



DEVELOPMENT APPLICATION & STATEMENT OF ENVIRONMENTAL EFFECTS

Submission to Richmond Valley Council

To undertake the construction of a detached dual occupancy and 2 x in-ground swimming pools

Lot 8 DP 1290626
No. 22 George Street, Broadwater

for:

Taylah and Oscar Linton-France and Kye Watson

April 2024



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Job Captain:	Scott Roberts				
Author:	Paul Snellgrove				
Client:	Taylah & Oscar Linton-France and Kye Watson				
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Table of Contents

1.	INTRODUCTION	3
1.1	Background	3
1.2	Structure and Scope of Report	3
1.3	Overview of Statutory Framework	4
1.4	DA History	4
2.	THE SITE AND ITS CONTEXT	6
2.1	Existing Situation	6
2.2	Constraints.....	6
2.2.1	Flooding	7
2.2.2	Acid Sulfate Soils.....	7
2.3	Adjoining and Surrounding Land Uses.....	8
3.	DESCRIPTION OF PROPOSAL.....	9
3.1	Proposed Development	9
3.2	Site Access/Local Road Network	10
3.3	Site Services	10
4.	STATEMENT OF ENVIRONMENTAL EFFECTS	11
4.1	Flooding	13
4.2	Traffic and Parking	13
4.3	Social and Economic Considerations	14
5.	STATUTORY AND POLICY PLANNING	15
5.1	Environmental Planning Instruments (EPIs)	15
5.1.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	17
5.1.2	State Environmental Planning Policy (Resilience and Hazards) 2021	18
5.2	Richmond Valley Development Control Plan 2021.....	19
5.2.1	Part A – Residential Development.....	19
5.2.2	Part H – Natural Resources and Hazards.....	28
6.	CONCLUSION	29
7.	SCOPE OF ENGAGEMENT.....	30
8.	APPENDICES.....	31

1. Introduction

This section introduces the proposal and provides a general overview of the project.

1.1 Background

Ardill Payne & Partners (APP) has been engaged by Taylah and Oscar Linton-France and Kye Watson to provide town planning services in the preparation and lodgment of a development application and statement of environmental effects with Richmond Valley Council.

Development consent is sought to undertake the construction of a detached dual occupancy (2 x double storey dwellings) and 2 x in-ground swimming pools upon a vacant recently created residential lot that is described as Lot 8 DP 1290626, No. 22 George Street, Broadwater.

1.2 Structure and Scope of Report

Section 2	Describes the subject land and its local environmental context.
Section 3	Describes the development proposal in detail.
Section 4	Reviews the key environmental interactions and proposed management measures.
Section 5	Reviews the statutory and planning policy provisions applying to the proposal.
Section 6	Provides a summary and conclusions.

A number of appendices form part of this report being:

Appendix A	Locality plan
Appendix B	Copy of deposited plan
Appendix C	Plans of proposed development
Appendix D	BASIX certificates

Appendix E Acid sulfate soils management plan

Appendix F DCP variation – swimming pool in building line

1.3 Overview of Statutory Framework

Richmond Valley Council is the consent authority for the development application pursuant to Clause 4.5 of the *EP & A Act 1979*.

The subject land is situated within 40m of waterfront land (being a “blue line” on the topographic map). Notwithstanding such, the proposed development does not comprise integrated development for the purposes of Clause 4.46 of the *EP & A Act 1979* and a Controlled Activity Approval is not required under the *Water Management Act 2000* due to the fact that the proposed development is subject to the following exemption under the *Water Management Regulation 2018*, which applies to the proposed development:

- to any person
- to any kind of controlled activity carried out in connection with development for a dwelling house or dual occupancy building
- if the activity is:
 - exempt development
 - subject to a development consent
 - subject to a complying development certificate
- if the activity is not carried out on or in the:
 - bed or bank of any river
 - bed or shore of any lake
 - bed, or land lying between the bed and the mean high-water mark, of any estuary

1.4 DA History

The subject lot was created under the terms and conditions of DA 2019/0166 (being a re-subdivision of Lot 36 DP 1284568) and was registered on the 12th July 2023.

A search of Council’s online Application Search did not identify any application history in respect of the subject lot.

2. The Site and its Context

This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.

2.1 Existing Situation

The subject land is described in real property terms as Lot 8 DP 1290626 and is commonly known as No. 22 George Street, Broadwater, with a locality plan being provided at **Appendix A** and a deposited plan being provided at **Appendix B**.

