



AGENDA

Extraordinary Council Meeting

Date: Monday, 11 December 2023

Time: 5pm

**Location: Cowra Council Chambers
116 Kendal Street, Cowra**

**Paul Devery
General Manager**

Order Of Business

I	Introduction.....	3
1.1	Recording & Publishing.....	3
1.2	Acknowledgement of Country.....	3
1.3	Apologies and Applications for Leave of Absence by Councillors.....	3
1.4	Disclosures of Interest.....	3
1.5	Presentations.....	3
1.6	Public Forum	3
2	Director-Environmental Services	4
2.1	Development Application No. 37/2022, Lot 7 DP 1250412, 13 Tokyo Terrace Cowra, 7 detached dwellings and 8 lot community title subdivision, lodged by Michael Kilzi.....	4
3	Late Reports.....	156
	Nil	

I INTRODUCTION

I.1 Recording & Publishing

In accordance with the Local Government Act (1993), Cowra Council is recording this meeting and will upload the recording to Council's website. By speaking at this meeting, you agree to being recorded and having that recording published in the public domain. Please ensure that when you speak at Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

I.2 Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we gather, the Wiradjuri people, and pay our respects to elders both past and present.

I.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

I.4 Disclosures of Interest

Councillors and staff please indicate in relation to any interests you need to declare:

- a. What report/item you are declaring an interest in?
- b. Whether the interest is pecuniary or non-pecuniary?
- c. What is the nature of the interest?

I.5 Presentations

I.6 Public Forum

I invite any member of the public wishing to speak on an item in the agenda to please come to the lectern, introduce yourself, state the item you wish to speak on and allow time for any councillor or member of staff if they have declared an interest in the item to manage that conflict which may include them leaving the chamber during your presentation.

2 DIRECTOR-ENVIRONMENTAL SERVICES

- 2.1 Development Application No. 37/2022, Lot 7 DP 1250412, 13 Tokyo Terrace Cowra, 7 detached dwellings and 8 lot community title subdivision, lodged by Michael Kilzi

File Number: D23/2056

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified twice with 22 and then 17 submissions being received after each notification respectively; and
2. That Development Application No. 37/2022 for 7 detached dwellings and 8 lot community title subdivision on Lot 7 DP 1250412, 13 Tokyo Terrace Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Proposed Site Plan Sheet No. 1 of 18 Reference No. 19249 (Issue C)	CPC Land Development Consultants Pty Ltd 17 May 2023	Received 25 July 2023 Stamped No. 37/2022
Proposed Part Site Plan Sheet No. 1A of 18 Reference No. 19249 (Issue C)	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Proposed Part Site Plan Sheet No. 1B of 18 Reference No. 19249 (Issue C)	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Proposed Site Elevations Sheet No. 1C of 18 Reference No. 19249	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022

(Issue C)		
Floor Plan (Dwelling 1) Sheet No. 2 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 1) Sheet No. 3 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Floor Plan (Dwelling 2) Sheet No. 4 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 2) Sheet No. 5 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Floor Plan (Dwelling 3) Sheet No. 6 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 3) Sheet No. 7 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Floor Plan (Dwelling 4) Sheet No. 8 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 4) Sheet No. 9 of 18 Reference No. 19249 Issue B	CPC Land Development Consultants Pty Ltd 2 August 2022	Received 25 July 2023 Stamped No. 37/2022
Floor Plan (Dwelling 5) Sheet No. 10 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 5) Sheet No. 11 of 18	CPC Land Development Consultants Pty Ltd	Received 25 July 2023 Stamped

Reference No. 19249 Issue C	20 December 2022	No. 37/2022
Floor Plan (Dwelling 6) Sheet No. 12 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 6) Sheet No. 13 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Floor Plan (Dwelling 7) Sheet No. 14 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Elevations Plan (Dwelling 7) Sheet No. 15 of 18 Reference No. 19249 Issue C	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Subdivision Plan Sheet No. 16 of 18 Reference No. 19249 Issue D	CPC Land Development Consultants Pty Ltd 17 May 2023	Received 25 July 2023 Stamped No. 37/2022
Carpark and Vehicle Manoeuvring Plan Sheet No. 17 of 18 Reference No. 19249 Issue B	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Carpark and Vehicle Manoeuvring Plan Sheet No. 18 of 18 Reference No. 19249 Issue B	CPC Land Development Consultants Pty Ltd 20 December 2022	Received 25 July 2023 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 September 9am Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 September 12 Noon Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22	CPC Land Development	Received 31 March 2022

September 3pm Sheet 1 of 9	Consultants Pty Ltd 10 November 2021	Stamped No. 37/2022
Shadow diagrams – expected shadows 22 June 9am Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 June 12 noon Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 June 3pm Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 December 9am Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 December 12 noon Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
Shadow diagrams – expected shadows 22 December 3pm Sheet 1 of 9	CPC Land Development Consultants Pty Ltd 10 November 2021	Received 31 March 2022 Stamped No. 37/2022
BASIX Certificate Certificate Number: 1254838M	Illawarra BASIX Solutions Issued: 18 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Report	Sian Fishwick 29 June 2022	Received 24 August 2022 Stamped No. 37/2022
Nathers Certificate – Unit 1	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Certificate – Unit 2	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Certificate –	Sian Fishwick	Received

Unit 3	17 January 2022	31 March 2022 Stamped No. 37/2022
Nathers Certificate – Unit 4	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Certificate – Unit 5	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Certificate – Unit 6	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Nathers Certificate – Unit 7	Sian Fishwick 17 January 2022	Received 31 March 2022 Stamped No. 37/2022
Landscape Plan – Cover Sheet Revision D Drawing L/00	Discount Landscape Plans 19/8/2022	Received 24 August 2022 Stamped No. 37/2022
Landscape Plan Revision D Drawing L/01	Discount Landscape Plans 19/8/2022	Received 24 August 2022 Stamped No. 37/2022
Landscape Plan – North and South Elevations Revision D Drawing L/02	Discount Landscape Plans 19/8/2022	Received 24 August 2022 Stamped No. 37/2022
Statement of Environmental Effects	Chapman Planning Pty Ltd 20 July 2023	Received 25 July 2023 Stamped No. 37/2022
Plan View: Stormwater Management Sewer Reticulation Ref 19249 Issue F Sheet 1 of 4	CPC Land Development Consultants 24 March 2023	Received 31 March 2023 Stamped No. 37/2022
Stormwater	CPC Land	Received

Management Long Sections Ref 19249 Issue F Sheet 2 of 4	Development Consultants 24 March 2023	31 March 2023 Stamped No. 37/2022
Stormwater Management Hydraulics and Hydrology Ref 19249 Issue F Sheet 3 of 4	CPC Land Development Consultants 24 March 2023	Received 31 March 2023 Stamped No. 37/2022
Sewer Reticulation Ref 19249 Issue F Sheet 4 of 4	CPC Land Development Consultants 24 March 2023	Received 31 March 2023 Stamped No. 37/2022
Boundary Line Kerb and Gutter Water Main Extension and Service Lines Ref 19249 Issue F Sheet 5 of 5	CPC Land Development Consultants 24 March 2023	Received 31 March 2023 Stamped No. 37/2022
Heritage Report – Impact on Cowra POW Camp site	Ian Rufus November 2020	Received 31 March 2022 Stamped No. 37/2022
Ecology Assessment Report	Dr Kate Hammill 5 November 2020	Received 31 March 2022 Stamped No. 37/2022

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. The development is to be undertaken in the following stages:

Stage 1 – The construction of seven new dwellings and associated infrastructure including access crossing, driveway, car parking, landscaping and all service connections.

Stage 2 – The subdivision of Lot 7 DP 1250412 into 8 community title lots.

4. Pursuant to Section 4.17(4) of the Environmental Planning & Assessment Act 1979, the outcome that this development must achieve is the establishment of a single dwelling on each allotment. This is to be achieved by ensuring that both stages of the development are completed in accordance with condition 3.
5. All traffic movements in and out of the development are to be in a forward direction.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve.
7. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of a 50mm metered water service to the development.
8. Prior to the issue of the Construction Certificate, the applicant must demonstrate that the development complies with firefighting capabilities in accordance with AS 2419.1:2021, Fire Hydrant Installations, and Fire and Rescue NSW (FRNSW) guidelines. All costs associated with the augmentation of water reticulation relating to the development shall be borne by the Applicant and at no cost to Council.
9. Pursuant to Section 64 of the Local Government Act 1993 and Cowra Council Developer Servicing Plans for water and sewer services, all monetary contributions in relation to the augmentation of reticulated sewerage and water supply must be paid in full to Cowra Council prior to the issue of the Construction Certificate.
10. Pursuant to Section 7.11 (formerly S94) of the *Environmental Planning & Assessment Act 1979*, the monetary contribution set out in the following table is to be paid to Council prior to the issue of the Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 7.11 (former S94) Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Rate ¹	Rate Amount (Three bedroom dwelling)	No. of Dwellings ²	Total Contribution	Rate remains current until
Open space recreational sporting	Dwelling	\$2,029.03	6	\$12,174.18	30 June 2024

facilities					
Civic & community facilities	Dwelling	\$1,617.05	6	\$9,702.30	30 June 2024
Plan management administration	Dwelling	\$187.83	6	\$1,126.98	30 June 2024
Total Contribution Payable				\$23,003.46	30 June 2024
Per Dwelling				\$3,833.91	30 June 2024
Notes ¹ Per dwelling ² No. of additional dwellings created. The original lot is discounted from the calculations. As per Council's Section 7.11 (former Section 94) Contribution Plan 2016 and Revenue Policy 2023/2024, which can be inspected at Cowra Shire Council – 116 Kendal Street, Cowra					

It is noted that CPI is to be calculated on the total contribution payable at the 1 July each financial year in accordance with the approved Contribution Plan.

11. Prior to the issue of a Construction Certificate, the Applicant is to submit an updated Landscape Master Plan for the approval of Council's Director – Environmental Services which relates to the final approved design. The plan is to be prepared in accordance with Part N of Cowra Council Development Control Plan 2021.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

12. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
13. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
14. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
15. The Applicant is to obtain all relevant approvals under Section 68 of the Local Government Act 1993 to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Cowra Shire Council

prior to commencing works and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:

- (a) **Internal Drainage:** When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
- (b) **External Drainage:** When all external drainage work is installed and prior to concealment. Pipes should be under water test.
- (c) **Water Supply:** Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
- (d) **Stormwater:** When the stormwater and roof water drainage system has been completed.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 16. While building work is being carried out, any such work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 17. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 18. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 19. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged to Council's stormwater management system in Tokyo Terrace in accordance with the approved plans.
- 20. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 21. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work

commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

22. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.
23. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
 - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION CERTIFICATE

24. The Applicant must not commence occupation or use of any dwelling until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
25. Prior to the issue of any Occupation Certificate the applicant must construct an access driveway to the property from Tokyo Terrace in accordance with consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with Council's engineering standards. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
26. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved Landscape Master Plan and maintained in good order at all times.
27. Prior to the issue of any Occupation Certificate, stormwater construction is to conform to the approved plans. A "Works as Executed" plan of the plumbing

and drainage work is to be provided to and approved by Council at the completion of the work.

28. Provide on-site parking for a minimum of 18 car parking spaces in accordance with the approved plans. Car parking and trafficable areas shall be designed and maintained in accordance with Cowra Shire Council's DCP – Part M, 2021.
29. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of sewerage and water supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Occupation Certificate.

Separate reticulated sewer and water reticulation mains including a 50mm metered water service must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue the Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

30. The person acting on the consent is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the final subdivision plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
31. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a certificate from Essential Energy, or another energy provider, to the effect that:
 - a) suitable power supply is available to all lots in the subdivision, or
 - b) arrangements have been made for suitable power supply to be made to all lots in the subdivision.
32. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
 - a) the installation of fibre-ready facilities (or equivalent) to all lots so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
 - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all lots demonstrated through an agreement with a carrier.

33. The person acting on the consent shall include on the final plan of subdivision any and all necessary easements required over access, water, sewer, stormwater, electricity and telecommunications mains.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

INTRODUCTION

Development Application No. 37/2022 proposes the construction of 7 detached dwellings and 8 lot community title subdivision on Lot 7 DP 1250412, 13 Tokyo Terrace Cowra. The application was lodged by Michael Kilzi on 31 March 2022.

The application is being reported to Council because it received 22 objections following advertising and notification in the first notification period and 17 objections following the second notification period following the receipt of amended plans. As amended plans were submitted which endeavoured to address initial concerns raised regarding the development proposal, only the issues raised in the seventeen submissions received in the second round of notification have been included within this report.

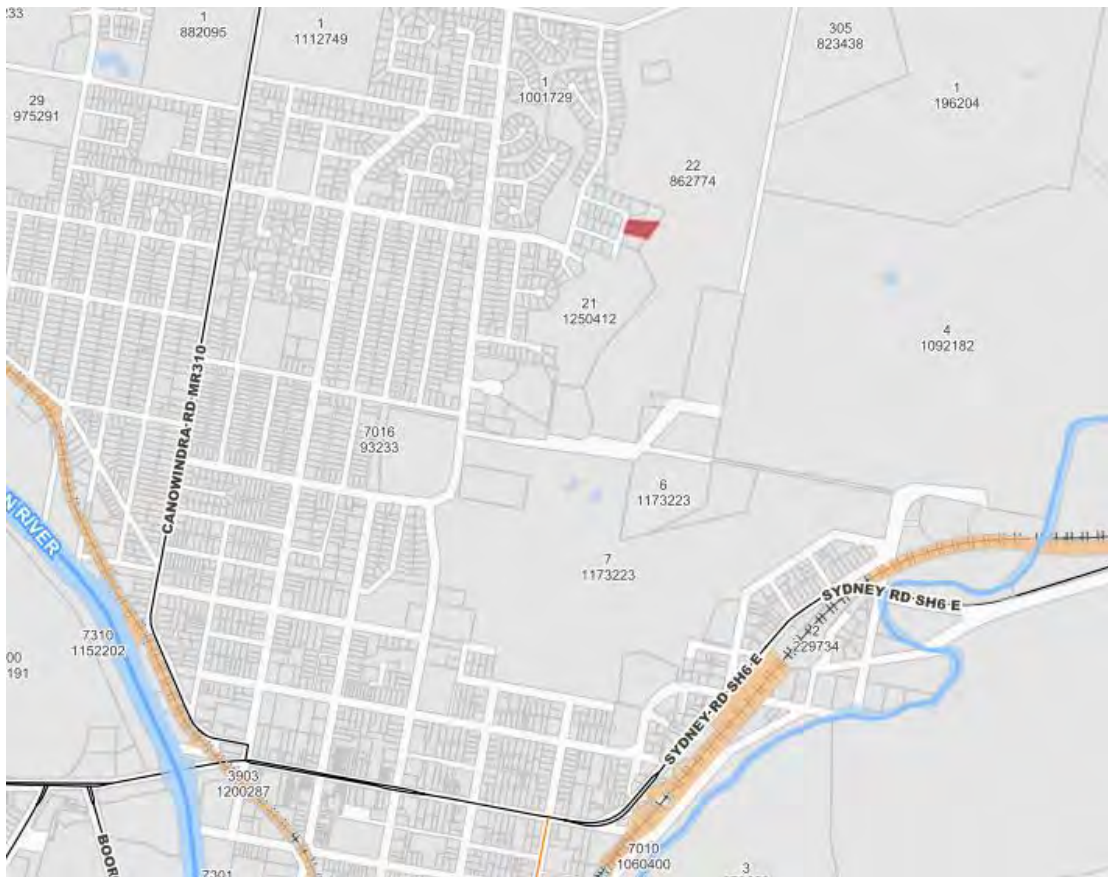
A copy of the site and elevation plans of the proposal are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2'.

Description of Site

Lot 7 DP 1250412, 13 Tokyo Terrace Cowra. The area of the subject land is 2,840.02m² and contains approximately 32 metres of road frontage to Tokyo Terrace. The site has a moderate down slope from east to west (towards Tokyo Terrace) ranging from 374.40m to 368m AHD. Currently the site is a vacant lot with grass coverage and a medium size tree which will be removed to accommodate the proposed development.

A location map is included in Attachment '3' and an aerial photograph is included in Attachment '4' to this report.

The property adjoins vacant reserve land to the east and residential lots to the north and south. The wider area is characterised by residential dwellings and ancillary uses.



Development History

A previous Development Application DA 109/2019 for the site was subject to Land and Environment Court Appeal Kilzi v Cowra Shire Council 2020 NSWLEC 1566, which was dismissed on 18 November 2020.

The original Development Application DA 109/2019 proposed 9 x dwellings on the subject site and a 10-lot community title subdivision, with this proposal subsequently modified during Court proceedings to reduce the number of dwellings proposed to the proposed 7.

The applicant in their SOEE has provided the following summary:

*“The issues raised during LEC proceedings relating to the previous application DA 109/2019 and the concluding comments of the Court’s decision have been addressed by this proposal, with the **table below** addressing the relevant matters which apply to this proposal.”*

Previous Issues – Court Decision DA109/2019	Applicant Comment
Objectives of the R1 General Residential Zone	<p>Multi-dwelling housing is permissible within the R1 zone, and the Court established that a townhouse development on the site would not be antipathetic to the relevant zone objectives, particularly with respect to the objective relating to concentration of housing densities and active transport. The Court</p> <p>Decision established that:</p> <p>“34 In doing so, I consider the development to take steps to encourage, if not maximise, public transport use by constraining the car parking provision to this number of spaces and so is not antipathetic to the relevant zone objectives.”</p> <p>The proposal is assessed against the objectives of the R1 zone and is not antipathetic to the relevant zone objectives.</p>
Cut and Fill Plan	<p>This application is accompanied by a cut and fill plan which addresses Part E2.4 of the Cowra DCP and demonstrates that suitable building platforms can be provided across the site to accommodate the dwellings in a manner that responds to the topography of the site.</p>
Landscape Plan	<p>A detailed landscape plan is provided with the development application that shows location of retaining walls, screen planting and grassed areas to ensure the practical use and maintenance of the development.</p> <p>The southern boundary and interfaces between individual units include screen planting to prevent overlooking and improve visual separation.</p>

Visual Privacy Impacts	<p><i>This proposal has been amended from the previous development to include suitable landscaped screening and fence heights to ensure adequate visual separation from the southern adjoining property – single dwelling. The private open space of Dwelling 2 has been re oriented to the east, and internal layout redesigned to provide 12m separation and non-habitable conditions to the southern adjoining dwelling to address overlooking impacts previously raised by the Court.</i></p> <p><i>In addition to the re-orientation of dwellings, the southern boundary has been detailed with screen plantings.</i></p>
Private Open Space	<p><i>The application is accompanied by overshadowing diagrams which confirm that >75% of the proposed dwellings will receive adequate solar access to private open space in accordance with the provisions of Part E2.10 of the Cowra DCP.</i></p>
Site Analysis Plan	<p><i>The application is accompanied by a Site Analysis Plan that identifies the opportunities and constraints of the site and the proposed layout and design of the development responds to the site analysis.</i></p>

Description of Proposal

The proposal involves the following components:

Construction of dwellings

The proposal seeks consent for the construction of 7 x 3 bedroom single storey dwellings. Each dwelling has been designed with an open plan kitchen/dining and lounge area, with living area directly opening onto private open space areas. A bathroom and laundry are located centrally to each dwelling. A single attached garage is provided for each dwelling accessed from a common driveway central to the site.

The entries of Dwellings 1 & 7 are orientated towards Tokyo Terrace, with remaining dwellings orientated towards the central driveway.

The private yard of each dwelling contains soft landscaping – natural turf, clothes drying area, and garbage storage area.

The proposal includes 4 x visitor car spaces located along the common driveway area (in addition to the 2 car spaces provided for each dwelling).

The development application is supported by a landscape plan prepared by Discount Landscape Plans that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers

Subdivision

The applicant has proposed to subdivide the subject land into separate Community Title lots as follows:

Proposed	Area	Lot Purpose
----------	------	-------------

Lot No.	(m ²)	
1	618.88	Accommodate communal access, driveways, visitor car parking spaces and other common facilities
2	330.17	Accommodate dwellings 1 to 7
3	303.53	
4	321.68	
5	387.26	
6	272.31	
7	287.37	
8	320.9	

The proposed Community Title subdivision is proposed to be carried out following the construction of the dwellings, with each dwelling to be contained on community title Lots 2-8, with Lot 1 proposed to contain communal access, central driveway and other common property.

Environmental Impact Assessment

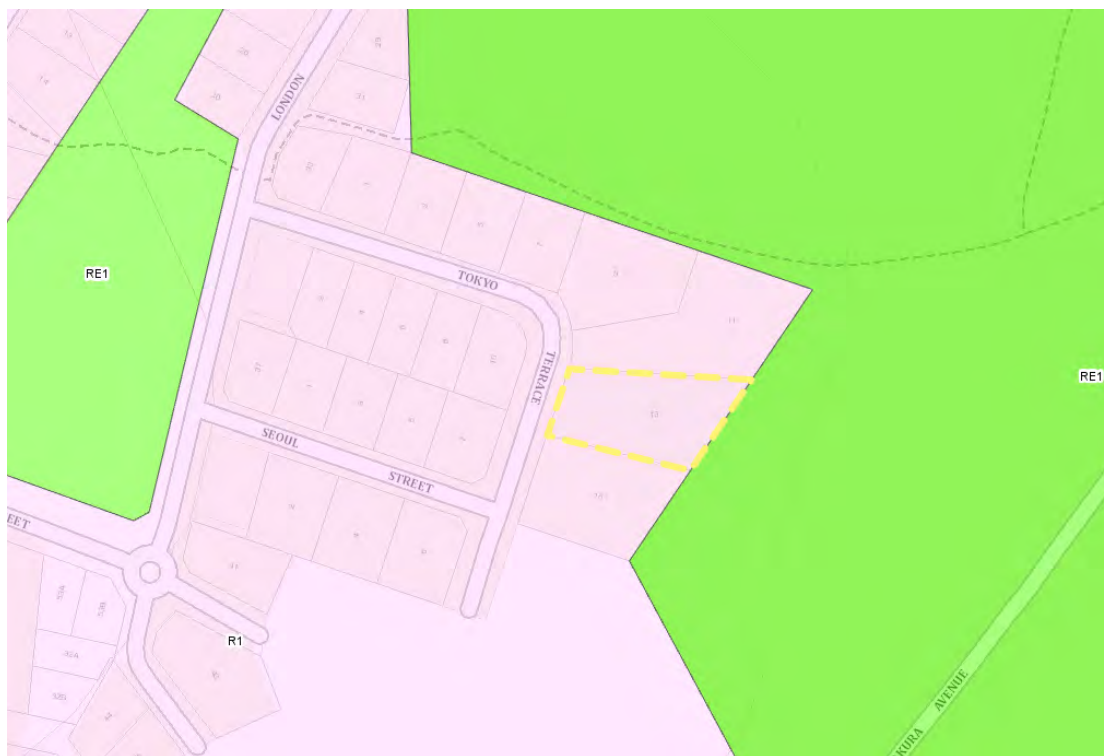
In determining a development application, a consent authority is required to take into consideration such matters as are of relevance to the development in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 37/2022:

S4.15(1)(a)(i) Any Environmental Planning Instrument

Cowra Local Environmental Plan (LEP) 2012

Clause 2.3 Zoning

The subject land is zoned R1 under the provisions of the Cowra Local Environmental Plan 2012 (LEP). The construction of 7 dwellings and an 8 lot community title subdivision is permissible in the zone with development consent.

Cowra LEP – Zoning Map

The zone table is as follows:

Zone R1 General Residential**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide attractive, affordable, well located and market-responsive residential land.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Comments

Dwellings are permitted subject to the lodgement and determination of a development application.

Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Objective	Comment
• To provide for the housing needs of the community.	Achieved. The proposal provides for the housing needs of the community and contributes to a variety of housing types within a residential environment that contributes towards the achievement of the aims specified under the Cowra LEP.
• To provide for a variety of housing types and densities.	Single storey dwellings are consistent with the locality. Multiple dwellings provide a further variety of housing choice within North Cowra.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable.
• To provide attractive, affordable, well located and market-responsive residential land.	The proposal does not include subdivision of land to create vacant residential lots. The proposal includes a Community Title subdivision which will result in a single dwelling on each allotment (plus a community allotment).
• To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.	Not applicable.
• To ensure that housing densities are broadly	The site is located within 2km of the Cowra Local Centre

concentrated in locations accessible to public transport, employment, services and facilities.	zone to the south of the site, and the broader locality is well-serviced by schools, parks and community facilities within walking distance of the subject land. The Cowra Bus Service Route 545 “North Cowra” travels down London Drive which is a short walk to the subject site.
• To maximise public transport patronage and encourage walking and cycling.	There are limited public transport opportunities on this site (see comments above). However, the site is close to walking and cycling tracks within the Cowra Peace Precinct.

Further to the above assessment, the Court proceedings related to previous Development Application DA 109/2019 related to a similar development being for 9 x dwellings on the site. The Court accepted that the previous development was not antipathetic to the relevant zone objectives and in this regard, it considered that this proposal is consistent in density to the previous application and is suitable with respect to the R1 zone objectives.

Clause 4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

- (a) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,
- (b) to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining land,
- (c) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,
- (d) to prevent the fragmentation of rural land.

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

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system—

- (a) land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 2 hectares, and
- (b) land identified as “Area D” on the Lot Size Map may be subdivided to create lots of at least 5 hectares.

(3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a sewage reticulation system—

- (a) land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres, and
- (b) land identified as “Area C” on the Lot Size Map may be subdivided to create lots of at least 1,000 square metres.

(4) This clause does not apply in relation to the subdivision of any land—

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
- (b) by any kind of subdivision under the Community Land Development Act 2021.

Pursuant to clause 4.1(4)(b), the minimum lot size does not apply to the proposal as it involves a Community Title subdivision under the Community Land Development Act 2021.

The subdivision of land is permitted with development consent in accordance with Clause 2.6 of Cowra LEP 2012.

Clause 4.1AA Minimum subdivision lot size for community title schemes

This clause specifies the zones upon which the LEP minimum lot size provisions apply to community title schemes. The clause does not apply to the R1 General Residential zone (therefore no minimum lot size requirements apply to the proposed subdivision).

Clause 5.10 Heritage Conservation

Clause 5.10 – Heritage conservation applies to the subject site, as the eastern (rear) boundary of the site adjoins the Cowra POW Camp site which is identified as State Significant Heritage Item – 134 pursuant to Schedule 5 of the Cowra LEP 2012 as depicted below:



The proposed development is not considered to have a significant adverse impact upon the heritage significance of the adjoining item, noting the significant elements of the item are adequately separated from the subject site and the development will not be within the visual curtilage of these elements.

Clause 7.1 Earthworks

Applies to the development proposal noting the application involves cut and fill to accommodate the proposed development (as shown on the development plans). The proposal will not have significant adverse impacts upon drainage patterns or soil stability, and is acceptable in this regard. Appropriate conditions of consent can be incorporated with respect to this and detailed engineering plans will be required as part of the Construction Certificate documentation.

Clause 7.3 Terrestrial Biodiversity

The land is partly identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#) in CLEP 2012. The site contains one medium sized tree which will be removed to accommodate the proposed development. It is assessed that the removal of the existing tree will not create any significant environmental impacts with regard to ecological diversity or values. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.3.



The application is accompanied by an Ecology Assessment prepared by Dr Kate Hammill which concludes that the development of the site for a multi-dwelling housing development will not cause adverse impacts upon important flora and fauna on the site. The Court proceedings related to previous Development Application DA 109/2019 related to a similar development confirmed that development of the site will not fragment habitat connectivity or impact upon any threatened species shelter noting the site does not contain hollow bearing trees, wetlands or rock outcrops.

Clause 7.8 Essential Services

Clause 7.8 requires Council to be satisfied that the proposed development will be connected to essential services.

The applicant has submitted detailed concept engineering plans.

Water

The proposed development will be connected to Council's reticulated water supply system. There will be a master meter at the front installed.

Electricity

The proposed development will be connected to underground electricity supply to the requirements of the relevant energy provider.

Sewage

The proposed development will be connected to Council's reticulated sewer system.

Stormwater

The proposal is accompanied by a stormwater management plan detailing the management of run-off from the proposed dwellings and site water.

Access

It is proposed that access will be off Tokyo Terrace via the construction of a new driveway.

State Environmental Planning Policies

The following State Environmental Planning Policies are considered relevant to Council's consideration:

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	A BASIX & Nathers certificate has been prepared for the development proposal and found that the proposed multi-dwelling housing development complies with the State Government's water and energy reduction targets.
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

SEPP (RESILIENCE AND HAZARDS) 2021

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is 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, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
 - (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection undertaken did not reveal any evidence of contamination of the site. The proposal does not involve any demolition or works likely to result in contamination of the site. The Statement of Environmental Effects submitted with the application does not mention any previous land use that likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

The subject site forms part of the previous subdivision of Lot 3 in DP1141112 as part of Stage 3 in Cowra Shire Council's Valley View Estate subdivision in 2019. Approval of this subdivision for residential development included an assessment of potential land contaminants and as such the subject site is considered to be suitable for redevelopment. Further, it is noted that in its consideration of previous Application DA109/2019 the Court accepted that there were no known prior land uses that are likely to have resulted in contamination of the land.

S4.15(1)(a)(ii) Any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that apply to the development.

S4.15(1)(a)(iii) Any Development Control Plan (DCP)Cowra Shire Council Aboriginal Consultation Policy (Version 4 23/08/2021)

A search of the AHIMS reveals that an item of Aboriginal Cultural Significance is identified within the site and several items are identified within 100 metres of the site on other lots within the subdivision. However, a site inspection did not identify any evidence of the items. In addition, the Valley View Estate subdivision was subject to an Aboriginal heritage assessment and Aboriginal consultation prior to its approval. It is therefore assessed that all necessary investigations and consultation has been undertaken for land within this subdivision which has been approved for residential development. The proposed development will not impact on Aboriginal heritage items. No notification is required as per the Cowra Shire Council Aboriginal Consultation Policy (Version 4 21/08/2021).

COWRA SHIRE COUNCIL DEVELOPMENT CONTROL PLAN 2021**PART A – PLAN INTRODUCTION**

Consent is required for the proposed development and associated Community Title subdivision proposal.

PART B – LAND MANAGEMENT

Appropriate erosion and sediment controls to be implemented prior to the commencement of works.

The application is accompanied by Stormwater Management Plan prepared by CPC Land Development Consultants detailing the management of water run-off from the proposed development, addressing the requirements of Part B1 of the DCP.

Detailed engineering plans are to be submitted as part of the Construction Certificate application.

PART C – BIODIVERSITY MANAGEMENT

The application is accompanied by an Ecological Assessment prepared by Dr Kate Hammill which concludes that the development of the site for a multi-dwelling housing development will not cause adverse impacts upon important flora and fauna on the site. The Court proceedings related to previous Development Application DA 109/2019 related to a similar development, confirmed that development of the site will not fragment habitat connectivity or impact upon any threatened species shelter noting the site does not contain hollow bearing trees, wetlands or rock outcrops.

PART D – SUBDIVISION DEVELOPMENT

Section	Comments
D1.1 Types of Subdivision	The proposal seeks consent for a Community Title subdivision.
D3 Infill Residential Subdivision	The development proposal includes a proposed Community Title subdivision as part of the development. The site is located within the R1 zone and such subdivision proposal is permitted within this zone. The provisions contained within Part D3 relating specifically to lot layout, street design, and access provisions are not applicable to the proposed community title subdivision.
D3.6 Utility Provision	The subject site is located within land previously subdivided for residential development and can be suitably serviced by utilities including sewer, water and electricity.
D3.7 Stormwater, Drainage and Waterways	The proposal is accompanied by a stormwater management plan detailing the management of run-off from the proposed dwellings and site.
D8 Strata and Community title subdivision	The proposal includes Community Title subdivision being 8 x individual allotments (7 dwelling lots and the Community Lot). Each allotment will include utility connections and this can be addressed by a condition of consent.

PART E – URBAN AND VILLAGE DEVELOPMENT

Part E.2 Medium Density Housing

Section	Comments
E.2.1 Application of Section	The subject land is zoned R1 General Residential and Part E.2 applies to medium density housing including multi dwelling housing. Whilst the outcome of the development will be single dwellings on individual allotments (and therefore not meeting the definition of multi dwelling housing) this section specifies that the controls contained in Part E.2 will apply to development that would be defined as multi dwelling housing if it were not for any subdivision proposed as part of the development.
E.2.2 Objectives	The proposed development meets these objectives.
E.2.3 Site Analysis	<p>The proposal is accompanied by a site analysis plan which details the relevant opportunities and constraints of the site, building footprints of the adjoining properties, site characteristics, and topography.</p> <p>The development has been designed with consideration to the submitted site analysis and in response to issues raised.</p>
E.2.4. Soil Erosion and Sedimentation Control	<p>A Soil Erosion & Sediment Control Plan is to be prepared in accordance with Part B of this DCP – Land Management.</p> <p>The application is accompanied by a stormwater management plan detailing the management of water run-off from the proposed development.</p>

	<p>The plan demonstrates that suitable building platforms can be provided across the site to accommodate the dwellings in a manner that responds to the topography of the site.</p> <p>Detailed engineering plans to be provided as part of the Construction Certificate application.</p>
E.2.5. Landscaping	<p>The application is supported by a landscape plan prepared by Discount Landscape Plans that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers.</p> <p>As a condition of consent, the landscaping plan is to be updated to reflect the final site layout prior to the issue of the Construction Certificate.</p>
E.2.6. Cut and Fill Controls	<p>The proposal is accompanied by an elevation and engineering plans that depict the proposed cut and fill on the site and demonstrates that suitable building platforms can be provided across the site to accommodate the dwellings in a manner that responds to the topography of the site.</p> <p>Cut areas should be setback from boundaries a minimum distance of 0.9 metres, and fill areas are to be setback from boundaries a minimum distance of 1.5 metres.</p> <p>The proposal seeks consent for retaining walls constructed along the northern (side), southern (side) and eastern (rear) boundaries of the site, adjacent to the proposed dwelling's private open space areas and as such present a variation to the cut controls under the DCP.</p> <p>The applicant in the SOEE has provided the following statement on support of the variation request:</p> <p><i>"The proposed variation is considered acceptable as it provides for the consolidation of landscaped area within each dwellings yard, with screen planting/shrubs able to be planted along the side boundaries allowing for integration of the landscape treatment of each yard. The proposed retaining walls also provide a level surface for each dwelling, providing a good level of usability and amenity for each private open space."</i></p> <p>Cut and fill levels for new dwellings should generally not exceed one metre, unless:</p> <ol style="list-style-type: none"> The excavation is within the confines of the building, or The excavation is intended to provide a flat area of private open space in accordance with the requirements of Section E.2.11, and The excavations will be properly drained and retained in accordance with engineering details, and It can be demonstrated that the appearance of the development would not create unreasonable impacts on the streetscape.

	There are some areas where the retaining walls are greater than 1m in height. This is acceptable as the excavation is intended to provide a flat area for private open space. The submitted stormwater management plan will ensure that the excavations are properly drained and retained in accordance with engineering details. The retaining walls are at the rear of the proposed dwellings and will not be readily seen from Tokyo Terrace.
E.2.7. Site Area and Frontage Controls	<p>A minimum average site area of 300m² per dwelling unit is required under the specified controls. The proposed development meets this requirement by affording an average lot size of 406m²/dwelling.</p> <p>A minimum site frontage of 18 metres is required. The development proposes a site frontage of approximately 32 metres.</p>
E.2.8. Streetscape Controls	The proposed development has been designed in a single storey form, with the front dwellings orientated towards the street providing passive surveillance of the public domain and activation of the Tokyo Terrace street frontage. The proposed landscaping includes mature canopy trees within the front, side and rear setbacks to ensure the development will be viewed within a landscaped setting and the proposed built forms are softened by vegetation when viewed from the street.
E.2.9. Height Controls	<p>The proposed dwellings have been designed in a single storey form and complies with the maximum permissible height for residential buildings. The proposal has been designed to stagger with the topography of the site.</p> <p>DCP maximum height requirement is 9m – the proposal is for single storey dwellings and falls under the 9 metre height limit – therefore compliant.</p>
E.2.10. Solar Access Controls	The shadows cast by the proposed development will not significantly impact the adjoining property to the south. With respect to the dwellings within the proposed development, all dwellings achieve solar access for at least 3 hours to private open space and living areas.
E.2.11. Front setback controls	<p>The proposed 6m front setback is acceptable.</p> <p>Articulation features 1m – acceptable.</p>
E.2.12. Side Setbacks	<p>Requirement: 900mm required.</p> <p>900mm to 3.5m proposed.</p>
E.2.13. Rear Setbacks	<p>3m required for single storey dwellings</p> <p>3.9m – 8.9m proposed – compliant.</p>
E.2.14. Visual &	The potential visual privacy impacts resulting from the development

Acoustic Privacy Controls	<p>proposal are mitigated noting the orientation of the site, setbacks to the side boundaries, and non-habitable conditions provided where appropriate. The ground level windows of the dwellings will be screened by side boundary fences, whilst any changes in levels across the site that present direct sightlines from the site to adjoining properties will be obscured by landscaped screening and physical separation from the southern adjoining dwelling.</p> <p>Internally, the privacy between the buildings on the subject site has been addressed through building design – recessing of built form and boundary fencing. Further, the dwelling orientation allows for bedrooms – not primary living areas to adjoin side boundaries within the site and therefore unlikely to generate privacy impacts as these are considered to be low trafficable areas within a dwelling.</p> <p>The development proposal does not present potential acoustic impacts to adjoining properties noting the proposal is of a residential nature being a low noise generating land use.</p> <p>Required:</p> <p>12m separation between habitable rooms 9m separation between habitable /non-habitable</p> <p>3m between non- habitable rooms</p> <p>Proposed:</p> <p>12m separation provided from southern neighbour to Dwelling 2 9.6m separation from southern neighbour to Dwelling 1</p>
E.2.15. Private Open Space Controls	<p>Requirement:</p> <p>Private Open Space to have NE orientation Min. 40m² Private Open Space per dwelling with 3m dimension</p> <p>Proposed:</p> <p>P.O.S with NE orientation</p> <p>98.83m² – 194.79m² – complaint.</p>
E.2.16. Sustainable Building Design Controls	<p>BASIX and Nathers Certificates have been submitted in support of the application confirming that each dwelling has been designed to meet the State Government's energy efficiency targets for residential development.</p>

	Each dwelling is cross-ventilated and will receive adequate solar access to living areas to maximise natural light and thermal control.
E.2.17. Liveable Housing Design	The proposal largely complies with the liveable housing design requirements (silver performance level). It should be noted that these standards have not been adopted within NSW and are specific to the Cowra Local Government area.
E.4.6. Fencing Controls	Proposed fencing in accordance with DCP requirements.
E.4.7. Waste Management Controls	Bin storage areas have been shown for the proposed units at the rear to accommodate 2 x 240 litre mobile garbage bins. Garbage bins to be placed on the street frontage on bin collection days.
E.4.8. Rainwater Tanks	Proposed as shown on the plans.
E.4.9. Site Facility Controls	Letterboxes – can be provided at the front of the site and shown on the plans. Clothes drying facilities – have been shown on the site plan for each proposed unit.
E.4.10. Servicing Controls	Reticulated services are available for connection as a result of the development of the subject lot.

PART K – LAND USE BUFFERS

Not affected.

PART M – PARKING, ACCESS AND MOBILITY

Section	Comments
M1 Car Parking Code	The parking requirements of the DCP require 1 car space per dwelling in a multi- dwelling housing development, and 1 visitor space per 3 dwellings. The proposal provides 2 x car spaces per dwelling and 4 x visitor spaces and therefore complies.
M2 Car Parking & Access Design – Residential Uses	The proposed vehicular access – driveway width, vehicle circulation and location of parking complies with the relevant provisions of Part M2 of the DCP.

PART N – LANDSCAPING

Section	Comments
N3 Landscaping Controls	The application is supported by a landscape plan prepared by Discount Landscape Plans that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers that complies with the requirements of the DCP. Condition of consent to be imposed to require the update of the

	plans to be inline with the approved site plan.
--	---

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped has been flood prone.

The subject land is not mapped as bushfire prone.

The subject site forms part of the previous subdivision of Lot 3 in DP1141112 as part of Stage 3 in Cowra Shire Council's Valley View Estate subdivision in 2019. Approval of this subdivision for residential development included assessment of potential land contaminants and as such the subject site is considered to be suitable for redevelopment.

PART P – CPTED PRINCIPLES

CPTED Assessment is not considered necessary.

The applicant has provided the following comments with respect to addressing the 'safer by design' CPTED principles:

- *"The development has a clearly defined entry point from Tokyo Terrace, with the front dwellings orientated towards the street to allow for passive surveillance of the public domain – streetscape;*
- *The dwellings will provide passive surveillance of the public domain and communal driveway area through the orientation of dwelling entries towards the front setback and central to the site;*
- *The development boundary is well-defined with landscaped boundaries and fencing providing adequate visual separation between public and private spaces; and*
- *Appropriate lighting is to be provided to the dwelling entries, common circulation areas, and driveway."*

S4.15(1)(a)(iv) The EP & A Regulations

Division I Determination of development applications—the Act,

s 4.15(1)(a)(iv)

CLAUSE	COMMENT
61 Additional matters that consent authority must consider	<p>No demolition is proposed.</p> <p>No subdivision orders are applicable.</p> <p>Dark Sky Planning Guideline does not need to be addressed for this proposal.</p> <p>The proposal does not include a manor house or multi dwelling housing (terraces).</p>
62 Consideration of fire safety	The proposal does not propose a change of building use for an existing building.
63 Considerations for erection	The proposal does not include a temporary structure.

of temporary structures	
64 Consent authority may require upgrade of buildings	The proposal does not involve the rebuilding or alteration of an existing building.
65 Consideration of conservation plan for development at Sydney Opera House	Not applicable.
66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)	Not applicable.
67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)	There is no proposal to modify or surrender a development consent or existing use right.
68 Voluntary surrender of development consent—the Act, s 4.63	There is no proposal to voluntarily surrender a development consent.

S4.15(1)(b) The Likely Impacts of the Development

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

Context and Setting

The area is characterised by residential dwellings and ancillary buildings. There is also some nearby existing medium density development in the form of multi-dwelling housing (3 dwellings) and two semi-detached dwellings at the southern end of London Drive.

The proposal is considered to be consistent with the general character of the locality and is assessed as being appropriate in consideration of its local context and setting.

The proposal is considered compatible with the surrounding area and will have minimal impact in regard to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

Access, Transport and Traffic

The site is accessible via Tokyo Terrace and Seoul Street. A condition of consent will require the lodgement of a s138 permit to construct a new driveway crossing to Tokyo Terrace. The proposed access driveway width complies with the DCP standards. Each dwelling has two car parking spaces by way of an attached garage and sealed carparking space. The development includes four (4) visitor car parking spaces. Traffic movements commensurate with the multi-dwelling housing will not significantly impact on the amenity of the locality.

It is considered that the proposal will likely generate on average an additional 42 vehicle movements per day. This additional loading is considered acceptable and can be accommodated by the existing street system without the need for any further upgrading.

Council's Engineering Assessment has stated that Tokyo Terrace, Comerford St and London Drive are local roads servicing the area and have the ability to support the increase in potential movements.

Public Domain

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

Utilities

The site is serviced by adequate utilities to cater for the development. Detailed concept plans have been submitted by the applicant.

Electricity

The service is available for connection to the proposed development.

Telephone

The service is available for connection to the proposed development.

Water

The service is available for connection to the proposed development. There is a requirement for only 1 master water meter as a result of the Community Title subdivision.

Sewerage

The service is available for connection to the proposed development.

Stormwater

The application is supported by stormwater plans provided by C.P.C Land Development Consultants.

Stormwater generated from the development will be directed to Council's existing Stormwater system.

Heritage

There are no items listed in Schedule 5 of the LEP 2012 identified as present on the land. Some mapped AHIMS items have been identified and discussed previously in this report.

Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas.

Soils

The site has a moderate slope down to the west from the rear and the proposal requires some earthworks and the construction of retaining walls which are considered appropriate for the site and can be undertaken without unsatisfactory environmental impacts. Appropriate conditions of consent can be applied in this regard. The development as conditioned is highly unlikely to have a negative impact on soils.

Air and Microclimate

Minimal amounts of dust may be generated during the construction period, which can be mitigated through watering of unsealed areas of the site. Once construction works are complete the development will not impact on air quality.

Flora and Fauna

Inspection reveals that the site is a vacant urban allotment that requires the removal of a medium sized tree. Council records do not indicate that there are any critical habitats or threatened species in the vicinity of the site. The development is not expected to impact on any critical habitats or threatened species. The application is accompanied by an Ecological Assessment prepared by Dr Kate Hammill which concludes that the development of the site for a multi-dwelling housing development will not cause adverse impacts upon important flora and fauna on the site.

Waste

Any construction waste and ongoing domestic waste will be retained on site and periodically removed and appropriately recycled or catered for at a licensed waste management facility.

Garbage bin storage is provided for each dwelling in the rear yard.

Energy

BASIX and NatHERS Certificates have been submitted with the application. The development is required to comply with the associated energy efficiency requirements.

Noise and Vibration

Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is to be included in any conditions of consent. The constructed development will not result in any significant ongoing noise or vibration above what would be expected in a residential environment.

Natural Hazards

A review of Council's mapping system and inspection of the site did not identify the subject land as being subject to flooding or bushfire or any other potential hazards.

Technological Hazards

Review of Council's records and inspection of the site did not reveal any technological hazards affecting the site. Council is not aware of and the SOEE submitted with the application did not make reference to any previous land use likely to have resulted in contamination.

Refer to SEPP Resilience and Hazards comments.

Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

Social and Economic Impacts on the locality

The proposed development will not result in significant minor negative social or economic impacts. The proposal will provide an increase in housing choice in Cowra for which there is a demand.

Site Design and Internal Design

The design of the development is considered to be satisfactory for the site and without any identified significant adverse impacts.

It is considered that the design of the proposal is sensitive to the environmental conditions and site attributes, including:

- The proportion of the site covered by the proposed building;
- The positioning of the building on the site;
- The size, form and appearance; and
- Landscaping.

Also refer to discussion under DCP 2021 for greater detail and discussion of these attributes.

Construction

The proposed development will be built in accordance with the Building Code of Australia. No adverse construction impacts are anticipated to occur as a result of the development.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic activity at the site will occur during the construction phase. This will be limited by a condition of consent and will not continue beyond that associated with the development once construction is completed.

S4.15(1)(c) The Suitability of the Site for the Development

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create significant adverse impacts within its local setting. Appropriate services for water, waste disposal and other utilities are available to the site. It is assessed that the development will not impact upon any existing services. The development site is not identified as

bushfire or flood prone, or otherwise unsatisfactorily constrained by natural features. The site is considered suitable for the development subject to the imposition of appropriate conditions of consent.

S4.15(1)(d) Any Submissions Received

Public Consultation

The subject Development Application was originally advertised and notified to adjoining owners in writing from 28 April 2022 to 12 May 2022 in accordance with Cowra Community Participation Plan 2020.

Due to some redesigning of the proposal and the updating of plans and documents, the application was renotified between 20 April 2023 and 5 May 2023.

Twenty-two (22) submissions were received in relation to the proposed development during the first notification period and seventeen (17) submissions were received during the second notification period.

It is noted that the points made during both notification periods are essentially the same and all points have been addressed. A copy of the 17 submissions received during the second notification period are included in Attachment '5' and a copy of the applicant's responses to the submissions is included in Attachment '6' to this report.

