proximity to the subject site. The search confirmed that there were no recorded Aboriginal sites or places within 200m of the site. The Basic Search is provided at Appendix F and has been reproduced at Figure 10 below.

**AHIMS Web Service search for the following area at Lot : 4, DP:DP252159, Section : - with a Buffer of 200 meters, conducted by Craig Mcpartland on 10 December 2024.**

**The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.**



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

|   |   |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location.          |
| 0 | Aboriginal places have been declared in or near the above location. * |

**Figure 10: AHIMS Basic search extract**

Further due diligence was undertaken as part of the development. The results found the site highly disturbed and it unlikely to contain any items of heritage significance. The site is highly disturbed due to the presence of the existing dwelling and ancillary buildings, fencing and driveways along with previous rural and residential activities having occurred.

The *National Parks and Wildlife Regulation 2009* defines disturbed land to mean land that has been the subject of a human activity that has changed the land's surface, resulting in changes that remain clear and observable. It includes the following examples of activities which may disturb land:

- clearing of vegetation
- construction of buildings and erection of other structures
- construction and installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)
- construction of earthworks associated with anything referred to above.

As confirmed by onsite and desktop inspections, the area of the land in which the dwelling is to be replaced is *highly* disturbed, namely through the original dwelling construction, establishment of the sheds, fencing, driveways and onsite wastewater treatment infrastructure and associated earthworks, service provisioning and vegetation removal. The area remains highly disturbed and observable through ongoing domestic land use activities and including low-scale agricultural pursuits and maintenance. Additionally, the proposed development is considered a low-impact development and as such, there is considered to be very little likelihood of detrimental impact upon any likely cultural heritage values in the area.

It is noted however that the site has higher potential sensitivity to cultural heritage due to its location adjacent to the Murray River and a desktop Aboriginal Cultural Heritage Due Diligence Assessment is appropriate.

The Due Diligence assessment has been prepared with regard to *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* ("the Guidelines") to determine the likelihood of any unrecorded items being present. Section 8 of the guidelines sets out the generic due diligence process, summarised in Table 2 below.

**Table 3: Due diligence assessment**

| Step   | Response  |
|--|---|
| <b>Step 1</b><br><b>Will the activity disturb the ground surface or any culturally modified trees?</b>                     | <p>The proposal will result in ground disturbances. All of these works occur in previously disturbed surface areas and do not occur within the waterway or any TPZ of any significant tree or vegetation.</p> <p>Disturbances will result from construction activities in defined areas for the dwelling. As noted, the works will only occur in previously disturbed areas of the building envelope and are not likely to uncover culturally significant subsurface items.</p> |
| <b>Step 2a</b><br><b>Search the AHIMS database and use any other sources of information of which you are already aware</b> | <p>Basic searches of the AHIMS database have been undertaken at the site. The search confirmed that there were no recorded Aboriginal sites or places within 200m of the site.</p>  |

|   |   |
|---|---|
| <b>Step 2b</b><br><i>Activities in areas where landscape features indicate the presence of Aboriginal objects</i> | The Guidelines advise works within 200m of waters may have a higher likelihood of containing Aboriginal objects, providing the land is not disturbed. In this case, the surrounding earth is highly modified and are not considered likely to contain Aboriginal objects.   |
| <b>Step 3</b><br><i>Can you avoid harm to the object or disturbance of the landscape feature?</i>                 | As above, the works will not directly impact virgin and undisturbed soils within or adjacent to a waterway. The surrounding land is identified as highly disturbed. Further disturbances will occur only in defined areas for the footings which are known to be highly disturbed areas of the site.<br><br>No significant or remnant landscape features such as trees will be disturbed. |
| <b>Step 4 – Desktop assessment and visual inspection</b>  | As above.   |
| <b>Step 5</b><br><i>Further investigations and impact assessment</i>  | Not required.   |

The due diligence assessment above concludes that the proposal is not likely to adversely affect any matters of Aboriginal Cultural Heritage. 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.

### 1.15 Soil & erosion

The proposed works will involve surface disturbances through both demolition work, site establishment and excavation work required as part of the construction and connection of services, as well as the construction of the proposed dwelling.