As shown on the deposited plan, the subject land:

- is generally rectangular in shape with the following dimensions and area:
 - 32.595m northern boundary (to Paddon Street)
 - 5.675m north-eastern boundary (splay to intersection of Paddon Street and George Street)
 - 14.85m eastern boundary (to George Street)
 - 36.595m southern boundary (to Lot 9 DP 1290626)
 - 18.85m western boundary (to Lot 46 DP 1284568)
 - **681.8m² site area**

The subject land:

- is vacant, cleared and devoid of any significant vegetation
- is situated on the Richmond River coastal floodplain
- was subject to filling under the terms and conditions of DA 2019/0166
- is effectively flat having levels in the order of 2.05 – 2.55m AHD

2.2 Constraints

Planning investigations in respect of the subject land (including interrogation of the ePlanning Spatial Viewer and Council's Intramaps) have confirmed that it is **not**:

- mapped as containing biodiversity values on the Biodiversity Values Map and Threshold Tool
- mapped as containing wetlands (CL1), key fish habitat or terrestrial biodiversity (BIO)
- mapped as being bushfire prone
- mapped as being in a drinking water catchment
- mapped as containing or being within proximity to littoral rainforests or coastal wetlands
- identified as being or containing an item of environmental heritage as listed in Schedule 5 of the Richmond Valley LEP 2012
- identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument
- likely to be contaminated as a consequence of current and prior land uses

2.2.1 Flooding

The subject land is mapped as being subject flooding. As advised by Brian Eggins (via email dated 14th November 2023), the flood controls for the subject land are:

- 1% Annual Exceedance Probability design flood level (2023 study) (1 in 100yr) is RL 4.7m AHD + 0.5m freeboard
- Flood Planning Level (minimum habitable floor level) = RL 5.2m AHD
- no habitable rooms are permitted below the FPL

2.2.2 Acid Sulfate Soils

The subject land is mapped as containing Class 2 acid sulfate soils, with consent being required for:

- works below the natural ground surface
- works by which the watertable is likely to be lowered

As a consequence of such, an ASSMP has been prepared and is provided at **Appendix E**.

2.3 Adjoining and Surrounding Land Uses

The subject land is situated in the Village of Broadwater within a new residential subdivision (approved under the terms and conditions of DA 2019/0166) that contains vacant and a number of developing lots (dwellings under construction).

3. Description of Proposal

This section describes the proposed development and identifies any environmental and development objectives that will be adopted in conjunction with the project.

3.1 Proposed Development

The proposed development involves the construction a detached storey dual occupancy and 2 x in-ground swimming pool details of which are as follows:

- Dwelling A:
 - double storey, ground floor masonry and first floor light-weight cladding walls with a metal roof
 - ground floor – double garage, WC/shower, entry and covered BBQ area
 - first floor – Bed 1 (with en-suite and WIR), Beds 2 & 3, kitchen/living/study laundry, bathroom, balcony off living/kitchen
 - swimming pool – 2.5m (wide) x 4.5m (long) – 12kL capacity
 - gross floor area – 150m²
 - future Strata lot area – 379m²
 - garden and lawn area – 135m²
 - new driveway to George Street to service double garage – stack parking available in driveway in front of garage
- Dwelling B:
 - double storey, ground floor masonry and first floor light-weight cladding walls with a metal roof
 - ground floor – double garage, WC/shower, workshop, entry, covered BBQ area
 - first floor – Bed 1 (with en-suite and WIR), Beds 2 & 3, kitchen/living/study (incl “cupboard” laundry, bathroom, balcony off living/kitchen
 - swimming pool – 2.5m (W) x 4.5m (L) – 12kL capacity
 - gross floor area – 133m²
 - future Strata lot area – 302m²
 - garden and lawn area – 110m²
 - new driveway to Paddon Street to service double garage – stack parking available in driveway in front of garage
- Development statistics:

- site area – 681.8m²
- total gross floor area – 283m²
- floor space ratio – 0.42:1 (41.5%)
- total landscaped open space (excluding swimming pools and pool decks) – 245m² (35.9% of site area)

Plans of the proposed development are provided at **Appendix C** with BASIX certificates being provided at **Appendix D**.

3.2 Site Access/Local Road Network

The subject land is a corner lot that has frontage to both George Street and Paddon Street which are constructed urban residential roads with a bitumen seal and flush kerb for the full property frontages.

Dwelling A has a driveway and kerb crossing to George Street and Dwelling B has driveway and kerb crossing to Paddon Street.

The local road network has sufficient capacity to accommodate the movements that will be generated by 2 x 3-bedroom dwellings.

3.3 Site Services

The subject lot is a fully serviced residential lot that is connected to all required public infrastructure services, with the new dwellings to be duly connected to and serviced by such.

4. Statement of Environmental Effects

Section 4.15 of the EP & A Act 1979 requires the consideration of likely impacts of the development on the natural and man-made environment of the locality. This report contains information and assessment of the various aspects of the proposal and its locality, as well as measures that will be implemented to minimise any impacts on the environment.