The submissions object to the development on a number of grounds which are summarised in the below table, along with corresponding assessment comments:

Objection	Assessment Comment
Overcrowding too big for lot size – precedent for future multi-dwelling	Multi dwelling housing is permitted with development consent in the zone. The development proposal provides adequate private open space and internal amenity. Amended plans have been submitted detailing the internal configuration of the dwellings. The proposal far exceeds the dwelling density requirement under the DCP of 300m ² per dwelling (406m ² per dwelling proposed or 35% greater than the minimum standard).
Increased traffic – vehicle noise – parking – hinder emergency vehicles – driveway location headlights shining into front rooms – safety of pedestrians & cyclists	Swept turning paths have been provided on the plans. The amended architectural plans show 4 x visitor car spaces to more than accommodate visitor traffic generation for the subject site (only 3 required by the DCP). It is noted that 2 spaces per dwelling are provided in addition to the 1 space required under the DCP. Central driveway will provide access for emergency vehicles to entire development. The dwellings opposite the development don't have their primary frontage toward the proposed development. Council's road network is capable of supporting the increased traffic generated from the development.
Increased noise –	The land use is permitted with consent in the zone. The land use

garbage disposal – families with pets co-located in small area	<p>is residential and acoustic impacts are commensurate with the residential land use.</p> <p>There is no requirement under the DCP for onsite collection of garbage bins by a waste contractor. Bins will be placed on the street for collection on bin collection day. Allocation has been made for each dwelling site for bin storage.</p> <p>Any pet ownership needs to be undertaken in accordance with the relevant legislation and guidelines regardless of location.</p>
Not in line with unique prestige estate – minimal setbacks from boundaries – quality of build not in line with prestige – maintenance of property	<p>The development proposal meets the setback requirements under the Development Control Plan. The application is supported by a landscape plan ensuring that the dwellings will be viewed within a landscape setting.</p> <p>The landscape plan includes screen planting. The side elevations of the development proposal and screen planting are shown on the landscape plan.</p> <p>Architectural style is sympathetic with the recent construction in the area.</p> <p>Material and colour selection are similar to adjoining properties. Maintenance of the property will be subject to the owners of each dwelling once constructed.</p> <p>There are no adopted development controls which require the construction of dwellings within the Valley View Estate to be of a “prestigious” design and character.</p>
Visitor car parking insufficient – inadequate vehicle access and parking	<p>The parking rate meets the requirement of the Cowra Development Control Plan which includes parking rates determined to be appropriate by Council. Notwithstanding, amended plans were submitted by the applicant with 4 x visitor car spaces in addition to the residential parking spaces for each of the dwellings (2 proposed – 1 required).</p>
Goes against Council’s marketing of subdivision – to be developed in line with detailed urban design study – noncompliance with Valley View Estate Building and Site Design guidelines	<p>The marketing of the Valley View Estate is not a consideration under the Environmental Planning and Assessment Act. This includes the draft Valley View Estate Guidelines which at this time have not been formalised into a development control plan and accordingly are not subject to any legislative provisions under the Act.</p> <p>The scale of the dwellings within the multi dwelling housing development is consistent with similar examples in the vicinity of the site and DCP requirements.</p>
Decrease re-sale values – sociodemographic change – dangerous precedent	<p>This is unfounded and not a legislated consideration under the provisions of the Environmental Planning and Assessment Act.</p>
Similar to a previous DA by Council which was refused	<p>This application presents a reduction in scale to the previous application. A full comparison of the changes to the previous application is provided within the Statement of Environmental</p>

	<p>Effects submitted with this application.</p> <p>The previous DA was for the construction of 9 dwellings. This application provides for the construction of 7 dwellings.</p> <p>The development is in accordance with provisions of the Council DCP 2021.</p> <p>Minimum lot size complies with LEP & DCP requirements.</p>
Watercourse problems - storm water inundation	<p>The application is supported by stormwater plans provided by C.P.C Land Development Consultants.</p> <p>Stormwater generated from the development will be directed to Council's Stormwater system.</p> <p>Pre-development and post-development stormwater calculations are in accordance with Council's guidelines for a 20-year stormwater event.</p>
Asset protection zone to be contained wholly within subject site	<p>The development proposal is contained wholly on the subject site and does not include work on the adjoining parcels of land.</p>
View loss from 33 London Drive	<p>The predominant view to the valley is experienced to the west from London Drive. The subject site is located east of London Drive and specifically 33 London Drive. There are no view corridors across the site which would be obstructed by the proposed development.</p>

Public Authority Consultation:

There are no public authority consultation requirements with this development application.

S4.15(1)(e) The Public Interest

Community Interest

The proposed development is permissible on the subject land and is not expected to adversely impact on the community interests of the area. The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will contribute to development within the locality and will not impose any identified adverse economic or social impacts on the local community.

Section 7.11(formerly S94) Contributions

Section 7.11 development contributions are payable prior to the issue of the Construction Certificate in accordance with Council's Section 94 Contributions Plan 2016. The contributions are specified in recommended condition 9.

Other Policy Considerations

Cowra Shire Development Servicing Plans for Water and Sewer 2008

Developer contributions for water and sewer headworks apply in accordance with Section 64 of the Local Government Act 1993 and Cowra Shire Council Development Servicing Plans (DSP) for Water and Sewer 2008. Contributions are payable prior to the issue of the Construction Certificate in accordance with Section 2.3 of the DSP 2008.

Conclusion

Development Application No. 37/2022, Lot 7 DP 1250412, 13 Tokyo Terrace Cowra, 7 detached dwellings and 8 lot community title subdivision, lodged by Michael Kilzi.

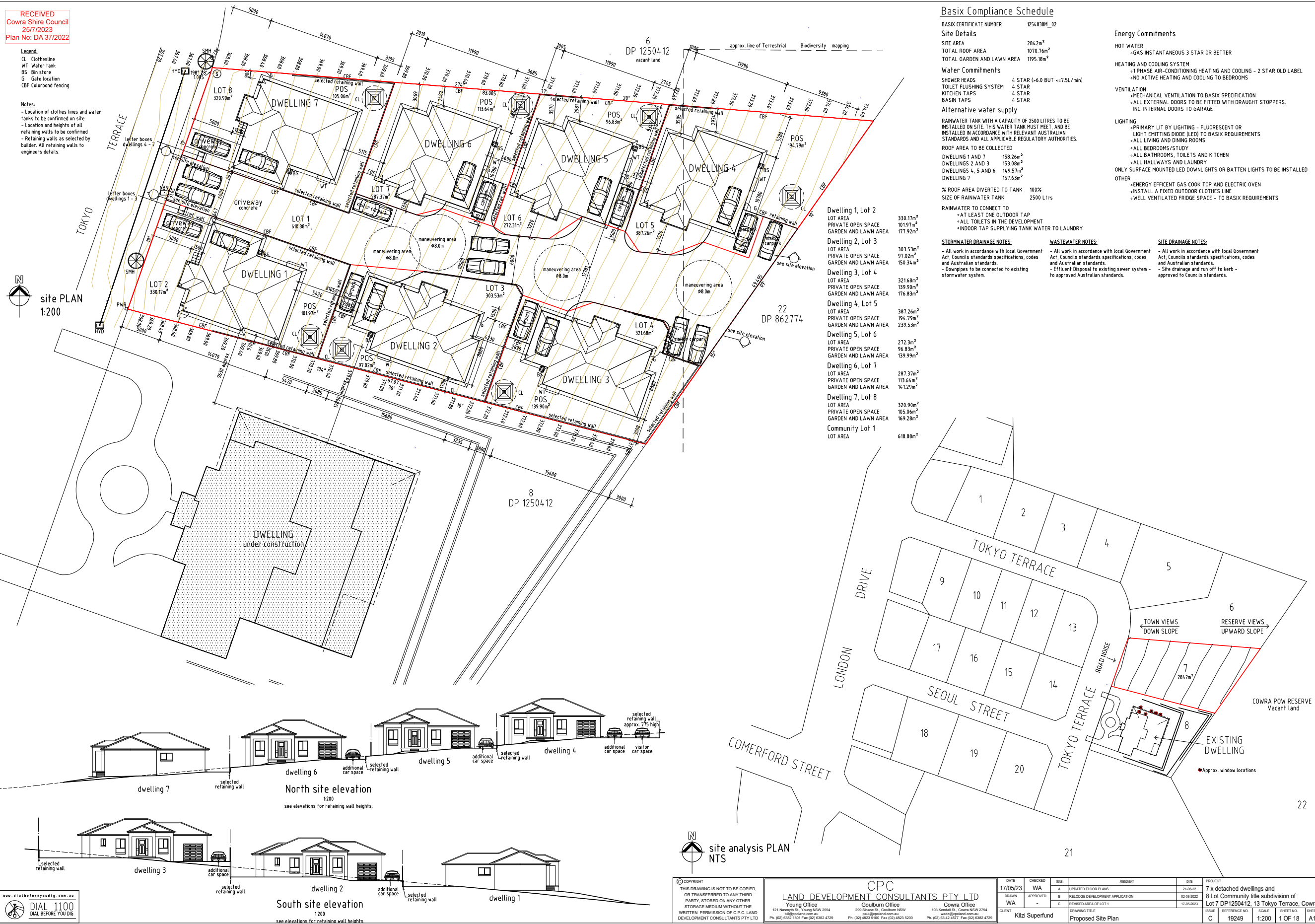
The application was supported by a Statement of Environmental Effects and development plans prepared by the applicant which provide sufficient information to allow assessment of the proposal. The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012 relating to development in the R1 General Residential zone and is consistent with existing land-use activities of the locality.

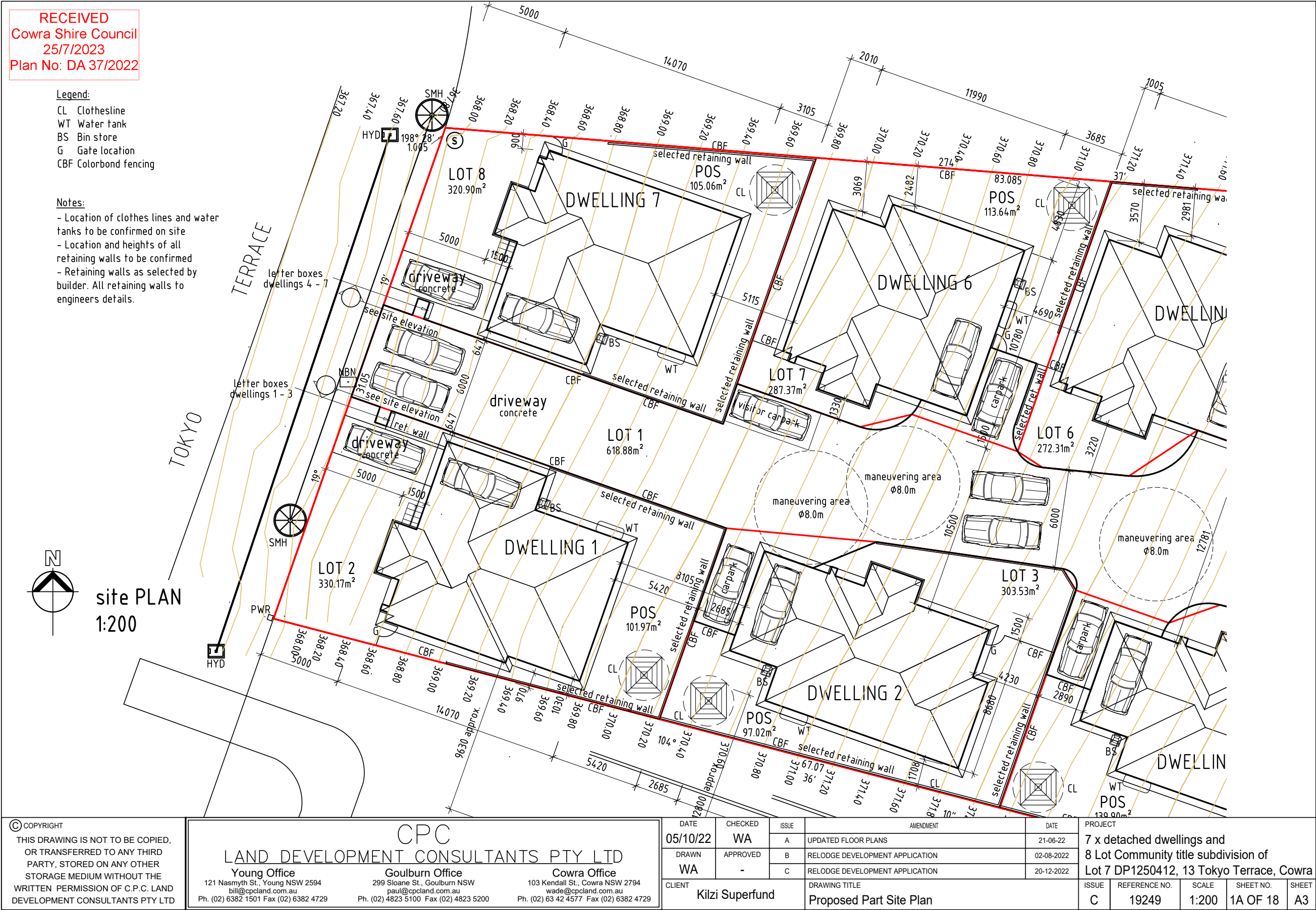
The development application was advertised and notified to adjoining land owners in accordance with the provisions of Council's Community Participation Plan 2020. Twenty (22) objections were initially received following the consultation process and 17 during the second round of consultation. The associated objections and concerns are addressed in this report.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application. Accordingly, a recommendation of conditional approval is listed in the recommendation.

ATTACHMENTS

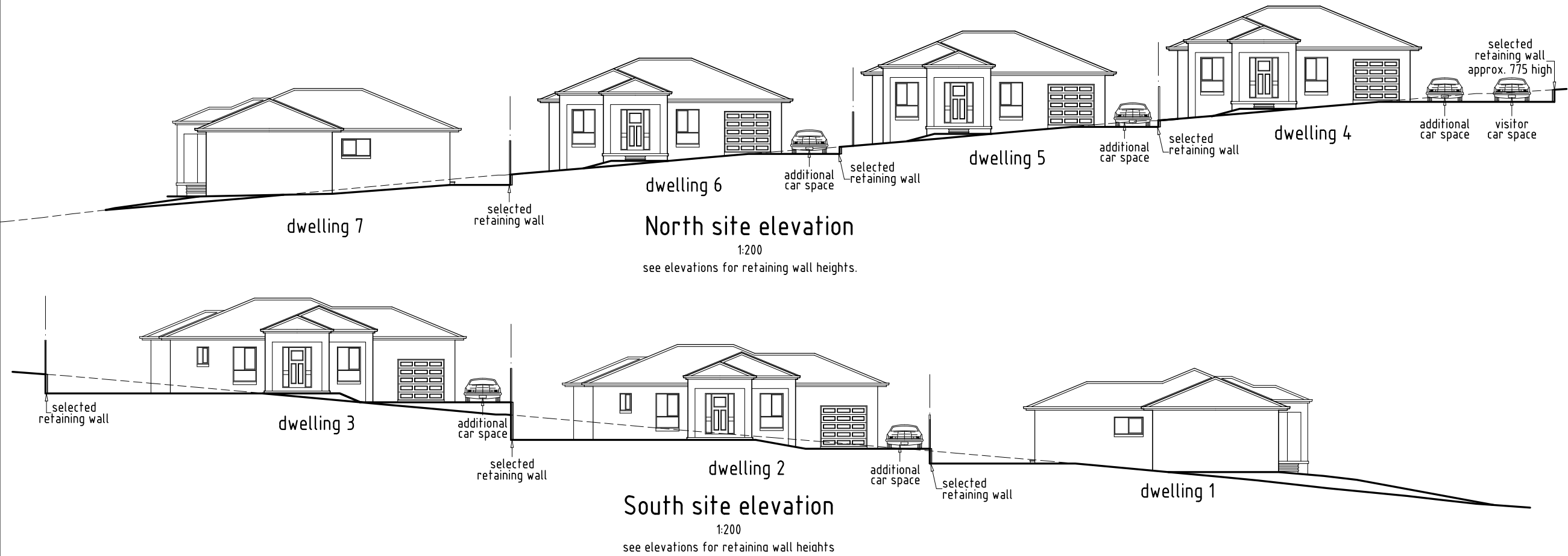
1. DA 37/2022 - Development Plans [↓](#)
2. DA 37/2022 - Statement of Environmental Effects [↓](#)
3. DA 37/2022 - Location map [↓](#)
4. DA 37/2022 - aerial view [↓](#)
5. DA 37/2022 - copies of submissions [↓](#)
6. DA 37/2022 - responses to submissions from applicant [↓](#)







RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022



© COPYRIGHT
THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

CPC

LAND DEVELOPMENT CONSULTANTS PTY LTD

Young Office

121 Nasmyth St., Young NSW 2594

bill@cpcland.com.au

Ph. (02) 6382 1501 Fax (02) 6382 4729

Goulburn Office

299 Sloane St., Goulburn NSW

paul@cpcland.com.au

Ph. (02) 4823 5100 Fax (02) 4823 5200

Cowra Office

103 Kendall St., Cowra NSW 2794

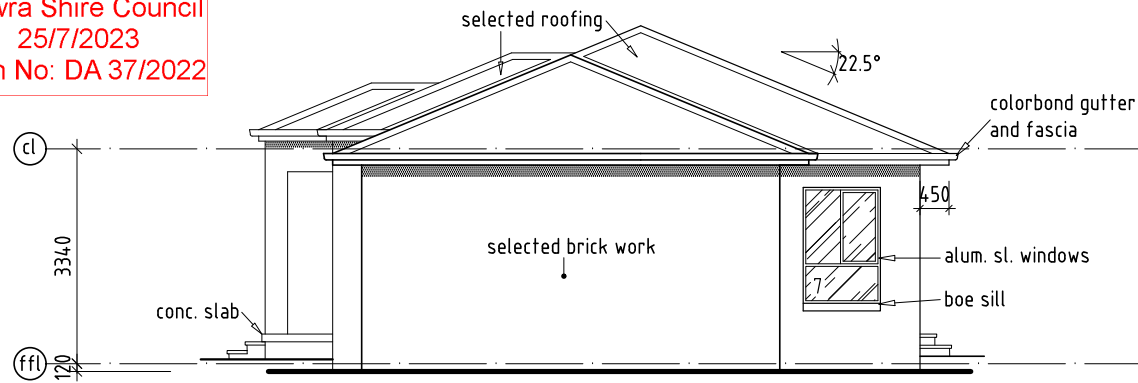
wade@cpcland.com.au

Ph. (02) 63 42 4577 Fax (02) 6382 4729

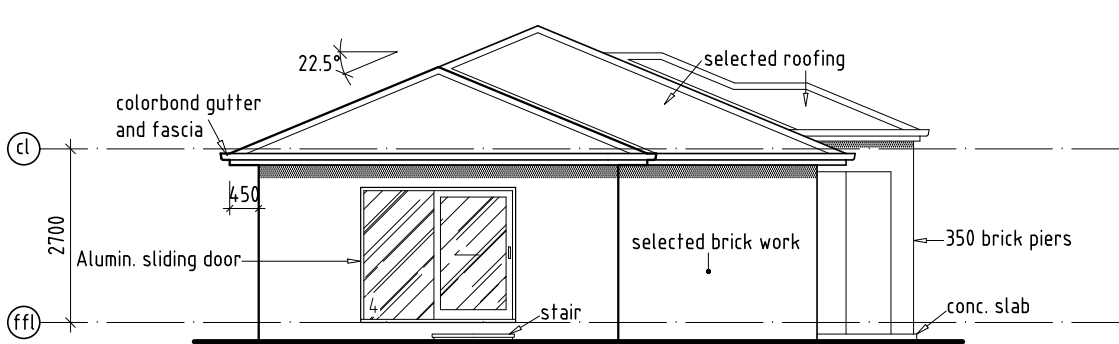
DATE	CHECKED	ISSUE	AMENDMENT	DATE	PROJECT				
05/10/22	WA	A	UPDATED FLOOR PLANS	21-06-22	7 x detached dwellings and				
DRAWN WA	APPROVED -	B	RELODGE DEVELOPMENT APPLICATION	02-08-2022	8 Lot Community title subdivision of				
		C	RELODGE DEVELOPMENT APPLICATION	20-12-2022	Lot 7 DP1250412, 13 Tokyo Terrace, Cowra				
CLIENT			DRAWING TITLE		ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET
Kilzi Superfund			Proposed Site Elevations		C	19249	1:200	1C OF 18	A3

Page 46

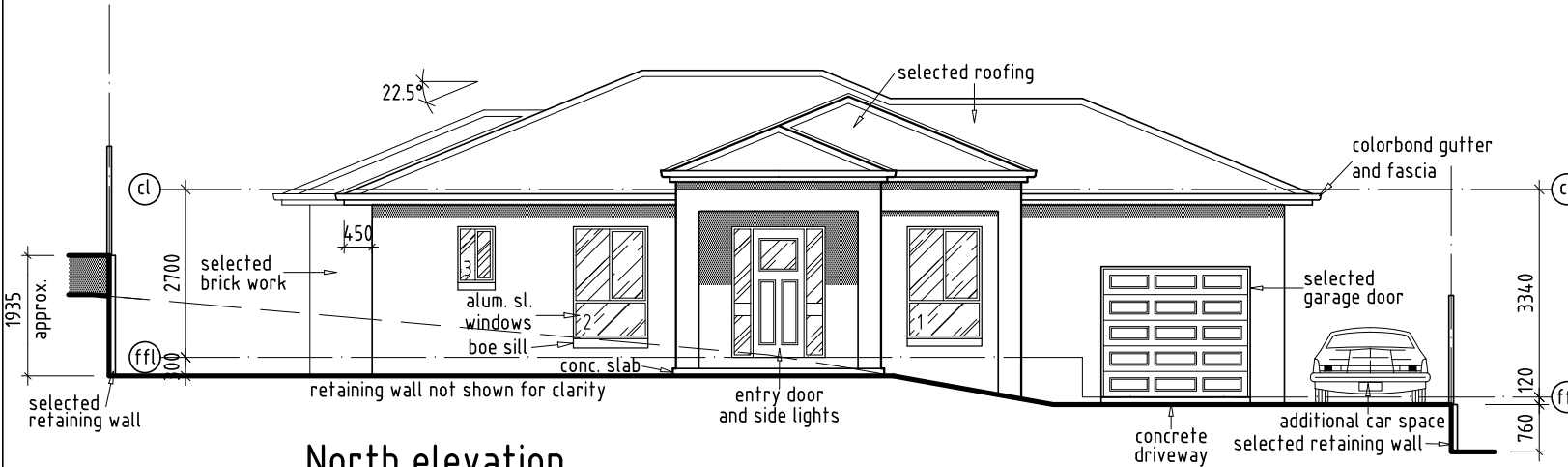
RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022