Notwithstanding potential erosion of exposed areas of the site is low risk, these activities will be appropriately secured and managed by the appointed contractors to avoid any significant impact on drainage and the nearby waterways. Erosion impacts will be mitigated by use of sediment control and stabilisation techniques, both before and after construction including sediment fencing as detailed in the submitted plan set at Appendix E.

To ensure all potential impacts are minimised, appropriate Soil and Water Management techniques will also be implemented during construction, in accordance with Council's guidelines.

The subject land has long been used for residential purposes and there have been no known activities or storage processes that are potentially contaminating. Consequently, there is a high degree of confidence that the land is not contaminated.

### 1.16 Biodiversity

The area of property proposed for the preplacement dwelling contains no significant native or remnant vegetation. The existing vegetation to be removed is limited to planted non-native vegetation and garden landscaping. It includes exotic plants, trees and shrubs surrounding the existing dwelling and does not comprise any indigenous or remnant species and has little to no significant value for habitat.

The abutting Murray River foreshore does contain remnant native vegetation and will not be disturbed by the proposal.

The area of the site, and subject of this application, does not contain any critical habitat, and the development will not result in the loss or extinction of any threatened species. An assessment using the Biodiversity Values Map and Threshold (BMAT) tool was undertaken and is provided at Appendix G. It confirmed that the site does not intersect with BV mapped land, the development footprint does not exceed the BV Map areas clearing threshold and that a Biodiversity Development Assessment Report (BDAR) is not required under the *Biodiversity Conservation Regulation 2017*.

All vegetation in the immediate vicinity of the development is planted and is less than 30 years old and does not contain any significant biodiversity values. The vegetation does not contain any hollows and does not provide an important biodiversity linkage and the development therefore is not expected to have any impacts upon biodiversity or habitat values in the area.

### 1.17 Waste

The proposal will generate waste during the demolition and construction phases of the development which may include excavated soil, construction waste off-cuts, and domestic and putrescible waste (including food waste, bottles, cans, and paper). The waste generation is expected to be typically of residential works, given the smaller size and construction processes proposed.

All waste generated during demolition and construction will be collected or stored in appropriate locations and either removed from the site for disposal or reused if appropriate. Any waste which cannot be reused shall be removed from the site and disposed of at a facility that can lawfully accept the waste.

Once established, waste output of the property is expected to be predominantly general domestic waste. All waste which is generated by the use will be collected and stored in bins and removed from site via the regular kerbside waste service operating in the Moama area.

A Waste Management Plan has been prepared and is provided attached at Appendix H.

### 1.18 Noise

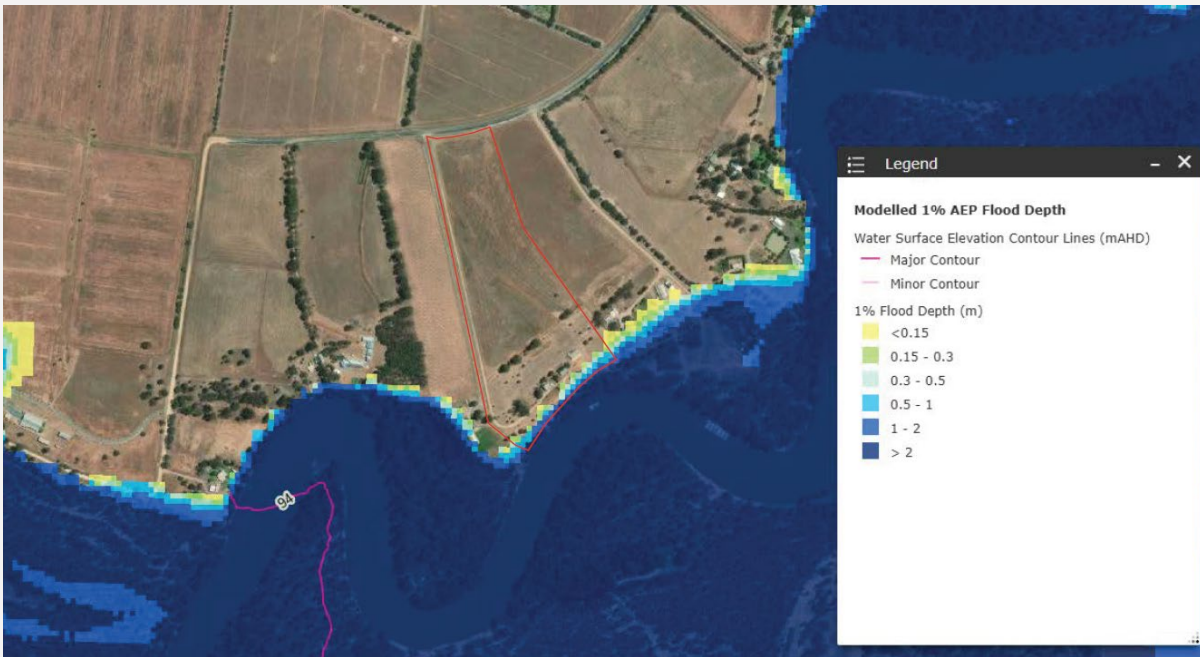
Construction works will include a period of noise generation including during demolition and site establishment. Works will occur over a short period of time, and will be limited to appropriate hours of operation, as determined by Council, and expressed through conditions of consent.