Potential Environmental Impacts	Impact of Project and Ameliorative Measures (where applicable)
Flora	
- Loss of vegetation – native or exotic	The subject land is a recently constructed vacant urban residential lot that is cleared and devoid of any significant vegetation.
Fauna	
- Effect on native species of fauna	The subject land is a recently constructed vacant urban residential lot that is cleared and devoid of any significant vegetation. The proposal will not have any significant adverse impacts upon any native fauna species.
- Habitat loss	The subject land is a recently constructed vacant urban residential lot that is cleared and devoid of any significant vegetation. The proposal does not involve the removal or loss of any particular habitat.
Soils	
- Sediment & erosion control	Appropriate erosion and sediment controls will be installed and maintained during site/construction works and will be the responsibility of the principal building contractor.
- Contamination of site soils	The subject land is a recently created vacant residential lot that has not been used for and does not adjoin any land that has been used for a purpose that would have contaminated the site soils. Contamination was duly considered during the assessment and grant of consent to DA 2019/0166.
- Acid sulfate	As detailed above, the subject land is mapped as containing Class 2 ASS, with an ASSMP having been prepared and provided at Appendix E .
Hazards	
- Slip	The subject land is a flat and is not identified as being subject to slip.
- Subsidence	The subject land is not affected by subsidence.
- Coastal processes	The subject and is not identified as being subject to any damaging coastal processes.
- Bushfire	The subject land is not mapped as being bushfire prone.
- Flooding	The subject land is identified as being subject to the 1 in 100-year flood event, with comments on such being provided below in Section 4.1 .
Water	

- Water Quality	The proposal will result in an increase in impervious areas/surfaces on the subject land (area of approx. 436m ²). A 5000 litre rainwater tank is required for each dwelling to satisfy BASIX with large areas of lawn/gardens being maintained around each dwelling. It is also possible to use roof-water to top-up the swimming pools. An integrated stormwater system exists in the kerb-side drainage system in front of the lot.
Visual Considerations	
- Visually prominent land	Notwithstanding that the subject land has dual road frontages, it is not considered to be highly visible in the local landscape or streetscape.
- Impact on scenic qualities	The bulk, scale, height, footprint etc of the proposed buildings will not have any adverse impacts on the local streetscape or scenic qualities of the locality. The construction of a double storey detached dual occupancy in an approved residential subdivision is consistent with the purpose for which the lot was created and with surrounding developments.
Adjoining Land Uses	
- Solar access, privacy	The proposed dwellings will not have any significant adverse impacts on solar access or privacy of any adjoining residential lots/residences or properties due to the compliant building lines and setbacks. It should be noted that at the time of preparing this SEE, the adjoining lots were vacant.
- Dust, fumes etc. during construction	Best management practices will be implemented to control water pollution, dust and fumes during future construction, in accordance with EPA and Richmond Valley Council regulations.
- Noise during operations	Dwellings are not such that generate offensive operational noise.
- Noise during construction	Hours of construction, in accordance with Richmond Valley Council requirements will be adhered to.
Scale & bulk	
- Relationship to adjoining development	Adjoining development and land uses are described in Section 2 of this report. The immediate locality is characterised by vacant and developing residential lots (construction of dwellings), with the proposed development being consistent with the purposes for which the subdivision was created (per DAS 2019/0166) and the objectives of the RU5 – Village Zone.
- Design, siting, scale, bulk and character	The proposal involves the construction of 2 x double storey, detached dwellings, with the design, siting, scale, bulk and character of such being consistent and compatible with that of the locality.
Heritage	
- Aboriginal heritage	The subject land is a vacant urban residential lot that has been heavily disturbed by prior works (including filling) and is not likely to contain any items of Aboriginal heritage, with cultural heritage having been duly considered during the assessment and grant of consent to DA 2019/0166.
- European heritage	The subject land is not identified as being or containing an item of environmental heritage or being within a conservation area under Schedule 5 of the RVLEP 2012.
Social & Economic Considerations	

- Social and economic impacts or benefits	There will not be any likely resultant adverse social or economic impacts.
Traffic and Parking	
- Impact on local traffic and car parking provision	Comments in respect of traffic and parking are provided below in Section 4.2.
Transport, access	
- Public transport	Bus services and routes exist in the locality.
- Pedestrian access	A concrete footpath network exists in the local area.
Utility Services	
- Water, electricity, sewer	The subject land is connected to and serviced by all required public infrastructure services, with the proposed dwellings to be duly connected to such.

4.1 Flooding

As detailed above in **Section 2.2.1**, the subject land is mapped as being subject to flooding and is subject to the following flood controls which have been integrated into the development:

- 1% Annual Exceedance Probability design flood level (2023 study) (1 in 100yr) is RL 4.7m AHD + 0.5m freeboard
- Flood Planning Level (minimum habitable floor level) = RL 5.2m AHD
- no habitable rooms are permitted below the FPL

4.2 Traffic and Parking

The RTA Guide to Traffic Generating Developments – Updated Traffic Surveys (TDT 2013/04a) provides the following traffic generation rates for low density residential dwellings in regional areas:

- daily vehicle trips = 7.4 per dwelling
- weekday average evening peak hour vehicle trips = 0.78 per dwelling
- weekday average morning peak hour vehicle trips = 0.71 per dwelling

Based on the above figures, a total of 2 x dwellings will generate in the order of 14-15 additional daily vehicle trips on the existing roads servicing the local area, with the local road network having sufficient capacity to accommodate such movements.