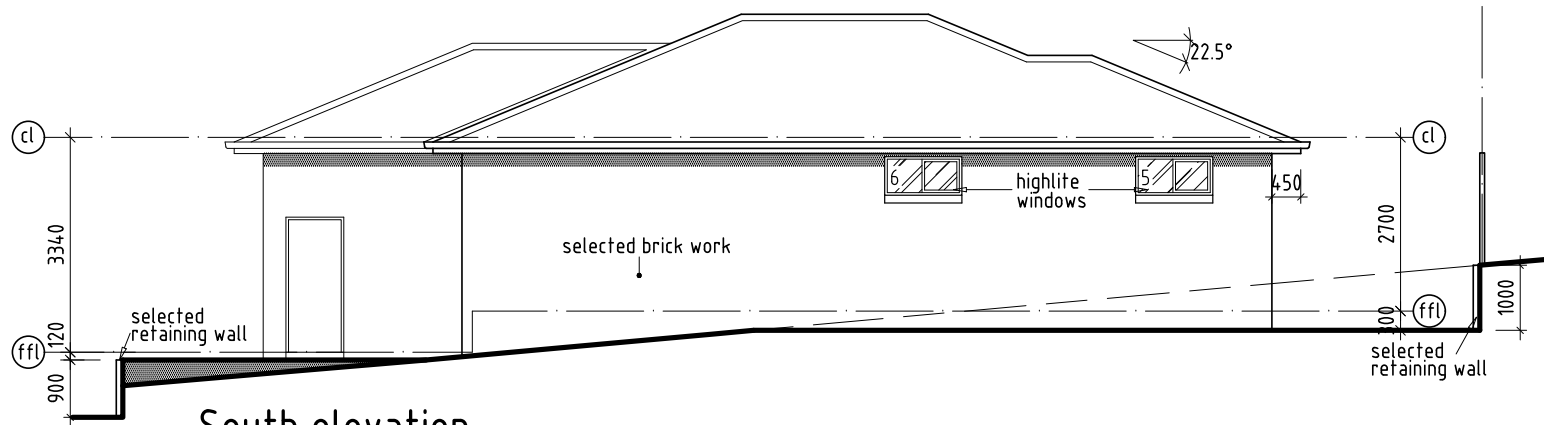
West elevation
dwelling 2



East elevation
dwelling 2



North elevation
dwelling 2



South elevation
dwelling 2

Window Schedule

Number	Type	Opening Size h x l	Orientation	Area M ²	Window Type
1	ALUMINIUM SL WINDOW	1800 x 1200	N	2.16m ²	As per NatHERS certificate
2	ALUMINIUM SL WINDOW	1800 x 1200	N	2.16m ²	As per NatHERS certificate
3	ALUMINIUM SL WINDOW	0900 x 0600	N	0.54m ²	As per NatHERS certificate
* 4	ALUMINIUM SL DOOR	2100 x 2400	E	5.04m ²	As per NatHERS certificate
5	ALUMINIUM SL WINDOW	0600 x 0900	S	0.54m ²	As per NatHERS certificate
6	ALUMINIUM SL WINDOW	0600 x 0900	S	0.54m ²	As per NatHERS certificate
7	ALUMINIUM SL WINDOW	1800 x 1200	W	2.16m ²	As per NatHERS certificate
Total				13.14m ²	

Note:
Windows to be powder coated in colour chosen by owner
Windows to be fitted with suitable insect screens.
All windows single glazed unless specifice.
All window sizes are indicitive only and are to be to the nearest manufacturers size with clients approval
* Windows exempt from BASIX certificate *

Heating and Cooling Loads

COOLING LOAD 13.0 MJ/m²/y
HEATING LOAD 57.1 MJ/m²/y
READ IN CONJUNCTION WITH
ABSA CERTIFICATE 0006734917-03

INSULATION REQUIREMENTS

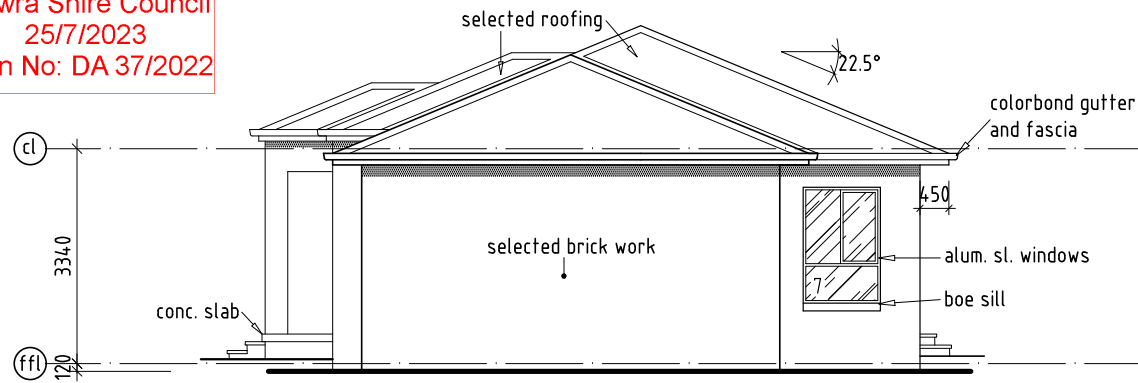
EXTERNAL WALL - BRICK VENEER R2.0 as per NatHERS certificate
INT. WALL SHARED WITH GARAGE R2.0 as per NatHERS certificate
FLAT CEILING AND PITCHED ROOF (>10°) CEILING: 3.0 as per NatHERS certificate
ROOF INSULATION ROOF: R0.30 as per NatHERS certificate
INSULATION SPECIFIED IN THIS BASIX CERTIFICATE MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.1.1 OF THE BUILDING CODE OF AUSTRALIA.

© COPYRIGHT
THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

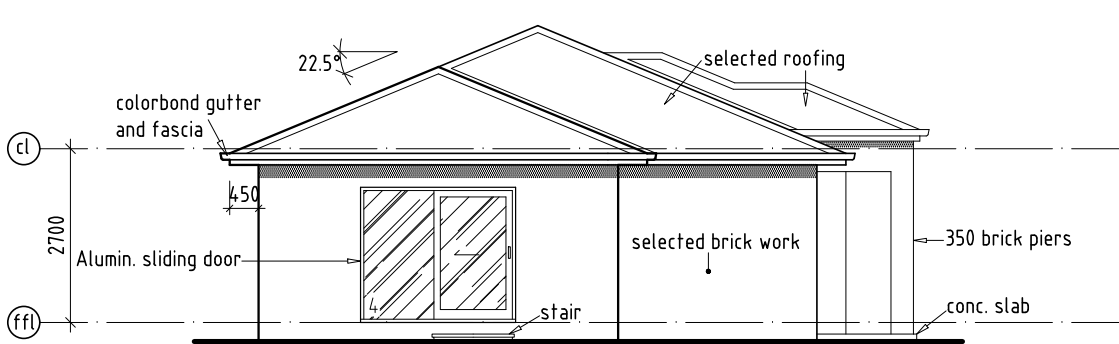
CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD
Young Office 121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au Ph. (02) 6382 1501 Fax (02) 6382 4729
Goulburn Office 299 Sloane St., Goulburn NSW
paul@cpcland.com.au Ph. (02) 4823 5100 Fax (02) 4823 5200
Cowra Office 103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au Ph. (02) 63 42 4577 Fax (02) 6382 4729

DATE	CHECKED	ISSUE	AMENDMENT	DATE	PROJECT
05/10/22	WA	A	UPDATED FLOOR PLANS	21-06-22	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra
	APPROVED	B	RELODGE DEVELOPMENT APPLICATION	02-08-2022	
	-	C	RELODGE DEVELOPMENT APPLICATION	20-12-2022	
CLIENT	Kilzi Superfund				DRAWING TITLE
					Proposed Elevations - Dwelling 2
ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET	
C	19249	1:100	5 OF 18	A3	

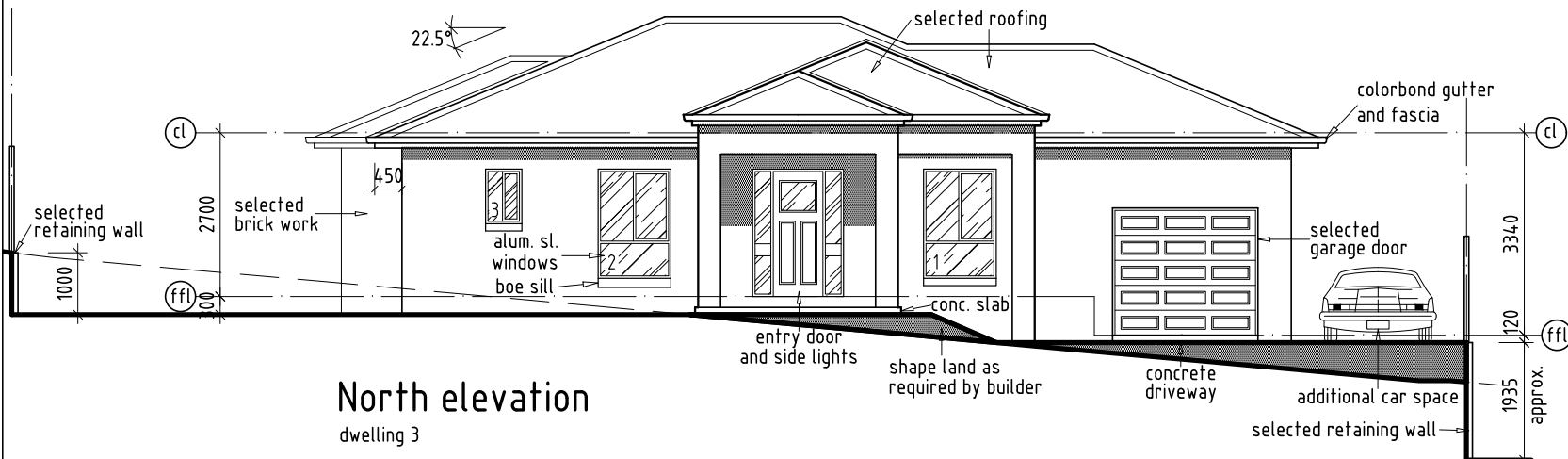
RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022



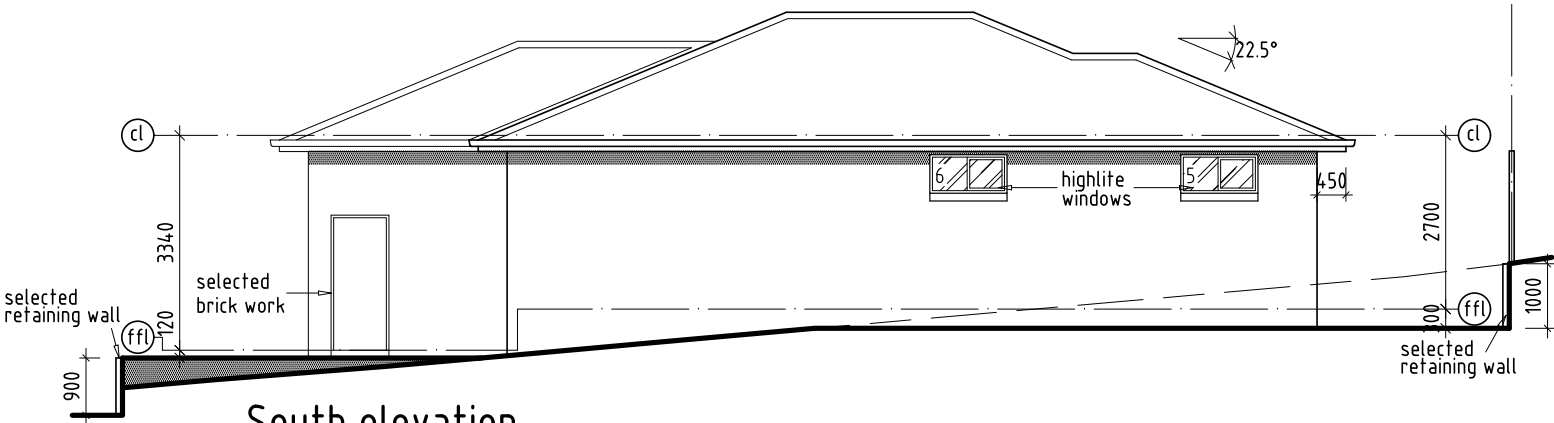
West elevation
dwelling 3



East elevation
dwelling 3



North elevation
dwelling 3



South elevation
dwelling 3

Heating and Cooling Loads

COOLING LOAD 11.8 MJ/m²/y
HEATING LOAD 59.0 MJ/m²/y
READ IN CONJUNCTION WITH
ABSA CERTIFICATE 0006734925-03

INSULATION REQUIREMENTS

EXTERNAL WALL - BRICK VENEER R2.0 as per NatHERS certificate
INT. WALL SHARED WITH GARAGE R2.0 as per NatHERS certificate
FLAT CEILING AND PITCHED ROOF (>10°) CEILING: 3.0 as per NatHERS certificate
ROOF INSULATION ROOF: R0.30 as per NatHERS certificate
INSULATION SPECIFIED IN THIS BASIX CERTIFICATE MUST BE INSTALLED IN
ACCORDANCE WITH PART 3.12.1.1 OF THE BUILDING CODE OF AUSTRALIA.

Window Schedule

Number	Type	Opening Size h x l	Orientation	Area M ²	Window Type
1	ALUMINIUM SL WINDOW	1800 x 1200	N	2.16m ²	As per NatHERS certificate
2	ALUMINIUM SL WINDOW	1800 x 1200	N	2.16m ²	As per NatHERS certificate
3	ALUMINIUM SL WINDOW	0900 x 0600	N	0.54m ²	As per NatHERS certificate
* 4	ALUMINIUM SL DOOR	2100 x 2400	E	5.04m ²	As per NatHERS certificate
5	ALUMINIUM SL WINDOW	0600 x 0900	S	0.54m ²	As per NatHERS certificate
6	ALUMINIUM SL WINDOW	0600 x 0900	S	0.54m ²	As per NatHERS certificate
7	ALUMINIUM SL WINDOW	1800 x 1200	W	2.16m ²	As per NatHERS certificate
				Total	13.14m ²

Note:

Windows to be powder coated in colour chosen by owner
Windows to be fitted with suitable insect screens.
All windows single glazed unless specified.

All window sizes are indicative only and are to be to the
nearest manufacturers size with clients approval

* Windows exempt from BASIX certificate *

© COPYRIGHT

THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD

Young Office
121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au
Ph. (02) 6382 1501 Fax (02) 6382 4729

Goulburn Office
299 Sloane St., Goulburn NSW
paul@cpcland.com.au
Ph. (02) 4823 5100 Fax (02) 4823 5200

Cowra Office
103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au
Ph. (02) 63 42 4577 Fax (02) 6382 4729

DATE
05/10/22

CHECKED
WA

ISSUE
A

AMENDMENT

DATE
21-06-22

PROJECT

7 x detached dwellings and
Community title subdivision of
Lot 7 DP1250412, 13 Tokyo Terrace, Cowra

DRAWN
WA

APPROVED
-

ISSUE
B

AMENDMENT

DATE
02-08-2022

CLIENT
Kilzi Superfund

DRAWING TITLE
Proposed Elevations - Dwelling 3

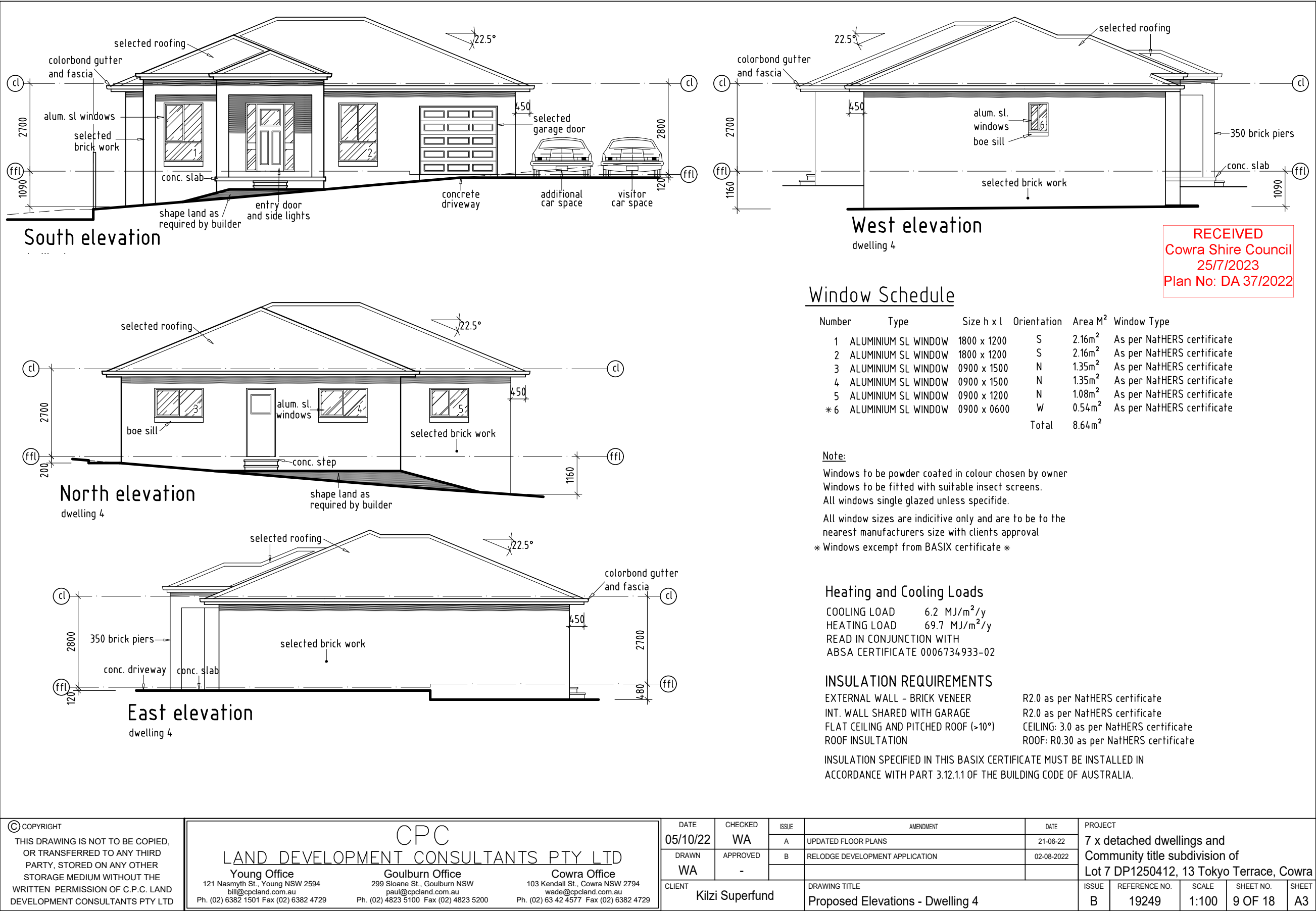
ISSUE
C

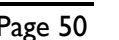
REFERENCE NO.
19249

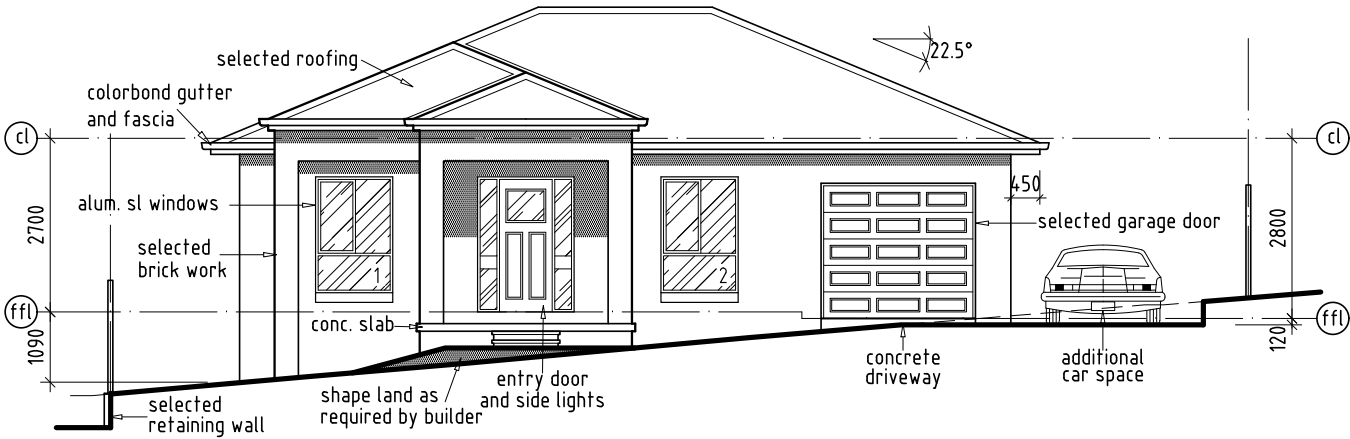
SCALE
1:100

SHEET NO.
7 OF 18

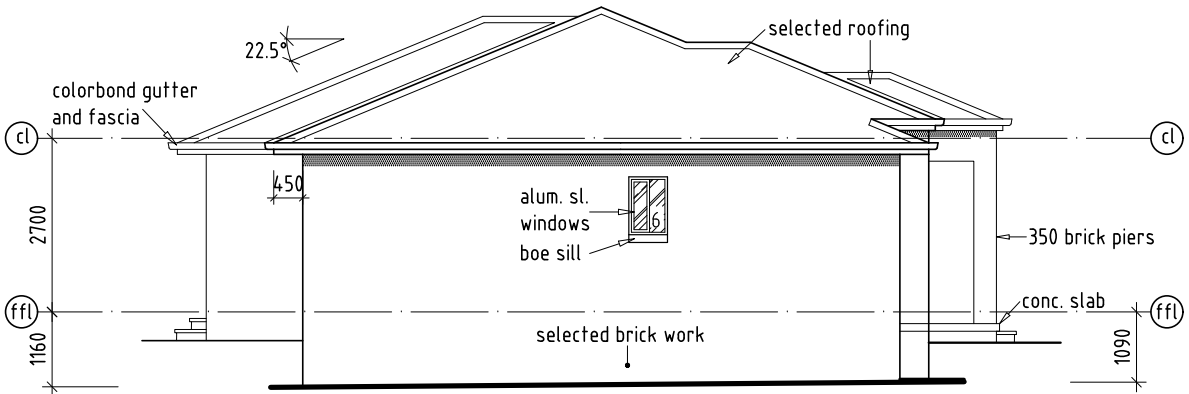
SHEET
A3







South elevation
dwelling 6



West elevation
dwelling 6

RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022

Window Schedule

Number	Type	Size h x l	Orientation	Area M ²	Window Type
1	ALUMINIUM SL WINDOW	1800 x 1200	S	2.16m ²	As per NatHERS certificate
2	ALUMINIUM SL WINDOW	1800 x 1200	S	2.16m ²	As per NatHERS certificate
3	ALUMINIUM SL WINDOW	0900 x 1500	N	1.35m ²	As per NatHERS certificate
4	ALUMINIUM SL WINDOW	0900 x 1500	N	1.35m ²	As per NatHERS certificate
5	ALUMINIUM SL WINDOW	0900 x 1200	N	1.08m ²	As per NatHERS certificate
* 6	ALUMINIUM SL WINDOW	0900 x 0600	W	0.54m ²	As per NatHERS certificate
Total				8.64m ²	

Note:
Windows to be powder coated in colour chosen by owner
Windows to be fitted with suitable insect screens.
All windows single glazed unless specifice.