Noise impacts will be of a minor nature and include predominantly power tools and manual construction, with very limited machinery and vehicle noise expected.

### 1.19 Natural hazards

The subject site contains a small amount of flood affectation. The portion of the land to the south is identified in the Echuca Moama Flood Study as being partly encumbered by the flood hazard of the Murray River and is considered a flood planning area.

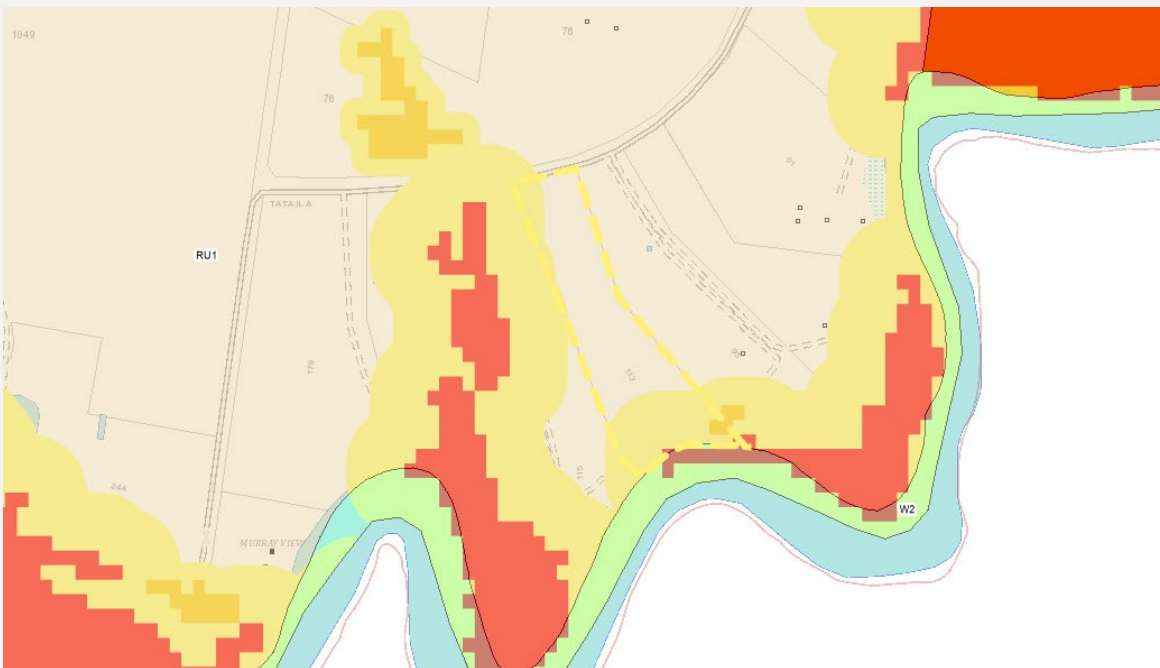
The southern boundary of the site is identified in the flood modelling as 1% AEP flood depth. The encumbrance extends past the bank of the riverbed however does not extend to the building footprint or accessway located greater than 50 metres from the southern boundary at the River - refer to Figure 11 below.