Each dwelling contains a double garage that will be serviced by a separate driveway, with Dwelling A to George Street and Dwelling B to Paddon Street. Each garage has been setback in excess of 6m, which enables 1-2 cars to be stack parked in the driveway in front of each garage.

This parking provision satisfies and actually exceeds the requirements of Chapter B2 of the RVDCP 2021 for dual occupancies being 1 space/dwelling + 1 visitor space.

The double garage door to each dwelling faces as separate street and have a width of 5.4m which is significantly less than 50% of the respective street façade. The proposed 2 x driveways have been designed such that more than 50% of the street setback area is retained as landscaped area (which includes the 2 x swimming pools).

Having regard to the above, it is contended that the proposed development will not adversely impact the safety and/or efficiency of the local road network.

4.3 Social and Economic Considerations

Approval of the detached dual occupancy will provide additional stock of affordable type housing in Broadwater. This will provide increased competition in the market-place and will provide additional and alternative lifestyle opportunities for existing and future residents.

The construction of two dwellings on the lot will increase employment opportunities in the region, will have positive multiplier effects on the local economy and will increase Council's rate base.

The proposed detached dual occupancy is consistent with the strategic and statutory planning for the site as per the RVLEP 2012 and RVDCP 2021.

5. Statutory and Policy Planning

This section of the report identifies and addresses the applicable environmental planning instruments (EPIs) and policy planning documents that must be considered by the consent authority in the consideration of this application.

5.1 Environmental Planning Instruments (EPIs)

The RVLEP 2012 came into effect on the 21st April 2012 and is the only LEP applicable. The subject land is mapped on the RVLEP 2012 mapping as follows:

- Acid Sulfate Soils Map – Sheet ASS_009 – Class 2 Acid Sulfate Soils
- Dwelling Opportunity Map – Sheet DWE_009 – Dwelling Opportunity
- Height of Buildings Map – Sheet HOB_009 – I – 8.5m Maximum Building Height
- Land Zoning Map – Sheet LZN_009C – RU5 – Village Zone
- Lot Size Map – Sheet LSZ_009C – X – 5000m² Minimum Lot Size

The objectives of the **RU5** zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The proposed development is defined in the Dictionary to the RVLEP as follows:

*“**dual occupancy (detached)** means 2 dwellings on one lot of land, but does not include a secondary dwelling”*

*“**dwelling** means a room or suite of rooms occupied or so constructed or adapted as to be capable of being occupied or used as a separate domicile”*

Dual occupancies are permitted with consent and are consistent with the objectives of the RU5 zone.

Clause 3.1 relates to exempt development and provides that development specified in Schedule 2 that meets the standard for development contained in that Schedule and complies with the requirements of Part 3 is exempt development.

“Strata subdivision of dual occupancies” is listed in Schedule 2 and must satisfy the following:

- (a) *All buildings must be on land in a residential zone and have been consented to by the consent authority.*
- (b) *Subdivision layout must not contravene the development consent for the dual occupancy.*
- (c) *Certificate of occupation for the dual occupancy must have been issued no more than 12 months prior to the subdivision.*

Having regard to the above, consent is not being sought for the Strata Title subdivision of the dual occupancy, on the basis that it is not required.

Clause 4.1B provides minimum lot sizes for dual occupancies, being 600m² for a detached dual occupancy on RU5 zoned land. The subject land has an area of 681.8m² and thus complies with this clause.

Clause 4.3 relates to building height, with the subject land having an 8.5m maximum height limit. The proposed dwellings are double storey and have maximum heights of 7m which are below the permitted maximum.

Clause 5.21 relates to flooding planning. Subclause (2) provides that consent must not be granted to development on land in a flood planning area unless the consent authority is satisfied of a range of considerations, being:

- (a) the proposed dwellings are situated in a recently constructed urban residential subdivision (per DA 2019/0166) and are compatible with the flood function and behaviour of the land and will not be adversely affected by flooding, subject to compliance with Council’s flood control requirements
- (b) the proposed dwellings will not adversely affect flood behaviour and will not increase the potential flood affectation of other development or properties
- (c) the proposed dwellings will not adversely impact the safe occupation or efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood
- (d) the dwellings are required to comply with Council’s flood controls

- (e) there will not be any adverse impacts on the environment, no erosion, siltation, destruction of riparian vegetation or reduction in the stability of the riverbank

Clause 6.1 relates to acid sulfate soils. As per subclause (3), an acid sulfate soils management plan has been prepared and is provided at **Appendix E**.

Clause 6.2 relates to the provision of essential services. The subject land is connected to/serviced by all necessary infrastructure services with the proposed dwellings to be duly connected to such.