All window sizes are indicitive only and are to be to the nearest manufacturers size with clients approval
* Windows exempt from BASIX certificate *

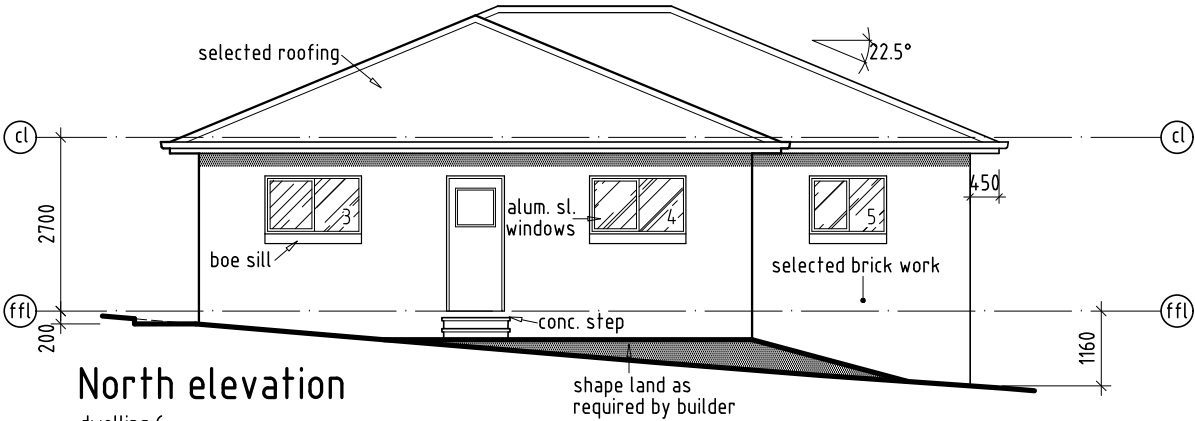
Heating and Cooling Loads

COOLING LOAD 6.1 MJ/m²/y
HEATING LOAD 71.2 MJ/m²/y
READ IN CONJUNCTION WITH
ABSA CERTIFICATE 0006734958-02

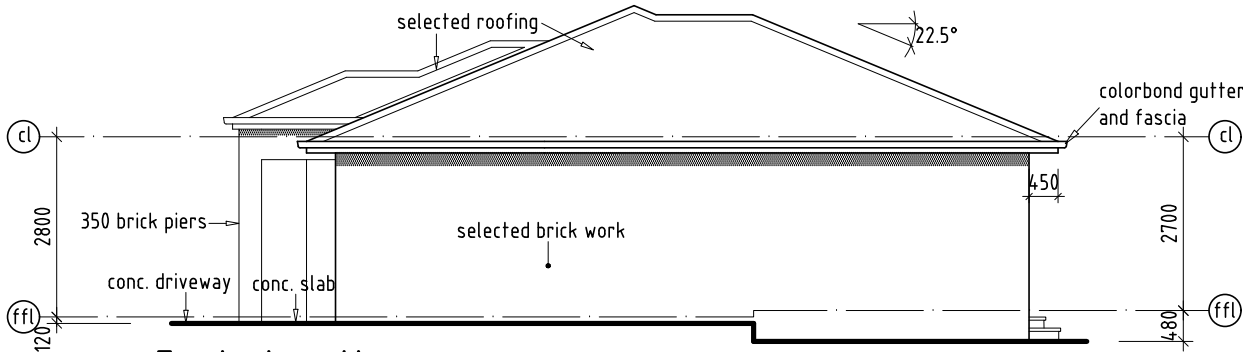
INSULATION REQUIREMENTS

EXTERNAL WALL - BRICK VENEER R2.0 as per NatHERS certificate
INT. WALL SHARED WITH GARAGE R2.0 as per NatHERS certificate
FLAT CEILING AND PITCHED ROOF (>10°) CEILING: 3.0 as per NatHERS certificate
ROOF INSULATION ROOF: R0.30 as per NatHERS certificate

INSULATION SPECIFIED IN THIS BASIX CERTIFICATE MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.1.1 OF THE BUILDING CODE OF AUSTRALIA.



North elevation
dwelling 6



East elevation
dwelling 6

© COPYRIGHT
THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

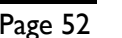
CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD

Young Office
121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au
Ph. (02) 6382 1501 Fax (02) 6382 4729

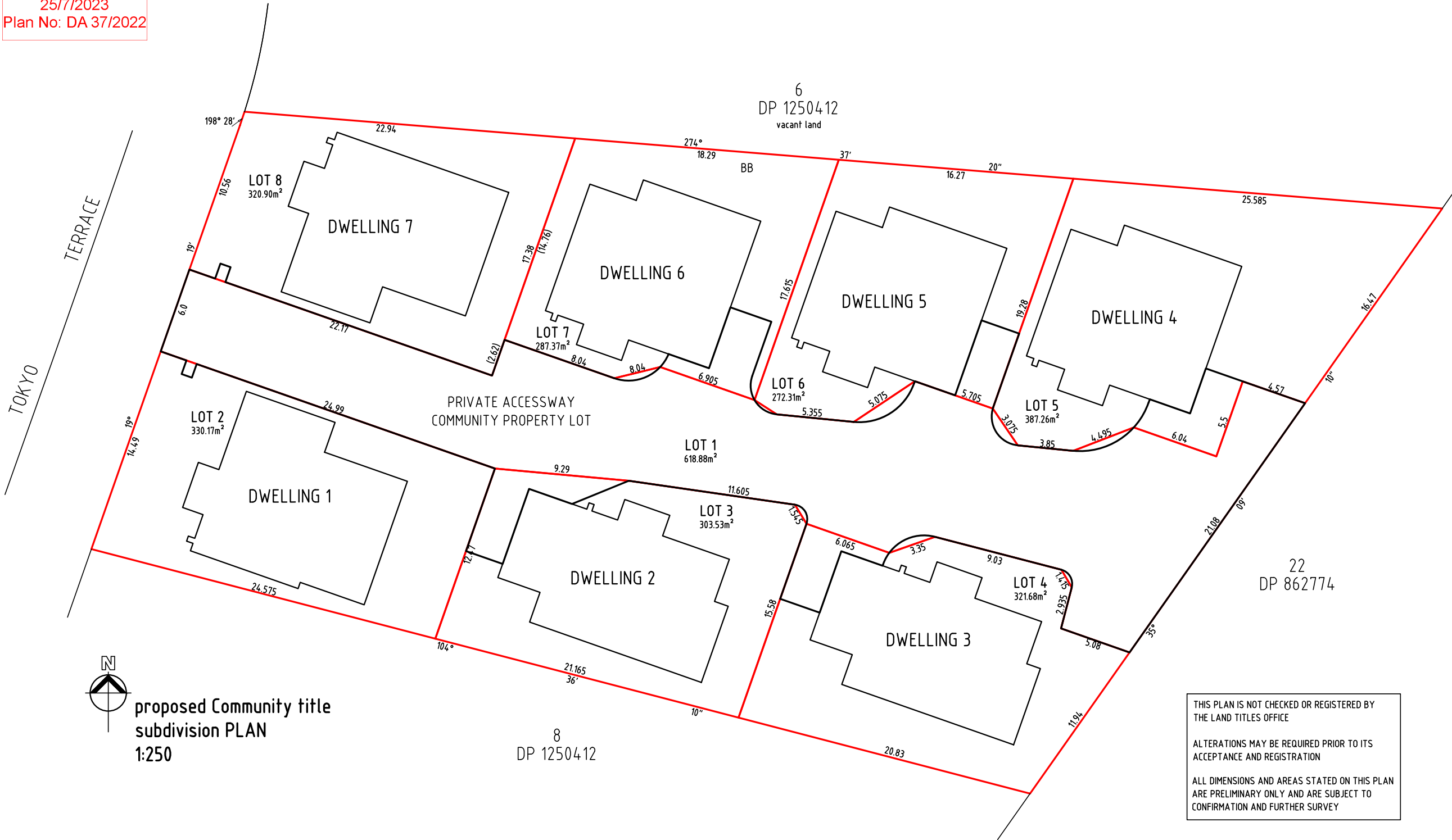
Goulburn Office
299 Sloane St., Goulburn NSW
paul@cpcland.com.au
Ph. (02) 4823 5100 Fax (02) 4823 5200

Cowra Office
103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au
Ph. (02) 63 42 4577 Fax (02) 6382 4729

DATE	CHECKED	ISSUE	AMENDMENT	DATE	PROJECT				
05/10/22	WA	A	UPDATED FLOOR PLANS	21-06-22	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra				
DRAWN WA	APPROVED	B	RELODGE DEVELOPMENT APPLICATION	02-08-2022					
	-	C	RELODGE DEVELOPMENT APPLICATION	20-12-2022					
CLIENT		DRAWING TITLE			ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET
Kilzi Superfund		Proposed Elevations - Dwelling 6			C	19249	1:100	13 OF 18	A3



RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022



© COPYRIGHT

THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD

Young Office
121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au
Ph. (02) 6382 1501 Fax (02) 6382 4729

Goulburn Office
299 Sloane St., Goulburn NSW
paul@cpcland.com.au
Ph. (02) 4823 5100 Fax (02) 4823 5200

Cowra Office
103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au
Ph. (02) 63 42 4577 Fax (02) 6382 4729

DATE
17/05/23

CHECKED
-

ISSUE
B

AMENDMENT
RELODGE DEVELOPMENT APPLICATION

DATE
02-08-2022

PROJECT
7 x detached dwellings and
Community title subdivision of
Lot 7 DP1250412, 13 Tokyo Terrace, Cowra

DRAWN
WA

APPROVED
-

ISSUE
C

AMENDMENT
RELODGE DEVELOPMENT APPLICATION

DATE
20-12-2022

CLIENT
Kilzi Superfund

DRAWING TITLE
Proposed Subdivision

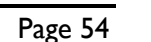
ISSUE
D

REFERENCE NO.
19249

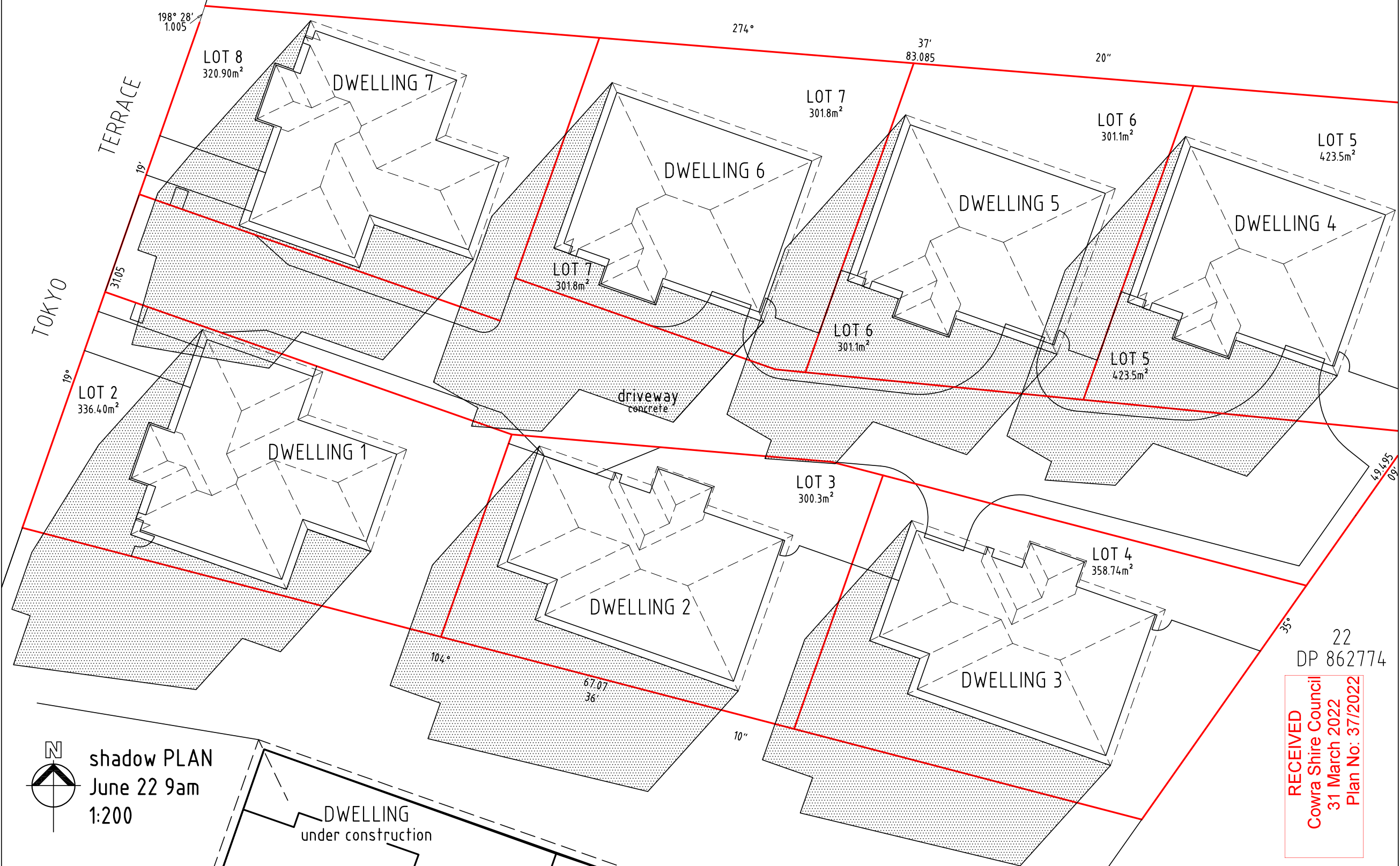
SCALE
1:250

SHEET NO.
16 OF 18

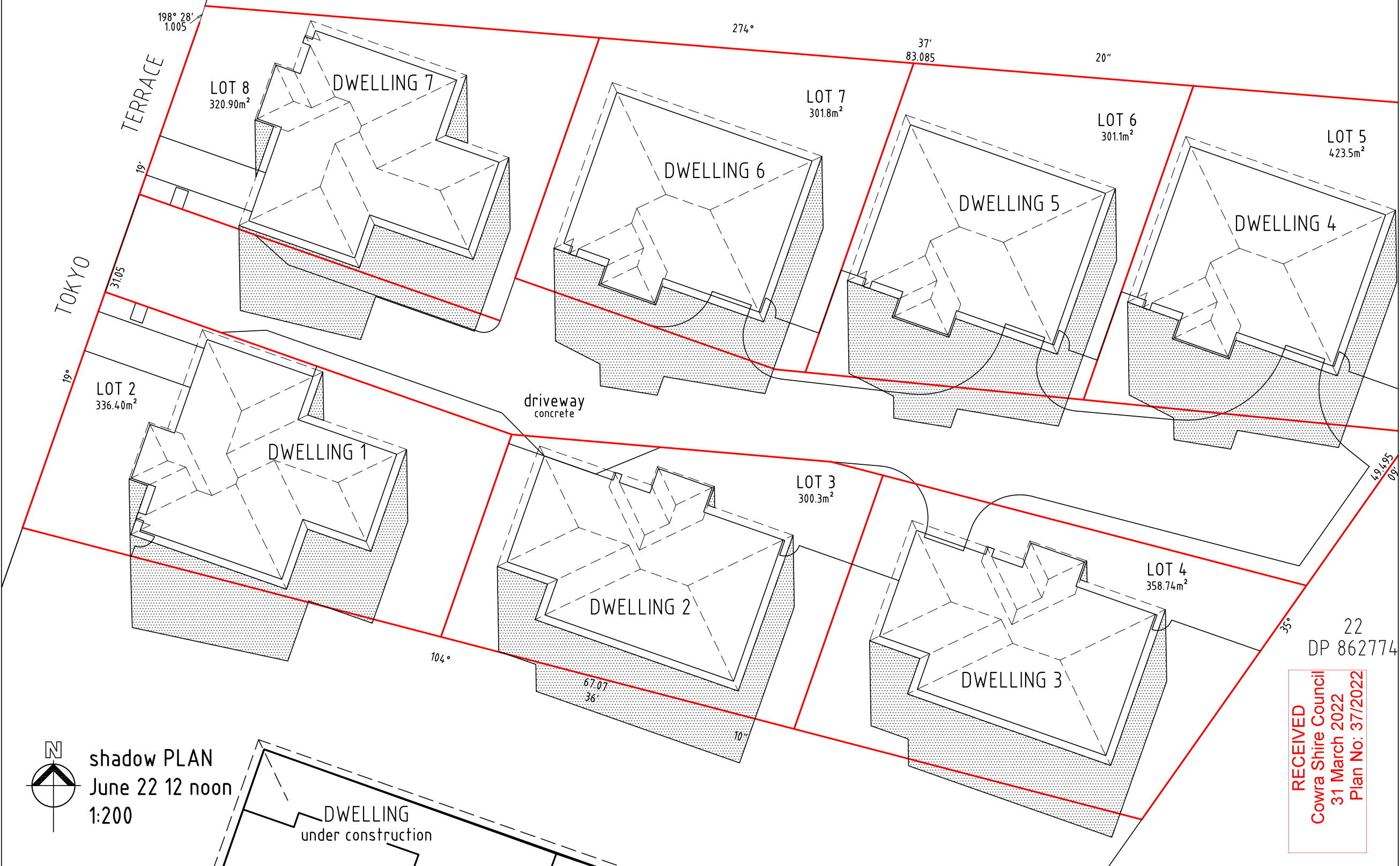
SHEET
A3



Page 55



<div>© COPYRIGHT</div> <div>THIS DRAWING IS NOT TO BE COPIED, OR TRANSFERRED TO ANY THIRD PARTY, STORED ON ANY OTHER STORAGE MEDIUM WITHOUT THE WRITTEN PERMISSION OF C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD</div>	<div>CPC</div> <div>LAND DEVELOPMENT CONSULTANTS PTY LTD</div> <div><div>Young Office</div><div>121 Nasmyth St., Young NSW 2594 bill@cpcland.com.au Ph. (02) 6382 1501 Fax (02) 6382 4729</div></div> <div><div>Goulburn Office</div><div>299 Sloane St., Goulburn NSW paul@cpcland.com.au Ph. (02) 4823 5100 Fax (02) 4823 5200</div></div> <div><div>Cowra Office</div><div>103 Kendall St., Cowra NSW 2794 wade@cpcland.com.au Ph. (02) 63 42 4577 Fax (02) 6382 4729</div></div>			DATE	CHECKED	ISSUE	AMENDMENT		DATE	PROJECT				
	10-11-21	WA	-	-			-	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra						
	DRAWN	APPROVED	-	-			-							
	WA	-												
	CLIENT		Kilzi Superfund		DRAWING TITLE			Expected shadows 22nd June 9am		ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET
									-	19249	1:250	1 OF 9	A3	



© COPYRIGHT
THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD

Young Office
121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au
Ph. (02) 6382 1501 Fax (02) 6382 4729

Goulburn Office
299 Sloane St., Goulburn NSW
paul@cpcland.com.au
Ph. (02) 4823 5100 Fax (02) 4823 5200

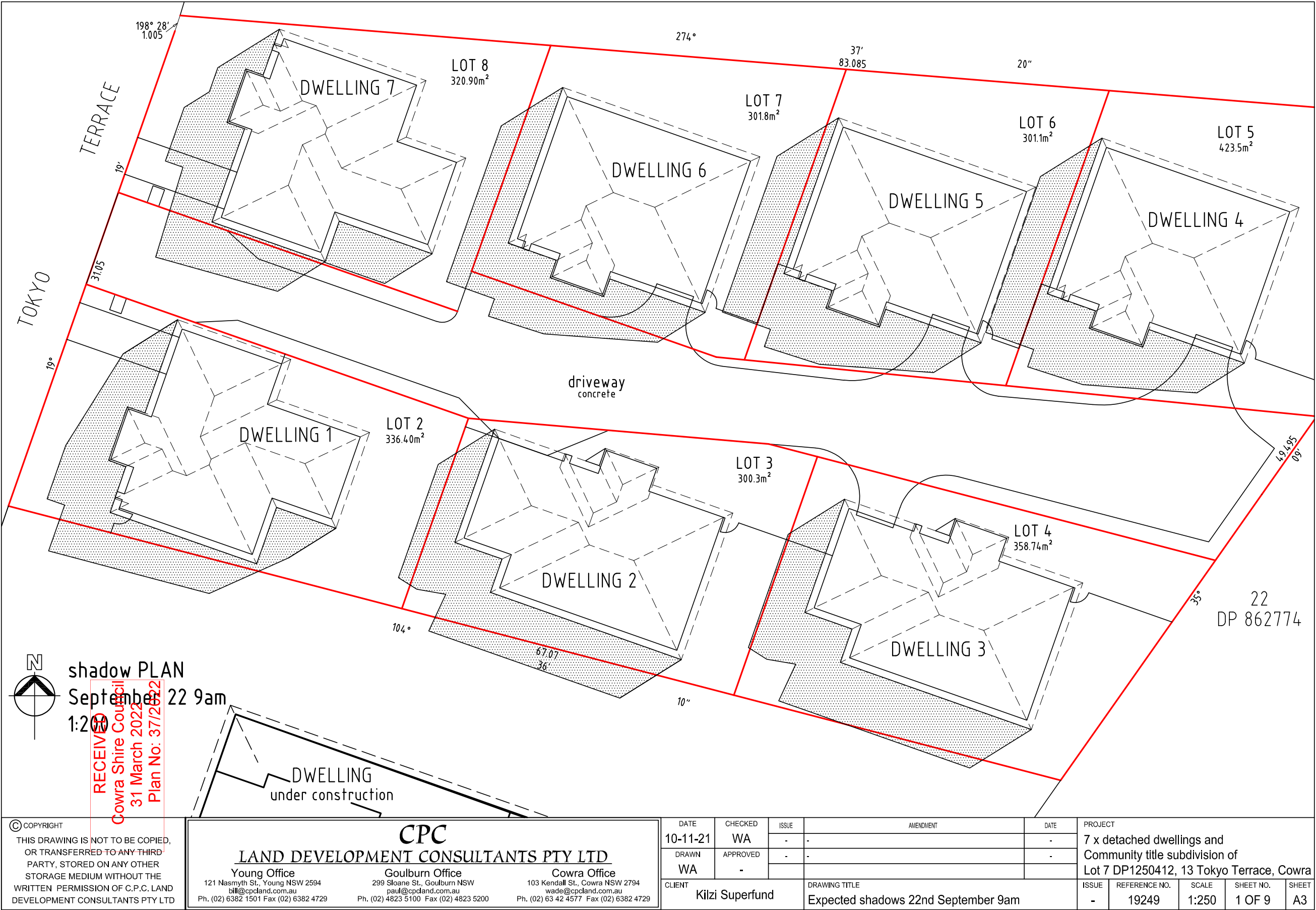
Cowra Office
103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au
Ph. (02) 63 42 4577 Fax (02) 6382 4729

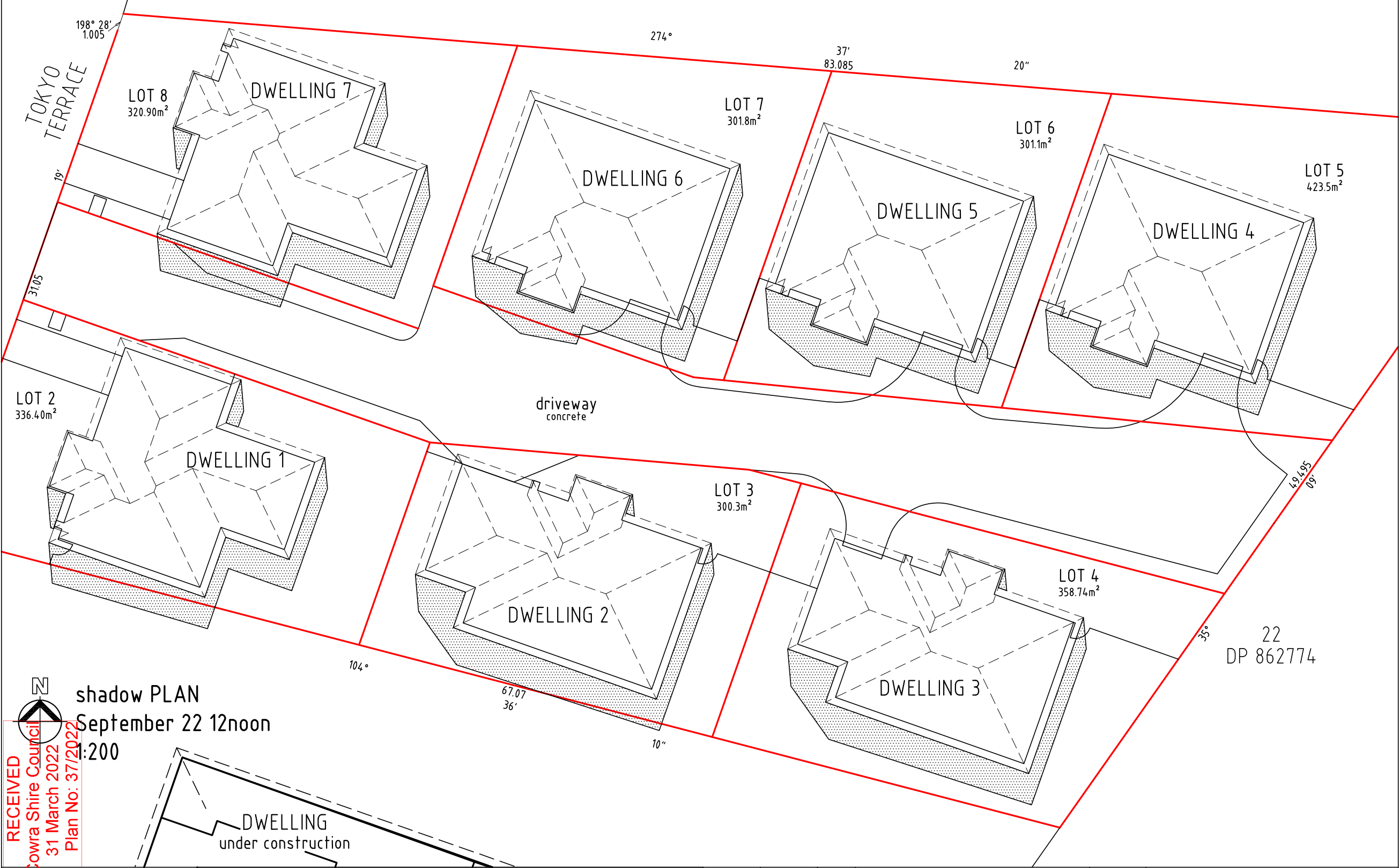
DATE	CHECKED	ISSUE	AMENDMENT	DATE
10-11-21	WA	-	-	-
DRAWN	APPROVED			
WA	-			
CLIENT	Kilzi Superfund			
DRAWING TITLE	Expected shadows 22nd June 12 noon			