**Figure 11: Echuca Moama Torrumbarry Flood Study Mapping**

It is concluded that the area of the site within the property in which the dwelling is proposed continues to remain free of the flood hazard. Further the land to the north to Goldsborough Road and Perricoota Road also remains free of the flood hazard.

The site is identified as bushfire prone land by the NSW Rural Fire Services bushfire prone land check and the NSW Planning Portal – refer to bushfire overlay at Figure 12 below.



**Figure 12: Bushfire Prone Land Map**

A single dwelling application bushfire assessment report has been prepared and is provide attached at Appendix I.

The bushfire assessment report confirms that the development can achieve compliance Planning for Bushfire Protection 2019 by providing the following bushfire protection measures:

22225 Replacement dwelling

- Minimum 40m APZ in all directions is achievable
- Dedicated static water supply minimum 20,000litres can be provided
- Unobstructed access and emergency egress is existing and will be maintained
- BAL 12.5 construction level to comply with AS3959-2018 is achievable.

## 1.20 Social & economic impacts

The development will have an overall positive social impact as it will increase the variety of residential lifestyle development types on the western fringe of Moama which is consistent with the established and desired character of the area. It comprises an attractive and compatible built form and will have a high-quality appearance and is not expected to create any adverse off-site impacts in terms of odour, noise, stormwater drainage, light spill or traffic.

The dwelling will improve the amenity for its occupants, and its presentation to the streetscape and surrounding area providing positive social outcomes. The economic benefits of the proposal are also positive through local construction activity and opportunities for local businesses and trades.

The development represents continued investment in high-quality residential development, and it is expected that the proposal will generate positive economic flow on effects, including to local trades and services and indirect impacts of additional spending in the area.

## 1.21 Suitability of the site for development

The subject land is located in the Moama area and seeks approval for high quality residential additions and alterations, which is consistent with the existing development on-site and the zoning of the land and surrounding approved residential development. The development is mostly consistent with the applicable provisions of the LEP and DCP and demonstrates a compatible and sympathetic development outcome. The subject land is therefore considered to be suitable for the proposed development and is in the public interest.

## 1.22 The public interest

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. The development of land in an orderly and economic way is in the public interest.

## 6. Conclusion

The DA seeks development consent for demolition of the existing single dwelling and construction of a new replacement single dwelling at 113 Goldsborough Road, Moama (Lot 4 in DP252159).

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 the Murray River Development Control Plan
- it is development that is design to be responsive to its context and setting, being an established rural residential area
- it proposes a high-quality and sustainably designed residential development that is compatible with the nearby environmental setting
- it will positively contribute to housing diversity in an area and will be well serviced
- it will provide a high standard of amenity and not adversely affect that of adjoining properties
- it will provide for visual improvements when viewed from the public domain with a compatible siting, setbacks and proportionate build form
- it will not create any adverse environmental or social impacts
- it represents housing diversity and a positive contribution to lifestyle living in the area
- it will be serviced with all the relevant infrastructure and will have no detrimental impact upon the function of existing services or essential infrastructure; and
- it will not create any adverse environmental, economic or social impacts.

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 Search and Deposited Plan

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## Appendix B: Statutory Declaration

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## Appendix C: Development Consent 2015/03

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## Appendix D: Application and assessment for dwelling houses under Clause 4.2A

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## Appendix E: Architectural Plans and BASIX Certificate

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## Appendix F: AHIMS Basic Search

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## Appendix G: Biodiversity Values Map and Threshold tool assessment

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## Appendix H: Waste Management Plan

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## Appendix I: Bushfire Assessment Report

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## Appendix J: DCP Assessment