Clause 6.3 relates to earthworks. The proposal involves earthworks, particularly in respect of the 2 x in-ground swimming pools, that as per subclause (3):

- (a) will not disrupt or have any detrimental effect on existing drainage patterns or soil stability in the locality
- (b) will not have any adverse impacts on the use or redevelopment of the land
- (c) there is no fill to be imported and only a small amount of soil to be excavated (which is not likely contaminated)
- (d) there will not be any tangible impacts on the existing and likely amenity of any adjoining property
- (e) where possible and practicable, the spoil from the pool construction will be retained and used on site for landscaping
- (f) due to the disturbed state of the subject land and the nature of the proposed development, the potential to disturb relics is considered remote
- (g) the works are to a vacant recently constructed urban residential lot that is not proximate to any water course, drinking water catchment or environmentally sensitive area
- (h) erosion and sediment controls are to be installed and maintained for the duration of the works and will be the responsibility of the principal building contractor

As detailed above, the proposed development is permitted with consent and is consistent with the objectives of the RU5 zone and the aims and other relevant controls of the RVLEP 2012.

5.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The subject land is zoned RU5 – Village Zone and is thus subject to Chapter 2. The subject land is cleared and is devoid of any vegetation and the proposed development therefore

does not involve the clearing of any native vegetation (ie there is no removal of any native trees, shrubs or ground covers).

Chapter 4 – Koala habitat protection 2021

The subject land has an area of 681.8m² (significantly less than 1ha) and is not subject to an approved KPoM. On the basis that the subject land is a recently created, cleared and vacant residential lot within a new residential estate and the proposed development does not involve the removal of any vegetation, there will not be any actual or consequential impacts on any Koalas or Koala habitat.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*.

The subject land is situated in the coastal zone and is thus subject to the provisions of Chapter 2. The subject land is **not** mapped on the:

- Coastal Wetlands and Littoral Rainforest Area Map and thus Division 1 of Part 2.2 does not apply
- Coastal Vulnerability Map (No map at this time) and thus Division 2 of Part 2.2 does not apply
- Coastal Use Area Map and thus Division 4 of Part 2.2 does not apply

The subject land is mapped on the Coastal Environment Area Map and thus Division 3 of Part 2.2 applies. As per Clause 2.10, the subject land is physically and spatially removed from any foreshore area and thus the proposed development will **not** cause an adverse impact on:

- the integrity or resilience of the biophysical, hydrological (surface and groundwater) and ecological environment
- coastal environmental values or natural coastal processes
- the water quality of marine estate within the meaning of the *Marine Estate Management Act 2014*

- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands or rock platforms
- existing public open space and safe access to and along the foreshore for members of the public (including persons with a disability)
- Aboriginal cultural heritage, practices and places
- the use of the surf zone

As per Clause 2.12, the proposed works will not cause increased risk of coastal hazards on the subject or any other land.

As per Clause 2.13, the subject land is not subject to any certified coastal management program.

Chapter 4 – Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 provides that a consent authority must not consent to any development unless it has considered whether the land is contaminated, and if so, whether the land is suitable in its current state or subject to remediation, for the intended land use.

The subject land is a recently created vacant residential lot that was approved under the terms and conditions of DA 2019/0166. The subject land is not likely contaminated by historical or current uses.

Further the subject land is not identified on the “Potential Contamination” layer of Council’s Intramaps as being contaminated.

5.2 Richmond Valley Development Control Plan 2021

The RVDCP contains a number of sections that are of relevance to the proposed development, with comments on such being provided below.

5.2.1 Part A – Residential Development

Density Maps

The subject land is mapped on Map A1 – Broadwater & Rileys Hill as “(M1) – Low-Medium Density Residential”.

Part A3 – Dual Occupancies in the R1 General Residential and RU5 Village Zones

A-3.1 – Minimum Lot Sizes and Subdivision

Minimum lot size for carrying out dual occupancy development

The subject lot has an area of 681.8m² which is greater than the minimum required 600m².

When taking into account the splay on the intersection of Paddon and George Streets, the subject land has an effective width of 38.5m to Paddon and 18.8m to George Street.

Minimum lot size resulting from the subdivision of a dual occupancy

Not applicable – the proposal does not involve the Torrens Title subdivision of the dual occupancy.

A-3.2 – Hazards and Constraints

The subject land is mapped as being subject to flooding, with the proposed dwellings having finished habitable floor levels above the Flood Planning Level.

The subject land is mapped as containing Class 2 ASS, with an ASSMP being provided at **Appendix E**.

Comments in respect of Chapter 2 – Coastal Management of SEPP (Resilience and Hazards) are provided above in **Section 5.1.2**.

A3.3 – Building Height

Maximum height of building

The dwellings are double storey. Dwelling A has a maximum height of 7m and Dwelling B has a maximum height of 6.8m.

A3.4 – Building Setbacks

Setbacks to streets – parent lot

Dwelling A fronts both George and Paddon Streets and has been designed such that it presents to both frontages, with a 6m setback to George Street and 3.5m to Paddon Street. The front door, double garage and driveway front George Street, with the pool, BBQ area and first floor balcony facing Paddon Street. The double garage has been setback 1.2m behind the 6m building line.