PROJECT	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra				
ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET	
-	19249	1:250	1 OF 9	A3	



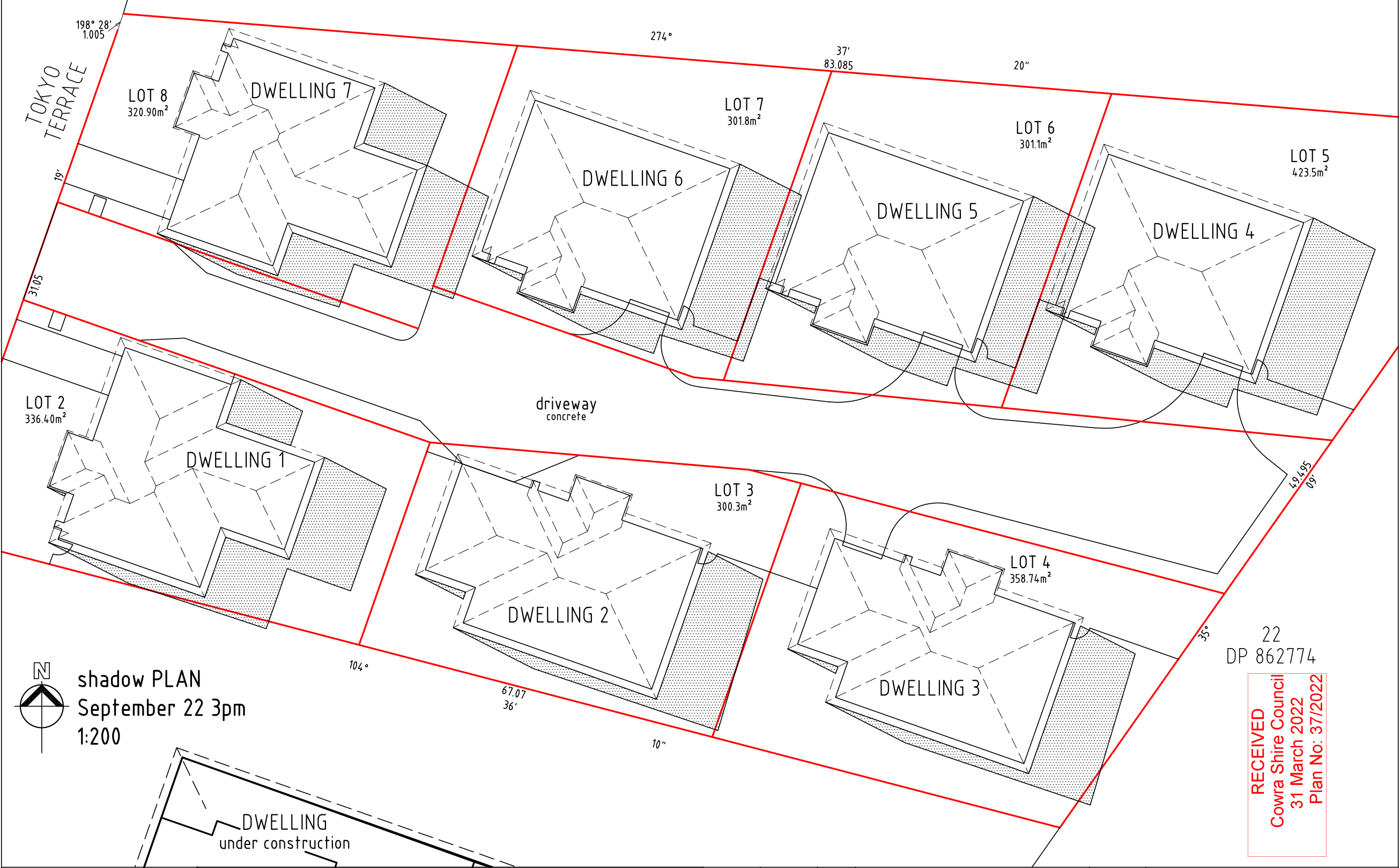
<div>© COPYRIGHT</div> <div>THIS DRAWING IS NOT TO BE COPIED, OR TRANSFERRED TO ANY THIRD PARTY, STORED ON ANY OTHER STORAGE MEDIUM WITHOUT THE WRITTEN PERMISSION OF C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD</div>	<div>CPC</div> <div>LAND DEVELOPMENT CONSULTANTS PTY LTD</div> <div><div>Young Office</div><div>121 Nasmyth St., Young NSW 2594</div><div>bill@cpcland.com.au</div><div>Ph. (02) 6382 1501 Fax (02) 6382 4729</div></div> <div><div>Goulburn Office</div><div>299 Sloane St., Goulburn NSW</div><div>paul@cpcland.com.au</div><div>Ph. (02) 4823 5100 Fax (02) 4823 5200</div></div> <div><div>Cowra Office</div><div>103 Kendall St., Cowra NSW 2794</div><div>wade@cpcland.com.au</div><div>Ph. (02) 63 42 4577 Fax (02) 6382 4729</div></div>			DATE	CHECKED	ISSUE	AMENDMENT	DATE	PROJECT				
	10-11-21	WA	-	-	-	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra							
	DRAWN	APPROVED	-	-	-								
	WA	-											
CLIENT			DRAWING TITLE			ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET			
Kilzi Superfund			Expected shadows 22nd June 3pm			-	19249	1:250	1 OF 9	A3			



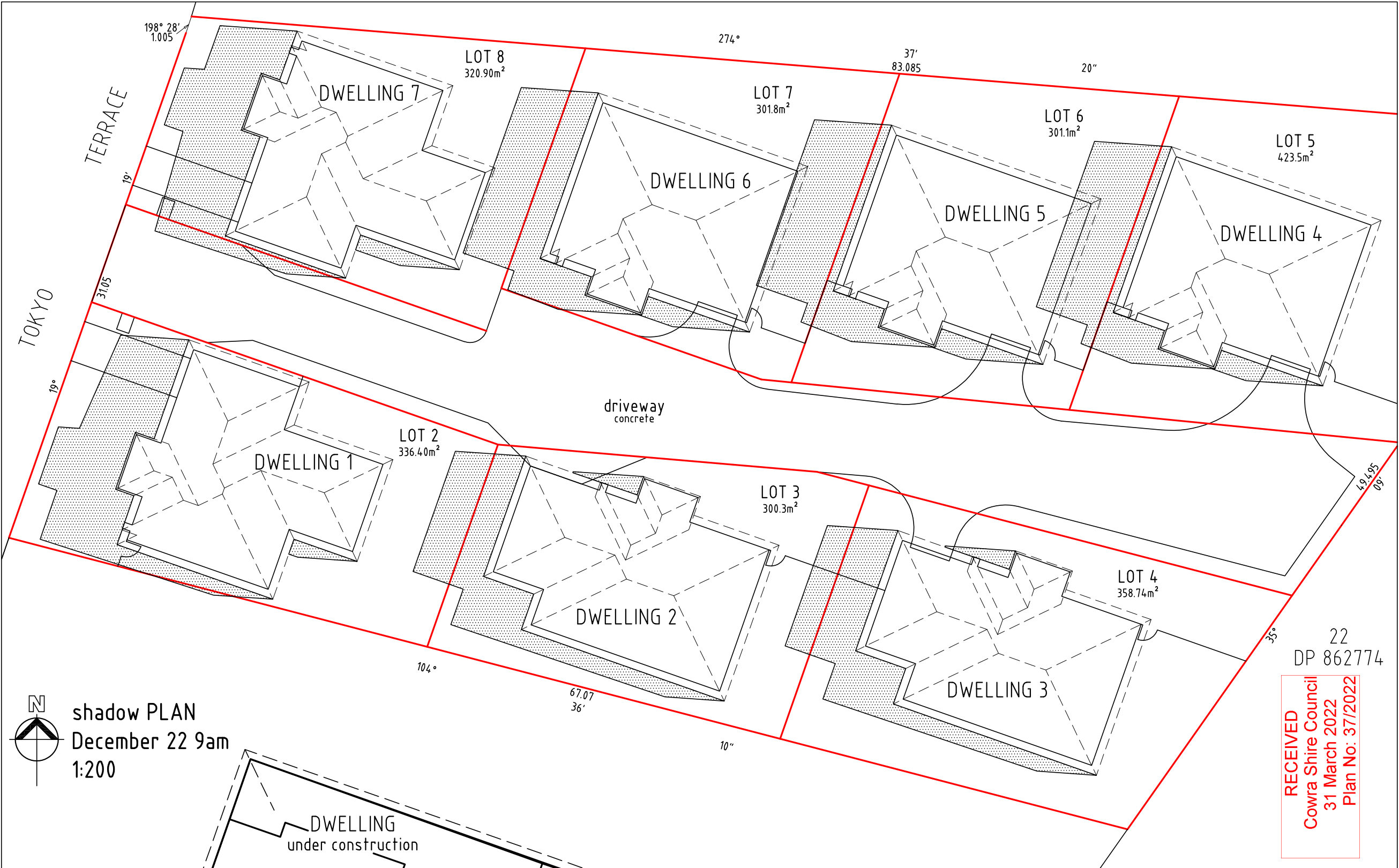


RECEIVED
Cowra Shire Council
31 March 2022
Plan No: 37/2022

© COPYRIGHT THIS DRAWING IS NOT TO BE COPIED, OR TRANSFERRED TO ANY THIRD PARTY, STORED ON ANY OTHER STORAGE MEDIUM WITHOUT THE WRITTEN PERMISSION OF C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD		CPC LAND DEVELOPMENT CONSULTANTS PTY LTD Young Office 121 Nasmyth St, Young NSW 2594 bill@cpcland.com.au Ph. (02) 6382 1501 Fax (02) 6382 4729 Goulburn Office 299 Sloane St, Goulburn NSW paul@cpcland.com.au Ph. (02) 4823 5100 Fax (02) 4823 5200 Cowra Office 103 Kendall St, Cowra NSW 2794 wade@cpcland.com.au Ph. (02) 63 42 4577 Fax (02) 6382 4729			DATE 10-11-21	CHECKED WA	ISSUE -	AMENDMENT	DATE -	PROJECT 7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra
					DRAWN WA	APPROVED -				
					CLIENT Kilzi Superfund	DRAWING TITLE Expected shadows 22nd September 12 noon			ISSUE -	REFERENCE NO. 19249
								SCALE 1:250	SHEET NO. 1 OF 9	SHEET A3



<div>© COPYRIGHT</div> <div>THIS DRAWING IS NOT TO BE COPIED, OR TRANSFERRED TO ANY THIRD PARTY, STORED ON ANY OTHER STORAGE MEDIUM WITHOUT THE WRITTEN PERMISSION OF C.P.C. LAND DEVELOPMENT CONSULTANTS PTY LTD</div>	<div>CPC</div> <div>LAND DEVELOPMENT CONSULTANTS PTY LTD</div> <div><div>Young Office</div><div>121 Nasmyth St., Young NSW 2594 bill@cpcland.com.au Ph. (02) 6382 1501 Fax (02) 6382 4729</div></div> <div><div>Goulburn Office</div><div>299 Sloane St., Goulburn NSW paul@cpcland.com.au Ph. (02) 4823 5100 Fax (02) 4823 5200</div></div> <div><div>Cowra Office</div><div>103 Kendall St., Cowra NSW 2794 wade@cpcland.com.au Ph. (02) 63 42 4577 Fax (02) 6382 4729</div></div>			DATE	CHECKED	ISSUE	AMENDMENT		DATE	PROJECT				
	10-11-21	WA	-	-			-	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra						
	DRAWN	APPROVED	-	-			-							
	WA	-												
	CLIENT		Kilzi Superfund		DRAWING TITLE			Expected shadows 22nd September 3pm	ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET	
								-	19249	1:250	1 OF 9	A3		



© COPYRIGHT
THIS DRAWING IS NOT TO BE COPIED,
OR TRANSFERRED TO ANY THIRD
PARTY, STORED ON ANY OTHER
STORAGE MEDIUM WITHOUT THE
WRITTEN PERMISSION OF C.P.C. LAND
DEVELOPMENT CONSULTANTS PTY LTD

CPC
LAND DEVELOPMENT CONSULTANTS PTY LTD

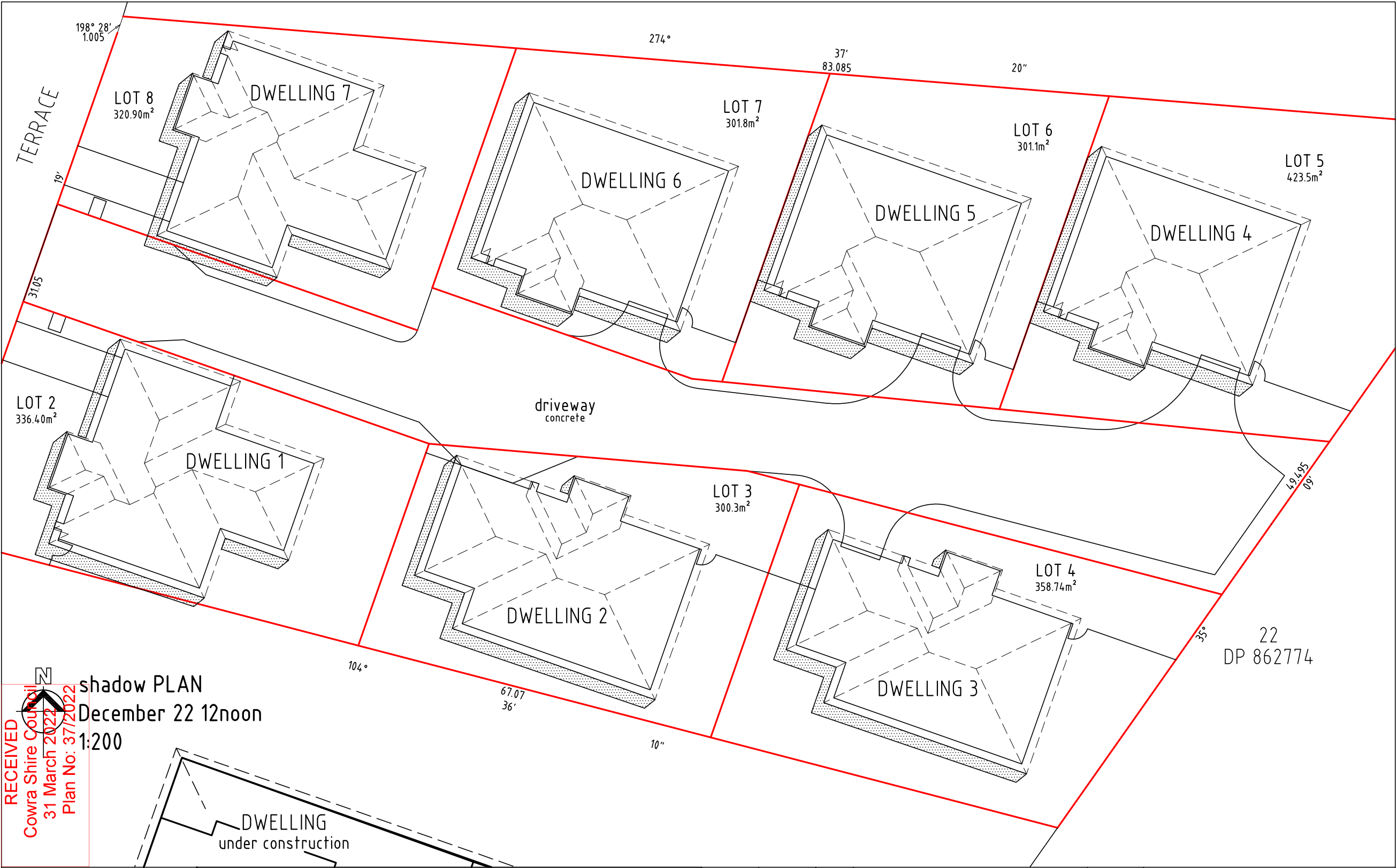
Young Office
121 Nasmyth St., Young NSW 2594
bill@cpcland.com.au
Ph. (02) 6382 1501 Fax (02) 6382 4729

Goulburn Office
299 Sloane St., Goulburn NSW
paul@cpcland.com.au
Ph. (02) 4823 5100 Fax (02) 4823 5200

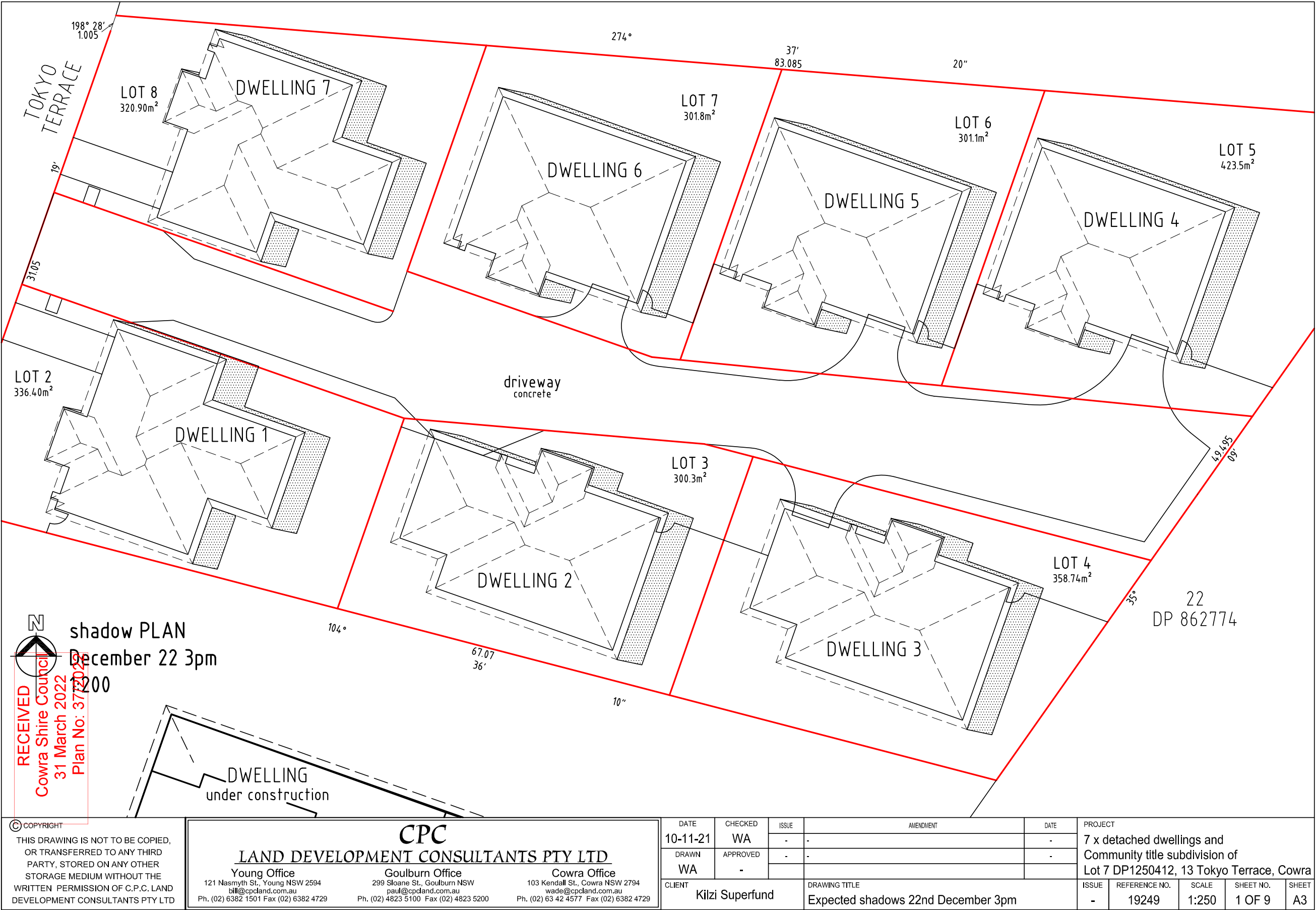
Cowra Office
103 Kendall St., Cowra NSW 2794
wade@cpcland.com.au
Ph. (02) 63 42 4577 Fax (02) 6382 4729

DATE	CHECKED	ISSUE	AMENDMENT	DATE
10-11-21	WA	-		-
DRAWN	APPROVED			
WA	-			
CLIENT	Kilzi Superfund			
DRAWING TITLE	Expected shadows 22nd December 9am			