Table 4: DCP Assessment – Chapter 2 Residential Development

| DCP Control   | Compliance      | Comment   |
|---|-----------------|---|
| <b>2.1 Neighbourhood character</b>  |                 |   |
| <b>General</b><br><br><i>The design of residential development is to suit the existing scale, density, setbacks and character of the neighbourhood.</i> | <b>Complies</b> | <p>The design of the dwelling is entirely consistent and compatible with the established semi-rural character. The dwelling will replace the existing dwelling in the same location, which, relative to the surrounding dwelling is proposed with similar setback to Goldsbrough Road, side boundaries and the building line to the Murray River. It is note that this is also compliant with the required setback of the existing dwelling.</p> <p>The single storey design is sympathetic to the landscape scale and view and vistas when viewed from the public domain and the Murray River. It proposes neutral material, colour and articulation that will stand the test of time.</p> |
| <b>2.2 Streetscape</b>  |                 |   |
| <b>General</b><br><br><i>Dwellings are to 'face' the primary street frontage.</i>   | <b>Complies</b> | <p>The dwelling is sited to the rear of the Lot, however does face the primary street frontage.</p> <p>No new fencing is proposed.</p>  |

| DCP Control  | Compliance      | Comment  |
|--|-----------------|--|
| <p><i>The rear or service areas of a dwelling (bathrooms, laundry, etc.) shall not face the primary street frontage.</i></p> <p><i>Fences to street frontages are to be designed to complement the character of the area. Fences should be low (less than 1.2 metres in height) or if taller, provided with openings. Solid fences taller than 1.2 metres will fail the objective for streetscape and therefore are unlikely to be supported (see Figure 2.2).</i></p> <p><i>Bulk and scale should be kept in a compatible size with the existing or likely development in the residential precinct. Varying the pitch of the roof and angles of eaves and inserting parapet features is encouraged.</i></p> <p><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><i>Retain existing trees in the streetscape.</i></p> <p><i>Retain and enhance heritage items where they make a positive contribution to the streetscape.</i></p> <p><i>Garages are to be designed to minimise the visual dominance on the streetscape of garage doors.</i></p> |                 | <p>Only high-quality materials and finishes are proposed as evidenced in the submitted plans.</p> <p>No significant trees or vegetation is proposed for removal.</p> <p>The proposed attached double garage does not dominate the streetscape or the semi-rural character.</p> |
| <b>2.3 Landscaping</b>   |                 |  |
| <b>General</b>   | <b>Complies</b> | Complies.  |

| DCP Control   | Compliance      | Comment   |
|---|-----------------|-----------|
| <p><i>At least 15% of the entire lot area is to remain penetrable to water.</i></p> <p><i>Existing mature trees should be incorporated in the development where possible.</i></p> <p><i>Where ever possible native plant species are to be utilised in landscaping with preference given to drought tolerant species.</i></p> <p><i>Deciduous species of trees to be used in open space located on the northern side of living areas.</i></p>   |                 |           |
| <b>2.4 Private open space</b>   |                 |           |
| <p><b>General</b></p> <p><i>Private open space (i.e. space that is not visible at ground level from a public place</i></p> <p><i>or adjoining property) is to be provided at the rate of 30m<sup>2</sup> per dwelling with a minimum width of 3 metres.</i></p> <p><i>The principal private open space area must receive a minimum of three hours direct sunlight between 9am and 3pm at the Winter Solstice.</i></p> <p><i>The principal private open space is to be in close proximity to the main living area of the dwelling.</i></p> | <b>Complies</b> | Complies. |