Dwelling B fronts Paddon Street and has been designed to present to that frontage, with a 6.01m setback to the garage door and the outer edge of the first floor balcony being setback 5m (and comprising an articulation zone encroachment). The front door, double garage, pool and first floor balcony face Paddon Street.

Roads subject to road widening

Not applicable – the subject lot is not subject to any road widening.

Side boundary setbacks – parent lot

Dwelling A has a maximum height of 7m and Dwelling B has a maximum height of 6.8m. The actual height of the buildings as a consequence of the skillion roof design at the rear/southern boundary is actually a maximum of 5.8m. The ground floor and first floor of each dwelling has a setback of 2.1m and 1.5m respectively to the southern boundary, which exceeds the required 1.475m setback.

The western first floor elevation of Dwelling B has a setback of between 1.488m – 1.593m to the western elevation.

Front setback – proposed dual occupancy sited on a battle-axe parent lot

Not applicable – the subject is not a battle-axe shaped lot.

Setbacks between detached dual occupancy dwellings

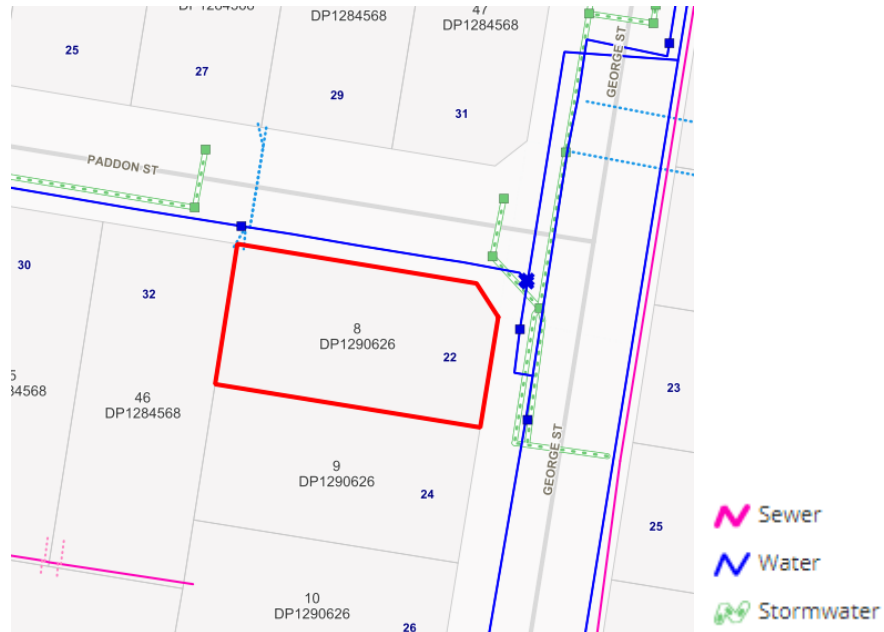
The dwellings are side-by-side and there is no dwelling located behind another. The dwellings have a separation distance of 2.636m which exceeds the required 1.8m separation.

Increased setbacks on certain land

Not applicable – the subject land does not front a foreshore, is not mapped as being bushfire prone and is not proximate to any conflicting land use.

Easements, infrastructure clear zones and sewer zones of influence

There are no easements and/or under-ground infrastructure issues with the proposed siting of the new dwellings and pools, with the location of the water, sewer and stormwater infrastructure being shown below:



Extract: RVC Intramaps

A-3.5 – Gross Floor Area

Gross floor area

The dwellings have a total combined gross floor area of 283m², which is significantly less than the maximum permitted 470m².

A-3.6 – Landscaped Area and Landscaping

Landscaped area

The total combined landscaped area of the site is 245m² (which does not include the swimming pools and pool surrounds), which is 35.9% of the site, and all of which has a minimum dimension of 1.5m.

The swimming pools have been situated forward of the building line (to Paddon Street), to maximum solar access (north facing), to provide an attractive streetscape and to open onto the covered BBQ areas and are considered to be such that form an integral component of and present as a component of the landscaped area.

Landscaping

A landscaping plan has been prepared and is provided at Drawing DA 08 at **Appendix C**.

A-3.7 – Principal Private Open Space

Principal Private Open Space

The development has been designed such that the private open space for each dwelling (including the swimming pools and pool surrounds) have been situated on the northern side of the lot (fronting and with the Paddon Street building line) to maximum solar access and amenity, with such areas to be provided with fencing to provide safety, security and privacy.