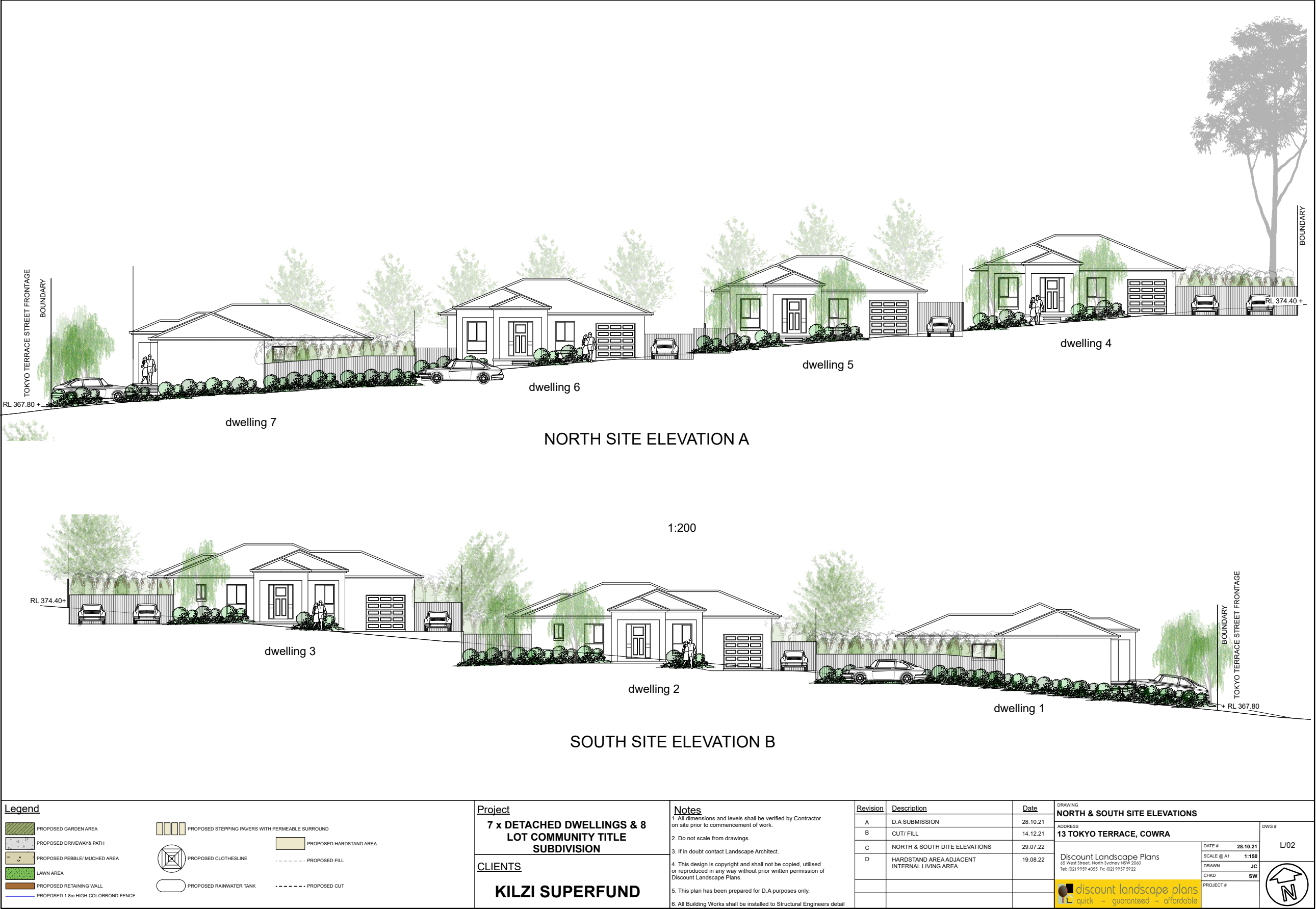
PROJECT				
7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra				
ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET
-	19249	1:250	1 OF 9	A3



© COPYRIGHT		<div>CPC</div> <div>LAND DEVELOPMENT CONSULTANTS PTY LTD</div> <div><div>Young Office</div><div>121 Nasmyth St., Young NSW 2594</div><div>bill@cpcland.com.au</div><div>Ph. (02) 6382 1501 Fax (02) 6382 4729</div></div> <div><div>Goulburn Office</div><div>299 Stoenes St., Goulburn NSW</div><div>paule@cpcland.com.au</div><div>Ph. (02) 4823 5100 Fax (02) 4823 5200</div></div> <div><div>Cowra Office</div><div>103 Kendall St., Cowra NSW 2794</div><div>wade@cpcland.com.au</div><div>Ph. (02) 63 42 4577 Fax (02) 6382 4729</div></div>				DATE	CHECKED	ISSUE	AMENDMENT	DATE	PROJECT				
10-11-21	WA	-	-		-	7 x detached dwellings and Community title subdivision of Lot 7 DP1250412, 13 Tokyo Terrace, Cowra									
DRAWN	APPROVED	-	-		-										
WA	-														
CLIENT		Kilzi Superfund		DRAWING TITLE		ISSUE	REFERENCE NO.	SCALE	SHEET NO.	SHEET					
				Expected shadows 22nd December 12 noon		-	19249	1:250	1 OF 9	A3					







RECEIVED
Cowra Shire Council
25/7/2023
Plan No: DA 37/2022

Chapman Planning Pty Ltd

STATEMENT OF ENVIRONMENTAL EFFECTS

**Multi-Dwelling Housing – 7 detached
dwellings and 8 lot Community Title
subdivision**

13 Tokyo Terrace, Cowra

19 January 2022
Updated 20 July 2023
Prepared by Chapman Planning

Member PIA

Chapman Planning Pty Ltd
8/88 Mountain Street, ULTIMO NSW
Phone: 9560 1718
www.chapmanplanning.com.au

NOTE: The information and concepts in this document are the property of Chapman Planning Pty Ltd. Apart from any fair dealings for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Chapman Planning Suite 8/88 Mountain Street, Ultimo.

Table of Contents

1.0 INTRODUCTION and SUMMARY	3
1.1 Development History.....	4
2.0 SITE and CONTEXT	7
2.1 Locality Description.....	7
2.2 Site Description.....	7
3.0 DEVELOPMENT PROPOSAL	9
4.0 PLANNING CONTROLS	12
4.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	12
4.2 State Environmental Planning Policy (Resilience and Hazards) 2021	12
4.3 Cowra Local Environmental Plan 2012	12
4.4 Cowra Comprehensive DCP 2021	16
<i>Part A – Plan Introduction.....</i>	<i>16</i>
<i>Part B – Land Management.....</i>	<i>16</i>
<i>Part C – Biodiversity Management.....</i>	<i>16</i>
<i>Part D – Subdivision Development</i>	<i>16</i>
<i>Part E – Urban + Village Development</i>	<i>17</i>
<i>Part F – Rural Development, Part G – Large Lot Development, Part H – Commercial Development, Part I – Industrial Development, Part J – Cowra Regional Airport, Part K – Land-use Buffers, Part L – Advertising and Signage</i>	<i>19</i>
<i>Part M – Parking, Access and Mobility.....</i>	<i>19</i>
<i>Part N – Landscaping</i>	<i>20</i>
<i>Part O – Environmental Hazard Management</i>	<i>20</i>
<i>Part P – CPTED Principles</i>	<i>20</i>
5.0 DEVELOPMENT CONTROL TABLE	22
6.0 ENVIRONMENTAL ASSESSMENT	23
6.1 Planning Instruments	23
6.2 Streetscape and Built Form.....	23
6.3 Visual and Acoustic Privacy.....	24
6.4 Solar Access and Shadow Diagrams	24
6.5 Traffic and Parking.....	25
6.6 Suitability of the Subject site	25
7.0 CONCLUSION	26

1.0 INTRODUCTION and SUMMARY

This statement has been prepared for *Michael Kilzi* as part of the supporting documentation for a development application at 13 Tokyo Terrace, Cowra.

The development proposal is for the construction of a multi-dwelling housing development comprising of 7 x detached dwellings and Community Title subdivision of the site into 8 lots. The proposed Community Title subdivision is proposed to be carried out following construction of the dwellings, with each dwelling to be contained on community title Lots 2-8, with Lot 1 proposed to contain communal access, central driveway and other common property.

Each dwelling within the development has been designed in a single storey form with attached single garage and a secondary carspace, with each proposed lot accessed from a central communal driveway. The proposal includes 4 x visitor car spaces in addition to the 2 x car spaces provided for each dwelling. Landscaped areas are provided within the front, side and rear setbacks of the site.

A previous Development Application DA 109/2019 for the site subject to Land and Environment Court Appeal *Kilzi v Cowra Shire Council* [2020] NSWLEC 1566, was dismissed on 18 November 2020. The previous development application and issues raised by Council in its assessment have been addressed at Section 1.1 of this Statement.

The subject site is zoned R1 – General Residential under the Cowra Local Environmental Plan 2012 and the proposed *multi-dwelling housing* is permissible with development consent.

The subject site is an irregular shaped allotment located on the eastern side of Tokyo Terrace, Cowra, approximately 35m north of the intersection Tokyo Terrace and Seoul Street, Cowra. The site has a front boundary of 31.05m and a maximum depth of 83.085m with a total site area of 2,842m². The subject site has a fall from the north-eastern corner (RL 376.4) to the south-western corner of the site (RL 369.8), being a fall of 6.6m over a distance of approximately 85m.

The site is located within the Valley View Estate subdivision east of London Drive, and approximately 2km north of the Cowra Local Centre. The immediate locality is currently being developed in accordance with the general residential zoning of the land, with development west of the site along London Drive characterized by single dwellings with some examples of medium density development – dual occupancy and multi-dwelling housing approximately 190m south-west of the site. The northern boundary of the site adjoins an undeveloped site to the north, and a single dwelling currently under construction to the south.

The eastern (rear) boundary of the site adjoins the Cowra POW Camp site which is identified as State Significant Heritage Item – I34 pursuant to Schedule 5 of the Cowra LEP 2012.

In addition to this Statement of Environmental Effects the development application is accompanied by:

- Survey Plan;
- Architectural Plans, Subdivision Plan, Traffic Maneuvering Plan, reference 19249, dated 17 May 2023, prepared by CPC Land Development Consultants;
- Stormwater Management Plan numbered Issue B, Sheets 18 and 19, dated 21 June 2022, prepared by CPC Land Development Consultants;
- Shadow Diagrams numbered 19249 sheets 01-09, dated 10 November 2021, prepared by CPC Development Consultants;
- Landscape Plans Sheet L/01 – L/02 Revision D dated 19 August 22, prepared by Discount Landscape Plans;
- Cut and Fill Plan & Driveway Sections dated 2 December 2021, prepared by CPC Development Consultants;
- Heritage Report dated November 2020, prepared by Ian Rufus - Hillcrest;
- Ecology Assessment Report dated 5 November 2020, prepared by Dr Kate Hammill;
- Basix Certificate; and
- NaTHERS Certificate.

In this statement, the proposal is assessed in accordance with the relevant planning controls, being:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Cowra Local Environmental Plan 2012;
- Cowra Development Control Plan 2021; and
- Section 4.15(1) Environmental Planning and Assessment Act 1979.

1.1 Development History

A previous Development Application DA 109/2019 for the site subject to Land and Environment Court Appeal *Kilzi v Cowra Shire Council* [2020] NSWLEC 1566, was dismissed on 18 November 2020.

The original Development Application DA 109/2019 proposed 9 x dwellings on the subject site and a 10-lot community title subdivision, with this proposal subsequently modified during Court proceedings to reduce the number of dwellings proposed to 7 x dwellings.

The issues raised during LEC proceedings relating to the previous application DA 109/2019 and the concluding comments of the Court's decision have been addressed by this proposal, with the table below addressing the relevant matters which apply to this proposal:

Previous Issues – DA 109/2019 Court Decision	Comment
<i>Objectives of the R1 General Residential Zone</i>	Multi-dwelling housing is permissible within the R1 zone, and the Court established that a townhouse

	<p>development on the site would not be antipathetic to the relevant zone objectives, particularly with respect to the objective relating to concentration of housing densities and active transport. The Court Decision established that:</p> <p><i>“34 In doing so, I consider the development to take steps to encourage, if not maximise, public transport use by constraining the car parking provision to this number of spaces and so is not antipathetic to the relevant zone objectives.”</i></p> <p>The proposal is assessed against the objectives of the R1 zone and is not antipathetic to the relevant zone objectives.</p>
<i>Cut and Fill Plan</i>	This application is accompanied by a cut and fill plan which addresses Part E2.4 of the Cowra DCP and demonstrates that suitable building platforms can be provided across the site to accommodate the dwellings in a manner that responds to the topography of the site.
<i>Landscape Plan</i>	<p>A detailed landscape plan is provided with the development application that shows location of retaining walls, screen planting and grassed areas to ensure the practical use and maintenance of the development.</p> <p>The southern boundary and interfaces between individual units include screen planting to prevent overlooking and improve visual separation.</p>
<i>Visual Privacy Impacts</i>	<p>This proposal has been amended from the previous development to include suitable landscaped screening and fence heights to ensure adequate visual separation from the southern adjoining property – single dwelling. The private open space of Dwelling 2 has been re oriented to the east, and internal layout redesigned to provide 12m separation and non habitable conditions to the southern adjoining dwelling to address overlooking impacts previously raised by the Court.</p> <p>In addition to the re orientation of dwellings, the southern boundary has been detailed with screen plantings.</p>
<i>Private Open Space</i>	The application is accompanied by overshadowing diagrams which confirm that >75% of the proposed dwellings will receive adequate solar access to private open space in accordance with the provisions of Part E2.10 of the Cowra DCP.
<i>Site Analysis Plan</i>	The application is accompanied by a Site Analysis

	Plan that identifies the opportunities and constraints of the site and the proposed layout and design of the development responds to the site analysis.
--	---

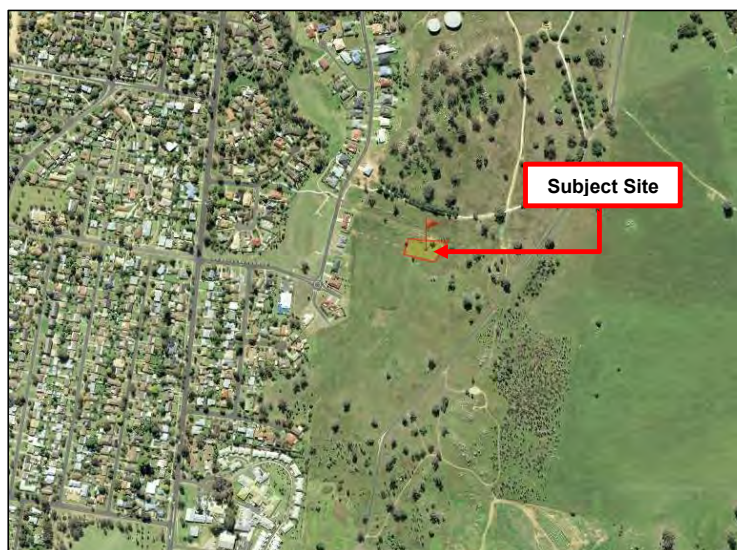
2.0 SITE and CONTEXT

2.1 Locality Description

The site is located within the Valley View Estate subdivision east of London Drive, and approximately 2km north of the Cowra Local Centre. The immediate locality is currently being developed in accordance with the general residential zoning of the land, with development west of the site along London Drive characterized by single dwellings with some examples of medium density development – dual occupancy and multi-dwelling housing approximately 190m south-west of the site.

The eastern (rear) boundary of the site adjoins the Cowra POW Camp site which is identified as State Significant Heritage Item – I34 pursuant to Schedule 5 of the Cowra LEP 2012.

The locality as described above is shown in the figure below:



Source: SIX Maps Viewer

2.2 Site Description

The subject site is legally described as Lot 7 in DP 1250412, also known as 13 Tokyo Terrace, Cowra.

The subject site is an irregular shaped allotment located on the eastern side of Tokyo Terrace, Cowra, approximately 35m north of the intersection Tokyo Terrace and Seoul Street, Cowra. The site has a front boundary of 31.05m and a maximum depth of 83.085m with a total site area of 2,842m². The subject site has a fall from the north-eastern corner (RL 376.4) to the south-western corner of the site (RL 369.8), being a fall of 6.6m over a distance of approximately 85m.

The site is currently undeveloped and does not contain any significant vegetation. The northern boundary of the site adjoins an undeveloped site to the north, and a single dwelling currently under construction to the south.

The following aerial photograph depicts the subject site and relationship with the adjoining buildings.



Source: SIX Maps Viewer

3.0 DEVELOPMENT PROPOSAL

The development proposal is for the construction of a multi-dwelling housing development comprising of 7 x detached dwellings and Community Title subdivision of the site into 8 lots. The proposed Community Title subdivision is proposed to be carried out following construction of the dwellings, with each dwelling to be contained on community title Lots 2-8, with Lot 1 proposed to contain communal access, central driveway and other common property.

Each dwelling within the development has been designed in a single storey form with attached single garage and secondary car space, with each proposed lot accessed from a central communal driveway. The proposal includes 4 x visitor car spaces in addition to the 2 x car spaces provided for each dwelling. Landscaped areas are provided within the front, side and rear setbacks of the site.

The architectural plans are described as follows:

- **Order of Construction**

The proposed use is a multi dwelling housing development including community title subdivision. The development will be constructed prior to its subdivision, ensuring that all dwellings are constructed on the same lot of land prior to their subdivision. The timing of subdivision can be addressed as a condition of consent.

- **Dwelling Layout**

The proposal has been designed with 7 x 3 bedroom single storey dwellings. Each dwelling has been designed with an open plan kitchen/dining and lounge area. A bathroom and laundry are located centrally to each dwelling. A single attached garage and a secondary at grade car space is provided for each dwelling accessed from a common driveway central to the site.

The entries of Dwellings 1 & 7 are orientated towards the street, with remaining dwellings orientated towards the central driveway.

The private yard of each dwelling contains soft landscaping – natural turf, clothes drying area, and garbage storage area.

4 x visitor car spaces are provided across the development in addition to the 2 x car spaces provided for each dwelling.

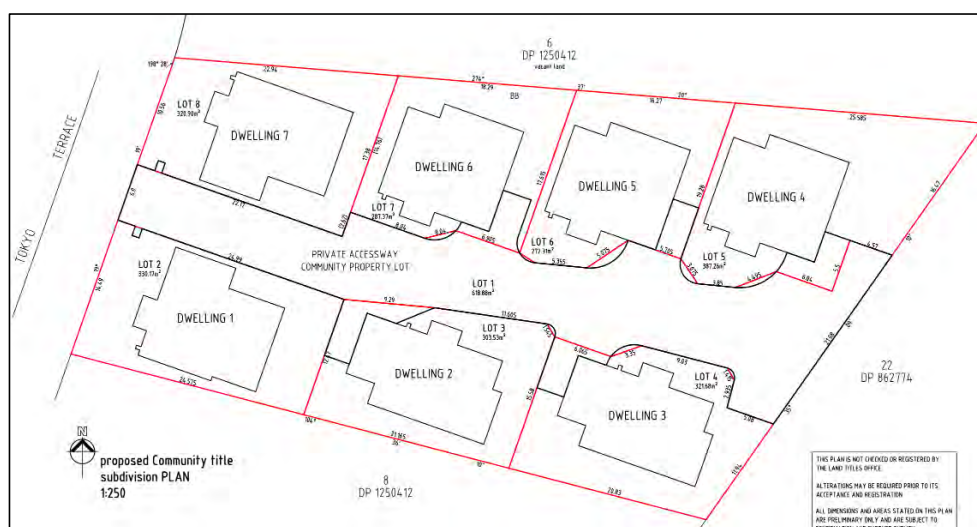
- **Parking and Access**

Vehicular access is provided via driveway crossing central to the street frontage of the site. Each dwelling has been provided with a internal garage accommodating 1 x car space and a second at grade space.

The proposal includes 1 x common visitor car space situated upon the common driveway area and a further 3 x common visitor spaces within parking spaces at the rear of the common driveway.

▪ Subdivision

Community Title subdivision of the site into 8 lots is proposed. Each dwelling is proposed to be contained on community title Lots 2-8, with Lot 1 proposed to contain communal access, central driveway, visitor spaces and other common property.



The proposed subdivision is described as follows:

Lot No.	Lot Area
Lot 1 (Community Property / Private Accessway)	618.88m ²
Lot 2	330.17m ²
Lot 3	303.53m ²
Lot 4	321.68m ²
Lot 5	387.26m ²
Lot 6	272.3m ²
Lot 7	287.37m ²
Lot 8	320.9m ²

▪ Landscaping

The development application is supported by a landscape plan prepared by *Discount Landscape Plans* that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers as follows:

PLANTING SCHEDULE DENOTES (48%) AUSTRALIAN NATIVE PLANT SPECIES SELECTED FROM COUNCIL'S DCP APPENDIX A - RECOMMENDED SPECIES LIST

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
<i>Callistemon viminalis</i>	Bottlebrush	3	25lt	4000	6000
<i>Corymbia citriodora</i>	Lemon Scented Gum	1	45lt	8000	18000
<i>Dianella revoluta</i>	Mauve Flax Lily	100	Tube	500	500
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	18	25lt	4000	8000
<i>Hardenbergia violacea</i>	Flase Sarsparilla	4	150mm	1000	1000
<i>Lagerstroemia 'Natchez'</i>	White Crepe Myrtle	8	350mm	4000	6000
<i>Melaleuca linearifolia</i>	Snow In Sumer	8	45lt	4000	8000
<i>Photinia glabra 'Rubens'</i>	Photinia	95	200mm	1500	2500
<i>Rhaphiolepis 'Snow Maiden'</i>	Indian Hawthorn	60	200mm	1000	1000
<i>Stachys byzantina</i>	Lambs Ears	57	Tube	800	450
<i>Westringia fruticosa</i>	Coastal Rosemary	49	200mm	1000	1000

4.0 PLANNING CONTROLS

4.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX & NatHERS certificate has been prepared for the development proposal and found that the proposed multi-dwelling housing development complies with the State Government's water and energy reduction targets.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated and if contaminated the consent authority must be satisfied that the land is suitable for the purpose.

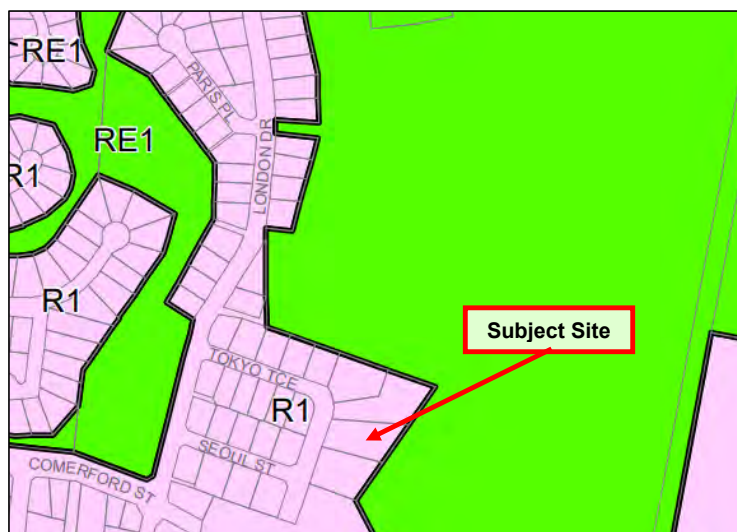
The subject site forms part of the previous subdivision of Lot 3 in DP1141112 as part of Stage 3 in Cowra Shire Councils Valley View Estate subdivision in 2019. Approval of this subdivision for residential development included assessment of potential land contaminants and as such the subject site is considered to be suitable for redevelopment. Further, it is noted that in its consideration of previous Application DA109/2019 the Court accepted that there were no known prior land uses that are likely to have resulted in contamination of the land.

In this case the consent authority – Cowra Shire Council can be satisfied that clause Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 has been satisfied and the land is suitable for the proposed use.

4.3 Cowra Local Environmental Plan 2012

The subject site is zoned R1 – General Residential under the Cowra Local Environmental Plan 2012 and the proposed *multi-dwelling housing* is permissible with development consent.

The zoning of the subject site is shown below.



Source: Cowra LEP 2012

The objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide attractive, affordable, well located and market-responsive residential land.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To maximise public transport patronage and encourage walking and cycling.

The proposed multi-dwelling housing development is not antipathetic to the relevant objectives of the zone based on the following:

- The proposal provides for the housing needs of the community and contributes to a variety of housing types within a residential environment that contributes towards the achievement of the aims specified under the Cowra LEP;
- The site is located within 2km of the Cowra Local Centre zone to the south of the site, and the broader locality is well-served by schools, parks and community facilities within walking distance of the subject site.
- The proposed development has been designed to provide 2 x car spaces per dwelling and 4 x visitor spaces on the site, with adequate outdoor space provided for the storage of bicycles within each lot. The proposal encourages walking and cycling from the site to surrounding areas in this regard.