| DCP Control   | Compliance      | Comment  |
|---|-----------------|--|
| <b>2.5 Building setbacks</b>  |                 |  |
| <p><b>General</b></p> <p><i>An articulation zone is permitted in front of the building line to the primary road for a distance of 1 metre from the foremost edge of the building line and for 25 per cent of the overall building width. The articulation zone allows for building elements, such as porticos, awnings and the like where necessary or which enhance the quality of the building and/or contribute to the visual quality of the streetscape.</i></p> <p><i>In these controls, setbacks are measured to the building line which means the line of an existing or proposed external wall (other than a wall or roof of any building element within an articulation zone) of a dwelling house, closest to a boundary of a lot.</i></p> | <b>Complies</b> | <p>The development exceeds 10metre setback from all boundaries.</p> <p>Consistent setbacks with surrounding properties are provided to Goldborough Road. Similarly, consistent setbacks to the Murray River frontage, as with adjoining dwellings are also applied.</p> <p>Attached garages do not extend in front of the main building line.</p> <p>No new outbuilding is proposed.</p> |
| <b>2.6 Car parking &amp; access</b>   |                 |  |
| <p><b>General</b></p> <p><i>On-site parking at the following rates:</i></p> <ul style="list-style-type: none"> <li>- <i>One bedroom dwelling: 1 space</i></li> <li>- <i>Two or more bedroom dwelling: 2 spaces</i></li> </ul>   | <b>Complies</b> | <p>The dwelling proposes two carparks in the attached two car garage.</p> <p>Adequate area surrounds the dwelling for visitor parking and any overflow.</p> <p>The proposed carparking satisfies all minimum design requirements.</p>  |

| DCP Control   | Compliance | Comment |
|---|------------|---------|
| <p><i>The parking spaces to be located in a safe and convenient location for residents and visitors.</i></p> <p><i>Stacked parking is permissible for one parking space.</i></p> <p><i>Parking, with the exception of stacked parking, is not to be provided within the front building setback.</i></p> <p><i>Driveways must be a minimum of 3 metres wide.</i></p> <p><i>The driveway should be made from attractive and hard wearing surfaces such as pavers, concrete and the like.</i></p> <p><i>All driveways, exposed car parks and manoeuvring areas are to be constructed to provide stormwater drainage.</i></p> <p><i>Minimum dimensions for a single car garage to be 3 metres wide by 6 metres deep.</i></p> <p><i>Minimum dimensions for a double car garage is to be 5.5 metres wide by 6 metres deep.</i></p> <p><i>Access and parking on battle-axe allotments must be designed so that vehicles enter and exit part in a forward direction. Higher density</i></p> |            |         |
| <b>2.7 Site facilities</b>  |            |         |

| DCP Control  | Compliance             | Comment  |
|--|------------------------|--|
| <p><b>General</b></p> <p><i>External storage areas for each unit are to be located within the private open space.</i></p> <p><i>Clothes drying facilities are to be provided within the private open space of each dwelling.</i></p> <p><i>The mail box design and location should be complementary to the front setback landscaping and the dwelling design.</i></p> <p><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></p> | <p><b>Complies</b></p> | <p>Site facilities to be contained within the building footprint. Clothes drying facilities will be provided within the rear private open space area.</p> <p>Mailbox to be located at the Goldsborough frontage.</p> <p>Garbage bins will be stored within the dwelling site area away from public view.</p> <p>Rubbish collection to occur via ordinary Council waste collection service.</p> |
| <b>2.8 Security</b>  |                        |  |
| <p><b>General</b></p> <p><i>The site layout enhances personal safety and minimises the potential for fear, crime and vandalism.</i></p> <p><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></p>  | <p><b>Complies</b></p> | <p>Complies.</p>   |

| DCP Control  | Compliance      | Comment   |
|--|-----------------|---|
| <i>Adequate lighting must be provided for all paths, access ways, parking areas and building entries.</i>  |                 |   |
| <b>2.9 Privacy</b>   |                 |   |
| <p><b>General</b></p> <p><i>Window and deck height-privacy controls</i></p> <p><i>A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 600mm above ground level (existing).</i></p> <p><i>For two storey buildings, upper floor walls should be set back from the sides to reduce the amount of overshadowing on adjoining lots.</i></p> <p><i>Noise transmission between attached dwellings is to comply with the Building Code of Australia.</i></p> <p><i>External lighting (including tennis courts and out door living areas) shall be baffled so there is minimal light spillage onto adjoining properties.</i></p> | <b>Complies</b> | Complies as required.   |
| <b>2.10 Energy efficiency</b>  |                 |   |
| <b>General</b>   | Complies        | The dwelling is designed to achieve and satisfy passive solar design principles. Internal living areas of units shall be placed to maximise |