Dwelling A has been provided with the following private open space:

- north facing swimming pool and surround –dimensions of approx. 9m x 4.5m – 40.5m² (within building line)
- covered BBQ area (that is contiguous with the pool) – dimensions of 4.7m x 8.7m – 40.89m²
- front lawn area (that is contiguous with the pool) – approx. dimensions of 6m x 9m – 54m²
- first floor balcony (that over-looks the pool and opens onto the living/kitchen) – dimensions of 6.4m x 2.9m – 18.5m²

Dwelling B has been provided with the following private open space:

- north facing swimming pool and surround –dimensions of approx. 6m x 4.5m – 27m² (within building line)
- covered BBQ area (that is contiguous with the pool) – dimensions of 3.3m x 7.7m – 25.4m²
- 2 x front lawn areas (one that is contiguous with/in front of the pool) – approx. dimensions of 1.8m x 8m and 3m x 6m – 32.4m²
- first floor balcony (that over-looks the pool and opens onto the living/kitchen) – dimensions of 7.5m x 2.4m – 18m²

As a consequence of the flood controls, the living areas of the dwellings have to be on the first floor and cannot be adjacent to any ground floor private open space area.

A-3.8 – Street Activation and Articulation Zones

Street activation

The dwellings have been designed and sited such that they each have frontage and access to a different street. Each dwelling has a minimum of 1 x door and 1 x window to each elevation facing the street. The garages do not exceed more that 50% of the façade facing the street.

Articulation zone – primary road frontage

Dwelling B has an articulation zone encroachment, being part of the outer extremity of the first floor balcony to Paddon Street, that does not extend for the full 1.5m and has an area of 7m².

Articulation zone – side setbacks and public places

There are no first or second storey walls adjacent to any side boundary that exceed 15m in continuous length. The longest wall facing a side boundary is less than 13m long.

A-3.9 – Building Design and Amenity

Dwelling orientation and siting for climate control

The long boundary of the subject land runs east-west and faces Paddon Street. The dwellings have been designed and the open space, pools and pool surrounds sited on the northern side of the lot (facing Paddon Street), with the living areas and first floor balconies also facing north. The dwellings have been provided with eaves and generous covered outdoor areas with north-facing private open space areas.

Solar access – adjoining dwellings and public open space

In an attempt to reduce overshadowing, the southern elevations of the dwellings have been setback a minimum of 1.5m from the southern boundary and the skillion roofs have been designed such that the lowest part of the building and roof adjoin the southern boundary (having a height of approx. 5.7m). At the time of preparing this application, the adjoining lots were vacant.

Solar and daylight – proposed dual occupancy

The dwellings have been designed such that the living rooms, first floor balconies and private open space areas (including the swimming pools) face north and will receive maximum solar access.

The work surfaces of each kitchen are proximate to a number of windows and no part of any habitable room is more than 8m from a window/glass sliding door. The living areas of the dwellings are open floor plan and thus have visible windows.

Natural ventilation

The dwellings have been designed and windows and doors sited such that there is reasonable cross-ventilation to habitable rooms.

Visual privacy

At the time of preparing this SEE, the adjoining lots were vacant. The proposed buildings have been designed, sited and setback so that there will be opportunities for reasonable visual privacy between buildings. Screening has been proposed on the rear first floor clothes drying areas. Should it

Acoustic privacy

There is no proposed electrical, mechanical, hydraulic or air conditioning equipment proposed.

View sharing

At the time of preparing this SEE, the adjoining lots were vacant. The nature of development is such that will not have any significant adverse impacts on any view corridors.

A-3.10 – Car Parking, Vehicle and Pedestrian Circulation

Comments in respect of car parking and vehicle and pedestrian circulation are provided above in **Section 4.2**.

A-3.11 – Water, Stormwater and Sewage

Each dwelling will be connected to the stormwater infrastructure network servicing the residential estate, is being provided with a 5,000kL rainwater tank and will have a minimum of 80% of impermeable surface area diverted to a combination of the tank, lawn and gardens.

Each dwelling will be connected to the reticulated town water, stormwater and sewage systems.

A-3.12 – Earthworks and Retaining Walls

There are no earthworks and retaining walls proposed, other than excavations for the 2 x in-ground swimming pools.

Part A6 – Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

Part A-6.1 – General Ancillary Development Controls

A-6.1.1 – Hazards and Constraints

The development of has been designed having regard to the known hazards and constraints as detailed throughout this SEE.

A-6.1.2 – Compliance with Overall Site Control for Gross Floor Area

The only ancillary structures are 2 x swimming pools that are not included in the gross floor area calculation.

A-6.1.3 – Compliance with Overall Site Control for Minimum Landscaped Area

A swimming pool is an integral component of the landscaped area of any dwelling and is such that is not included in the overall 30% landscaped area for the subject land. As detailed above, 35.9% of the subject site comprises landscaped area (exclusive of the swimming pools).

A-6.1.4 – Retention of Principal Private Open Space

Swimming pools form an integral part of the principal private open space area for any dwelling. The proposed swimming pools have large pool decks, are surrounded by lawns and adjoin large covered BBQ areas, all of which face north and will provide a highly functional and useable private open space area for each dwelling.

A-6.1.5 – Height Controls

There are no height issues with the proposed swimming pools.