| DCP Control   | Compliance | Comment  |
|---|------------|--|
| <p><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></p> <p><i>Living areas and private open space should be located on the north side of development where practicable.</i></p> <p><i>Developments should be designed so that solar access to north facing windows is maximised.</i></p> <p><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 control can be achieved.</i></p> |            | <p>sun exposure. Private open space areas will achieve the required direct sunlight. There is no existing adjoining residence that would be overshadowed and there are no overlooking impacts.</p> <p>Typical energy efficiency measures as denoted on typical building plans apply and is subject to the requirements of the submitted BASIX Certificate.</p> |
| <b>2.11 Outbuildings</b>  |            |  |
| <b>N/A</b>  | <b>N/A</b> | No additional outbuildings are proposed.   |
| <b>2.12 Rich River Golf Club</b>  |            |  |
| <b>N/A</b>  | <b>N/A</b> | Not applicable to the proposed development.  |

Table 5: DCP Assessment – Chapter 10 Watercourses &amp; Riparian Land

| DCP Control  | Compliance      | Comment   |
|--|-----------------|---|
| <b>10.1 Visual amenity</b>   |                 |   |
| <p><i>All structures and buildings are to be designed to minimise the visual impact on the natural environment.</i></p> <p><i>Buildings and structures are to utilise building materials and colours that blend with the natural environment. Bright or reflective colours (unless necessary for safety reasons) and materials will not be supported by Council.</i></p> <p><i>Landscaping of native riparian vegetation is to be used to soften visual amenity impacts but not used as a substitute for appropriate siting of buildings and structures in the river environment</i></p> | <b>Complies</b> | <p>The design of the dwelling is entirely consistent and compatible with the established semi-rural character. The dwelling will replace the existing dwelling in the same location, which, relative to the surrounding dwelling is proposed with similar setback to Goldsborough Road, side boundaries and the building line to the Murray River. It is noted that this is also compliant with the required setback of the existing dwelling.</p> <p>The single storey design is sympathetic to the landscape scale and view and vistas when viewed from the public domain and the Murray River. It proposes neutral material, colour and articulation that will stand the test of time.</p> |
| <b>10.2 Boat ramps</b>   |                 |   |
| <b>N/A</b>   | <b>N/A</b>      | Not applicable - no boat ramps are proposed.  |
| <b>10.3 Pontoons &amp; walkways</b>  |                 |   |
| <b>N/A</b>   | <b>N/A</b>      | Not applicable – no pontoons or associated walkways are proposed.   |

| DCP Control                               | Compliance | Comment   |
|---|------------|---|
| <b>10.4 Retaining walls</b>               |            |   |
| N/A                                       | N/A        | Not applicable – no retaining walls are proposed  |
| <b>10.5 Stairs</b>                        |            |   |
| N/A                                       | N/A        | Not applicable – no stairs are proposed   |
| <b>10.6 Moorings</b>                      |            |   |
| N/A                                       | N/A        | Not applicable – no moorings are proposed   |
| <b>10.7 Liability &amp; public safety</b> |            |   |
| N/A                                       | N/A        | Not applicable – no boat ramps, pontoons, walkways or the like exist or are proposed that would compromise public safety. |
| <b>10.8 Landscaping</b>                   |            |   |

| DCP Control  | Compliance             | Comment  |
|--|------------------------|--|
| <p><i>All development applications are to include a landscaping plan.</i></p> <p><i>Landscaping must utilise indigenous species of riparian vegetation.</i></p> <p><i>Where land is degraded, landscaping shall include measures to rehabilitate these areas.</i></p> <p><i>Landscaping must be designed to screen or at least soften the appearance of buildings and structures</i></p> | <b>Noted to comply</b> | <p>All landscaping is existing and no new landscaping is proposed as part of the development.</p> <p>Notwithstanding the owner's endeavour to construct a landscape setting upon completion of the dwelling using a variety of indigenous low water use species.</p> |
| <b>10.9 Unauthorised structures</b>  |                        |  |
| <b>N/A</b>   | <b>N/A</b>             | Not applicable - there are no known unauthorised structures on the site.   |