A-6.1.6 – Street, Rear and Side Boundary Setbacks for Attached Ancillary Development

There is no attached ancillary development.

A-6.1.7 – Street Setbacks for Detached Ancillary Development

The proposed swimming pools are situated within the building line to Paddon Street and are such that will not have any tangible visual impact as they are effectively at ground level, do not contain a roof and are not above-ground structures or buildings. A formal request to vary this development control is provided at **Appendix F**.

A-6.1.8 – Side and Rear Boundary Setbacks for Detached Ancillary Development

The proposed swimming pools are setback in excess of 900mm from the side and rear boundary setbacks.

A-6.1.9 – Maximum Building Footprint

The proposed swimming pools have a footprint of 11.25m² (being total 22.5m²) which is significantly less than the permitted 60m².

A-6.1.10 – Parking and Pedestrian and Vehicle Circulation

The proposed swimming pools will not reduce or compromise on-site parking.

A-6.1.11 – Amenity Requirements

The proposed pools face north and open onto the covered BBQ area and will receive optimum solar and will not impede sunlight to any building/structure.

Privacy and Visual Intrusion

The proposed swimming pools:

- will not overlook the principal area of private open space of any adjoining property
- do not provide any direct line-of-sight into windows of habitable rooms of any adjoining dwellings
- will not dominate the outlook when viewed from any adjoining properties

View Sharing

The proposed swimming pools will not reduce or compromise any existing views from any adjoining and nearby properties.

Materials and Finishes

The pools are situated in the ground and will not generate any glare.

Acoustic Privacy

The swimming pool pumps are able to be sited and shrouded such that there will not be any adverse acoustic impacts on any adjoining property.

Retention of Existing Landscape Features

The subject land is cleared and vacant and does not contain any trees or rock outcrops.

A-6.1.12 – Earthworks and Retaining Walls

Other than the excavation that is required for the swimming pools, there are no earthworks (cut and/or fill) or retaining walls proposed.

Part A-6.2 – Additional Controls for Specific Ancillary Development Types in the R1 and RU5 Zones

A-6.2.1 – Carports Forward of the Street Building Line for Dwelling Houses and Dual Occupancy Developments in the R1 and RU5 Zones

Not applicable – no carport proposed.

A-6.2.2 – Shade Structures Within the Street Building Line in the R1 and RU5 Zones

Not applicable – no shade structure proposed within the building line.

A-6.2.3 – Fencing in the R1 and RU5 Zones

In order to provide safety, security and privacy to the north facing private open space and swimming pools, front fencing (to both George Street and Paddon Street) is proposed and is detailed on Drawing DA 08 at **Appendix C**.

Such fencing comprises a mixture of solid and open form with differing heights (1.2m, 1.5m and 1.8m) all of which has been designed and sited in accordance with the development controls.

5.2.2 Part H – Natural Resources and Hazards

H-1. Flood Planning

The subject land is identified as being flood prone. Flood impacts on and from the proposed development are detailed above in **Sections 4.1** and **5.1**.

H-2. Acid Sulfate Soils

The subject land is mapped as containing Class 2 acid sulfate soils with an Acid Sulfate Soils Management Plan being provided at **Appendix E**.

6. Conclusion

This section of the report provides a detailed conclusion of the development proposal.

Development consent is sought to undertake the construction of a detached dual occupancy (2 x double storey dwellings) and 2 x in-ground swimming pools upon a vacant recently created residential lot that is described as Lot 8 DP 1290626, No. 22 George Street, Broadwater.

The proposed development is permissible with consent and is consistent with the objectives of the RU5 zone and is consistent with the relevant provisions of the RVDCP (with the exception of the swimming pools being situated in the building line – refer DCP variation request at **Appendix F**).

It is likely that the dwellings will be subject of future Strata Title subdivision which is exempt development for the purposes of Clause 3.1 (and Schedule 2 – Strata subdivision of dual occupancies) of the RVLEP 2012.

As detailed in this report, the proposed development has been subject to detailed assessment under the applicable environmental planning instruments and DCPs.

This report demonstrates that the proposal is consistent with such planning documents and that the circumstances of the case are such that consent should be granted to the application.

7. Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) on behalf of Taylah and Oscar Linton-France and Kye Watson for the purpose of lodging a development application with Richmond Valley Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

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APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

8. Appendices

Appendix A	Locality plan
Appendix B	Copy of deposited plan
Appendix C	Plans of proposed development
Appendix D	BASIX certificates
Appendix E	Acid sulfate soils management plan
Appendix F	DCP variation – swimming pools in building line

APPENDIX A

Appendix A: Locality plan

APPENDIX B

Appendix B: Copy of deposited plan

APPENDIX C

Appendix C: Plans of proposed development

APPENDIX D

Appendix D: BASIX certificates

APPENDIX E

Appendix E: Acid sulfate soils management plan

APPENDIX F

Appendix F: DCP variation – swimming pools in building line