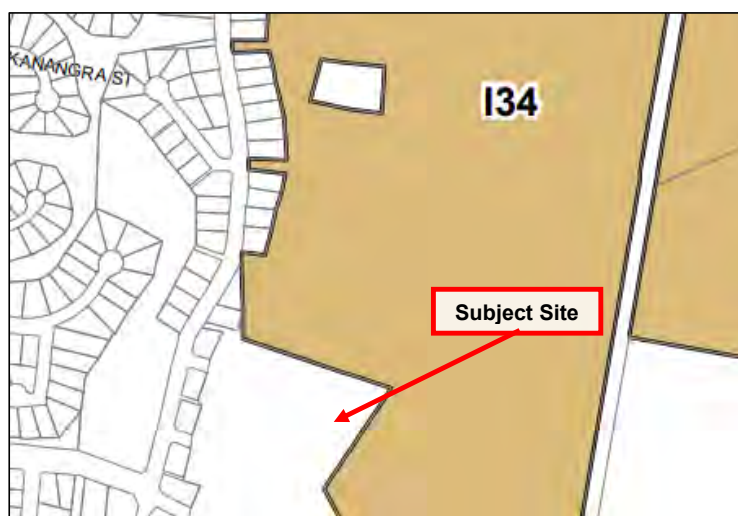
Further to the above assessment, the Court proceedings related to previous Development Application DA 109/2019 related to a similar development being for 9 x dwellings on the site, which was reduced in scale to 7 x dwellings. The Court accepted that the development of the site for multi-dwelling housing was not antipathetic to the relevant zone objectives and in this regard it is considered that this proposal being consistent in density to the previous application is suitable with respect to the R1 zone objectives.

The remaining provisions of the Cowra LEP 2012 are addressed below.

Clause 4.1 Minimum subdivision lot size does not apply to the proposal as it involves community title subdivision under the *Community Land Development Act 1989*.

Clause 4.1AA Minimum subdivision lot size for community title schemes does not apply to the proposal as the site is within the R1 General Residential zone.

Clause 5.10 – Heritage conservation applies to the subject site, as the eastern (rear) boundary of the site adjoins the Cowra POW Camp site which is identified as State Significant Heritage Item – I34 pursuant to Schedule 5 of the Cowra LEP 2012 as depicted below:



Source: Cowra LEP 2012

The proposed development would not have a significant adverse impact upon the heritage significance of the adjoining item, noting the significant elements of the item are adequately separated from the subject site and the development will not be within the visual curtilage of these elements. Further, the proposed central driveway will retain a sightline from Tokyo Terrace across the site to the east towards the item, allowing for adequate views to and from the adjoining land to the rear.

Clause 7.1 – Earthworks applies to the development proposal noting the application involves minor cut and fill to accommodate the proposed development. The proposal will not have significant adverse impacts upon drainage patterns or soil stability, and is acceptable in this regard.

Clause 7.3 – Terrestrial Biodiversity applies to the proposal noting the rear portion of the site is identified as containing biodiversity significant mapped land as depicted in the below map extract:



Source: Cowra LEP 2012

The application is accompanied by an Ecology Assessment prepared by *Dr Kate Hammill* which concludes that the development of the site for a multi-dwelling housing development will not cause adverse impacts upon important flora and fauna on the site. The Court proceedings related to previous Development Application DA 109/2019 related to a similar development confirmed that development of the site will not fragment habitat connectivity or impact upon any threatened species shelter noting the site does not contain hollow bearing trees, wetlands or rock outcrops.

Clause 7.8 – Essential Services the subject site is located within land previously subdivided for residential development and can be suitably serviced by utilities. The provision of utilities prior to occupation certificate can be addressed by a condition of consent.

4.4 Cowra Comprehensive DCP 2021

The following addresses the relevant sections of the Cowra DCP 2021 that apply to the proposal.

The relevant numerical development controls – quantitative assessment is addressed in the Development Control Table at Section 5 of this statement, with a qualitative assessment of the amenity provisions of the DCP including acoustic and visual privacy, solar access, and overshadowing are addressed at Section 6 of this statement.

Part A – Plan Introduction

A.2 Land-Use Matrix

The relevant sections of the DCP which apply to the proposed development have been considered in accordance with the land-use matrix at Part A2 of the DCP.

Part B – Land Management

B.1 Soil Erosion and Sediment Control

The application is accompanied by Stormwater Management Plan prepared by *CPC Land Development Consultants* detailing the management of water run-off from the proposed development, addressing the requirements of Part B1 of the DCP.

Part C – Biodiversity Management

C.1 Biodiversity

As detailed previously, the application is accompanied by an Ecology Assessment prepared by *Dr Kate Hammill* which concludes that the development of the site for a multi-dwelling housing development will not cause adverse impacts upon important flora and fauna on the site. The Court proceedings related to previous Development Application DA 109/2019 related to a similar development confirmed that development of the site will not fragment habitat connectivity or impact upon any threatened species shelter noting the site does not contain hollow bearing trees, wetlands or rock outcrops.

As such, the proposed development is considered acceptable with respect to the provisions of Part C.1 of the DCP.

Part D – Subdivision Development

D.2 Greenfield Residential Subdivision

Part D.2 of the DCP applies to Greenfield Subdivision resulting in >25 lots and as such does not apply to the proposal.

D.3 Infill Residential Subdivision

The proposal includes community title subdivision of the development and the site is within the R1 zone. As such, Part D.3 of the DCP applies to the proposal, with the relevant matters addressed below:

D3.3 Lot size, layout and dimensions, D3.4 Street design, D3.5 Access provision – The provisions contained within Part D.3 relating to lot layout, street design, and access provision do not technically apply to community title subdivision noting these provisions apply to Torrens Title Subdivision.

D3.6 Utility Provision – The subject site is located within land previously subdivided for residential development and can be suitably serviced by utilities including sewer, water and electricity.

D3.7 Stormwater, Drainage and Waterways – The proposal is accompanied by a stormwater management plan detailing the management of run-off from the proposed dwellings.

D.4 Large Lot Residential Subdivision, D.5 Village Subdivision, D.6 Rural Subdivision, D.7 Industrial Subdivision

Parts D.4-D.7 of the DCP do not apply to the proposal noting the site is not within a large lot, village, rural or industrial zone.

D.8 Strata + Community title subdivision

The proposal includes community title subdivision being 8 x individual allotments. Each allotment will include separate utility connections and this can be addressed by a condition of consent. The proposed Community Title subdivision is proposed to be carried out following construction of the dwellings, with each dwelling to be contained on community title Lots 2-8, with Lot 1 proposed to contain communal access, central driveway and other common property.

Part E – Urban + Village Development

This part of the DCP contains provisions for residential development within the Cowra LGA. A quantitative assessment of the proposal against the relevant numerical provisions relating to setbacks, height and site area which apply to the proposal is contained at Section 5 of this statement. The environmental provisions related to solar access and visual privacy addressed within Section 6 of the Statement.

The remaining qualitative provisions relevant to the proposal are addressed as follows:

E.1 Dwellings

This Part of the DCP applies to residential dwelling development. The proposal is for a multi-dwelling housing development that is to be subdivided under Community Title following its construction. In this instance, the provisions of Part E.2 – Medium Density Housing apply to the proposal, stating:

“For the purposes of this plan, the controls contained in Part E.2 will also apply to development that would be defined as multi-dwelling housing if it were not for any subdivision proposed as part of the development.”

E.2 Medium Density Housing

E2.3 Site Analysis – The proposal is accompanied by a site analysis plan which details the relevant opportunities and constraints of the site, building footprints of the adjoining properties, site characteristics, and topography. The development has been designed with consideration to the submitted site analysis and in response to issues raised by the analysis.

E2.4 Soil Erosion and Sedimentation Control – The proposal is accompanied by a stormwater management plan detailing the management of run-off from the proposed dwellings.

E2.5 Landscaping – The application is supported by a landscape plan prepared by *Discount Landscape Plans* that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers.

E2.6 Cut and Fill Controls – The proposal is accompanied by a cut and fill plan which addresses Part E2.4 of the Cowra DCP and demonstrates that suitable building platforms can be provided across the site to accommodate the dwellings in a manner that responds to the topography of the site.

E.2.7 Site Area and Frontage Controls – The proposal complies with the minimum site area and frontage controls as detailed within the development control table at Section 5 of this Statement.

E2.8 Streetscape controls – The proposed development has been designed in a single storey form, with the front dwellings orientated towards the street providing passive surveillance of the public domain and activation of the Tokyo Terrace street frontage. The proposed landscaping includes mature canopy trees within the front, side and rear setbacks to ensure the development will be viewed within a landscaped setting and the proposed built forms are softened by vegetation when viewed from the street.

E2.9 Height Controls – The proposed dwellings have been designed in a single storey form and comply with the maximum permissible height for residential buildings. The proposal has been designed to stagger with the topography of the site.

E.2.10 Solar Access Controls – A solar access analysis is the shadows cast by the proposed development will not significantly impact the adjoining property to the south. All proposed dwellings achieve solar access for at least 3 hours to private open space and living areas meeting the provisions of Part E2.10 as addressed at Section 6 of this Statement.

E.2.11 Front Setback Controls – The proposal complies with the required setbacks as detailed within the control table at Section 5 of this Statement.

E.2.12 Side Setbacks – The proposal complies with the required setbacks as detailed within the control table at Section 5 of this Statement.

E.2.13 Rear Setbacks – The proposal complies with the required setbacks as detailed within the control table at Section 5 of this Statement.

E.2.14 Visual & Acoustic Privacy Controls – The proposal complies with the required setbacks as detailed within the control table at Section 5 and environmental assessment at Section 6 of this Statement.

E.2.15 Private Open Space – The proposal complies with the private open space requirements with respect to orientation and integration with living areas as detailed within the control table at Section 5 of this Statement.

E.2.16 Sustainable Building Design Controls – BASIX and NatHERS Certificates have been submitted in support of the application confirming each dwelling has been designed to meet the State Government's energy efficiency targets for residential development. Each dwelling is cross-ventilated and will receive adequate solar access to living areas to maximise natural light and thermal control.

E.3 Character Areas

This part of the DCP does not apply to the proposal noting the site is not located within a Character Area.

E4 Ancillary Development

E4.9 Site Facility Controls – Each dwelling is provided with clothes drying facilities, with mailboxes provided at the street frontage of the site.

Part F – Rural Development, Part G – Large Lot Development, Part H – Commercial Development, Part I – Industrial Development, Part J – Cowra Regional Airport, Part K – Land-use Buffers, Part L – Advertising and Signage

These parts of the DCP do not apply to the proposal being for a multi-dwelling housing development in the R1 General Residential zone.

Part M – Parking, Access and Mobility

M.1 Car Parking Code

The parking requirements of the DCP require 1 car spaces per dwelling in a multi-dwelling housing development, and 1 visitor space per 3 dwellings. The proposal provides 2 x car spaces per dwelling and 4 x visitor spaces and therefore complies.

M.2 Car Parking & Access Design – Residential Uses

The proposed vehicular access – driveway width, vehicle circulation and location of parking complies with the relevant provisions of Part M2 of the DCP. The proposal is

accompanied by swept path diagrams confirming that vehicles can enter and exit the site in a forward direction.

Part N – Landscaping

N.3 Landscaping Controls

The application is supported by a landscape plan prepared by *Discount Landscape Plans* that details proposed landscaping across the site including mature canopy trees, screen plantings, shrubs, and groundcovers that complies with the requirements of the DCP.

Part O – Environmental Hazard Management

O.1 Flood Risk Management

The site is not identified within Council's Flood Hazard Category maps.

O.2 Bushfire Management

The site is not identified on the RFS Bushfire Prone Land map and as such is unlikely to be affected by bushfires.

O.3 Contaminated Lands

The subject site forms part of the previous subdivision of Lot 3 in DP1141112 as part of Stage 3 in Cowra Shire Councils Valley View Estate subdivision in 2019. Approval of this subdivision for residential development included assessment of potential land contaminants and as such the subject site is considered to be suitable for redevelopment. Further, it is noted that in its consideration of previous Application DA109/2019 the Court accepted that there were no known prior land uses that are likely to have resulted in contamination of the land.

Part P – CPTED Principles

P.2 Design Suggestions

The proposal has been designed to address the 'safer by design' CPTED principles based on the following assessment:

- The development has a clearly defined entry point from Tokyo Terrace, with the front dwellings orientated towards the street to allow for passive surveillance of the public domain – streetscape;
- The dwellings will provide passive surveillance of the public domain and communal driveway area through the orientation of dwelling entries towards the front setback and central to the site;
- The development boundary is well-defined with landscaped boundaries and fencing providing adequate visual separation between public and private spaces; and

- Appropriate lighting is to be provided to the dwelling entries, common circulation areas, and driveway.

5.0 DEVELOPMENT CONTROL TABLE

The following table is an assessment of the development proposal in accordance with the relevant numerical planning controls contained in the Cowra DCP 2021.

Cowra DCP 2021	Proposed	Control	Compliance
Part E2 Medium Density Housing			
E2.6 Cut and Fill Controls	Max cut 950mm Max fill <1.5m	Cut areas to be setback 0.9m from boundaries Fill areas to be setback 1.5m areas from boundaries	Retaining wall set back to allow planting on boundary Yes
E2.7 Site Area and Frontage Controls	406m ² per dwelling parent lot 31.05m frontage	Min. 300m ² per dwelling Min. 18m site frontage	Yes Yes
E2.9 Height Controls	Single storey dwellings	9m	Yes
E2.11 Front Setback Controls	6.5m Articulation features 1m	6m (No two adjoining dwellings) Articulation features can encroach up to 1m	Yes Yes
E2.12 Side Setbacks	900mm – 3.5m	900mm for single storey	Yes
E2.13 Rear Setbacks	3.9m – 8.9m	3m for single storey	Yes
E2.14 Visual & Acoustic Privacy Controls	12m separation provided from southern neighbour to Dwelling 2 9.6m separation from southern neighbour to Dwelling 1	12m separation between habitable rooms 9m separation between habitable /non-habitable 3m between non-habitable rooms	Yes
E2.15 Private Open Space Controls	P.O.S with NE orientation 96.83m ² – 194.79m ²	P.O.S to have NE orientation Min. 40m ² P.O.S per dwelling with 3m dimension	Yes Yes
Part M Parking, Access and Mobility			
M1.4 Off-street parking calculations	2 x spaces / dwelling 4 x visitor spaces	Multi-dwelling: 1 space / dwelling 1 visitor space / 3 dwellings	Yes Yes

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Planning Instruments

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous sections of this statement.

In summary, the subject site is zoned R1 – General Residential zone under the Cowra LEP 2012 and the proposed *multi-dwelling housing development* is permissible with development consent.

The residential development is consistent with the objectives of the zone providing a compatible land use in the locality. The proposal is of a form and scale suitable for the subject site, and that has addressed the reasons for refusal of the previous application on the site as detailed within Land and Environment Court Appeal *Kilzi v Cowra Shire Council* [2020] NSWLEC 1566.

The development proposal generally meets the objectives and design controls contained in the Cowra DCP 2021.

6.2 Streetscape and Built Form

The development proposal is a single storey multi-dwelling housing development containing 7 x dwellings with garage parking. The proposal is located on R1 – General Residential zoned land and presents a suitable form of development that complies with the height and density development standards which apply to the site under Part E of the Cowra DCP.

The proposal is consistent with the desired future character of the locality, contributing to a variety of different housing types within the General Residential zone. Further, the proposal has been designed within a form that is generally consistent with the provisions of the DCP, and the proposal will present a suitable landscape setting to the street. The dwellings are well articulated with adequate deep soil landscape area surrounding the built form.

The building forms provide adequate setbacks to the side and rear boundaries, creating landscape corridors when viewed from the street frontage and adjoining properties.

The street elevation of the proposal is well articulated with modulated elements of the street-facing dwellings breaking up the building form and further articulation provided through the use of a variety of materials and finishes.

The proposed built form is consistent with the character design provisions contained in the Cowra DCP 2021.

6.3 Visual and Acoustic Privacy

The potential visual privacy impacts resulting from the development proposal are mitigated noting the orientation of the site, setbacks to the side boundaries, and non-habitable conditions provided where appropriate. The ground level windows of the dwellings will be screened by side boundary fences, whilst any changes in levels across the site that present direct sightlines from the site to adjoining properties will be obscured by landscaped screening and physical separation from the southern adjoining dwelling.

Internally, the privacy between the buildings on the subject site has been addressed through building design – recessing of built form and boundary fencing. Further, the dwelling orientation allows for bedrooms – not primary living areas to adjoin side boundaries within the site and therefore unlikely to generate privacy impacts.

The development proposal does not present potential acoustic impacts to adjoining properties noting the proposal is of a residential nature being a low-noise generating land use.

As such the proposal is considered to meet the privacy requirements of the Cowra DCP 2021.

6.4 Solar Access and Shadow Diagrams

The shadow diagrams prepared by *CPC Land Development Consultants* and submitted as part of this application confirm the following:

- 9am: The shadow cast by the development at 9am mid-winter falls to the south-west of the site onto the side setback of the adjoining dwelling at 15 Tokyo Terrace, noting the dwelling will retain solar access to its northern elevation at this time.

Internal to the site, a significant portion of the private open space (approximately 40m²) of each dwelling will receive solar access at 9am, with the northern facing living areas of Dwellings 4-7 and eastern facing living areas of Dwellings 1-3 receiving sunlight at this time.

- 12 noon: The shadow diagrams show that the shadow cast at noon falls south of the site partially upon the northern side setback of 15 Tokyo Terrace. Dwellings 4-7 within the development will continue to receive sunlight to their living areas, and all dwellings will receive solar access to their private open space.
- 3pm: The shadow cast at 3pm in midwinter falls south-east of the site onto the northern setback of 15 Tokyo Terrace. Dwellings 1 and 4-7 will receive sunlight to living areas and private open space at 3pm in midwinter.

In summary the shadows cast by the proposed development will not significantly impact the adjoining property to the south. With respect to the dwellings within the proposed development, all dwellings achieve solar access for at least 3 hours to private open space and living areas meeting the provisions of Part E2.10 of the Cowra DCP 2021.

The development proposal has been designed to maximize solar access and presents an acceptable level of solar access within the R1 General Residential zone.

6.5 Traffic and Parking

The development proposal has been designed with 2 x car spaces per dwelling and 4 x visitor car spaces meeting the provisions of Part M of the Cowra DCP 2021.

The proposal will not have a significant parking demand generation and the proposal encourages active transport – walking and cycling with adequate bicycle storage space provided within each lot.

In summary, the proposed development will not generate unacceptable traffic implications and meets the parking requirements contained in Council's parking codes and the Australian Standard.

6.6 Suitability of the Subject site

The proposed multi-dwelling housing development is a suitable form of development in the locality providing additional housing and choice within Cowra. The proposal provides 7 x dwellings within 2km of the Cowra Local Centre zone to the south of the site, and the broader locality is well-served by schools, parks and community facilities within walking distance of the subject site. The built form is consistent with the scale of development planned for the locality, and the development form is suitable for this site.

The proposed development does not result in unreasonable impacts upon the adjoining properties to the north and south, noting the proposal has been designed to meet the density control – site area and frontage and as such is of a density that is envisioned by the planning controls.

The development has been designed to maximise residential amenity and will not result in unreasonable amenity impacts to the surrounding properties beyond that envisioned by the planning controls. There are no site constraints that restrict the proposed development.

7.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of S4.15 of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

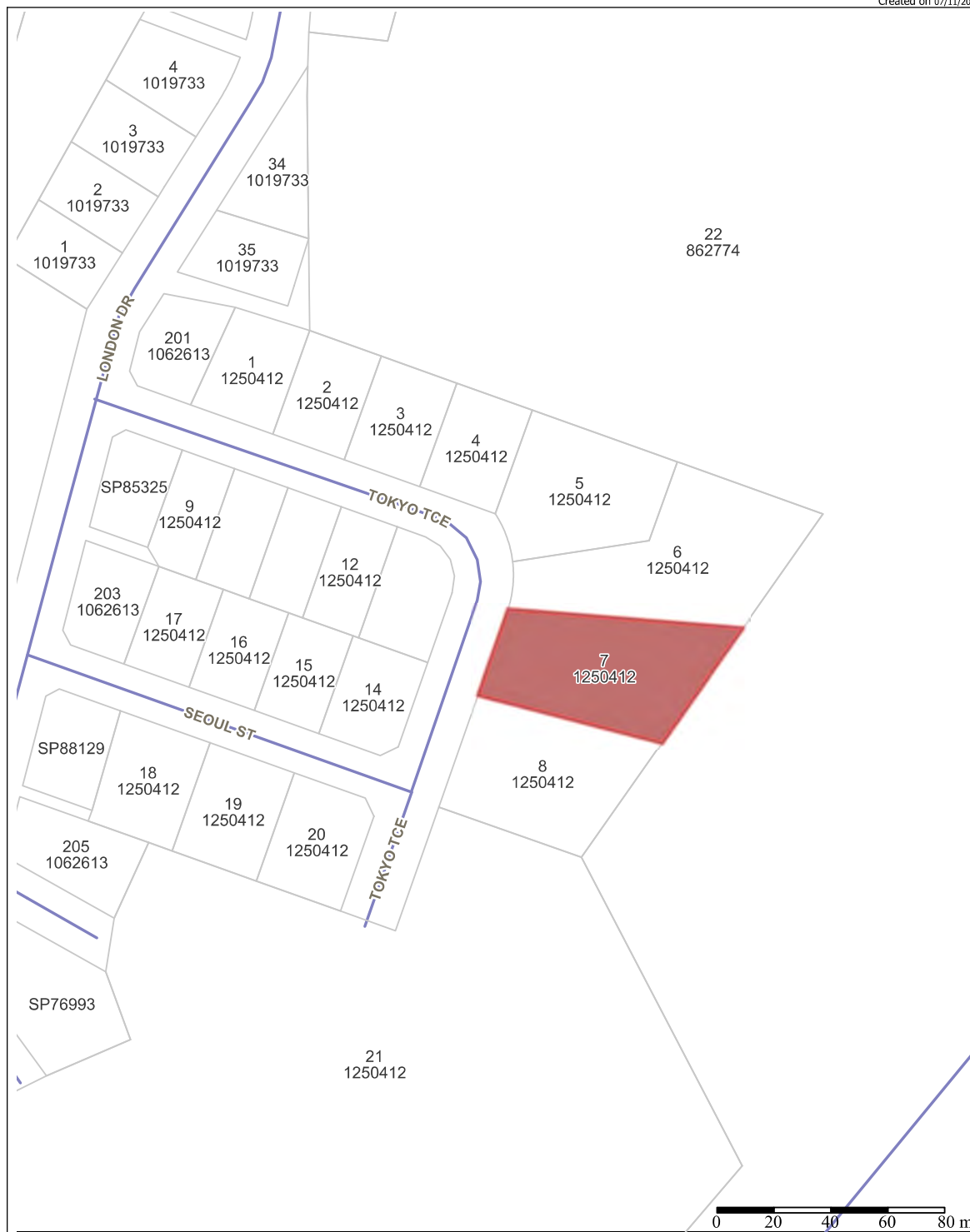
- *The subject site is zoned R1 – General Residential and multi-dwelling housing development is permissible pursuant to the Cowra LEP 2012;*
- *The proposed development is not antipathetic to the objectives of the R1 – General Residential zone being a compatible land use/development in the locality;*
- *The proposal has been designed in accordance with the development controls contained within the Cowra DCP 2021 – Part E2 which apply to medium density development;*
- *The proposed development is compatible in the site context and designed to maintain suitable landscaping within the front, side and rear setbacks. The single storey form is compatible with the surrounding development context;*
- *The development has been designed with a built form consistent with the desired future character set down by the planning controls and the form and scale of the proposal is consistent with the established and future character of the locality;*
- *The proposed development generally meets the design controls for multi dwelling housing contained in Cowra DCP 2021, providing setbacks and landscaped area suitable for the proposed development;*
- *The shadow diagrams and solar modelling confirm that the proposal will receive adequate solar access to the dwellings and the proposal will not present unacceptable overshadowing impacts beyond those envisioned by the planning controls;*
- *The side and rear elevations of the development have been designed with non-habitable conditions and opaque glazing where appropriate to mitigate visual privacy impacts; and*
- *There are no site constraints that restrict the proposed development being a suitable planning outcome with the provision of additional housing contributing to a range of housing types within the locality.*

For reasons outlined in this Statement of Environmental Effects the proposed *multi-dwelling housing* development at 13 Tokyo Terrace, Cowra can be granted development consent.

[Chapman Planning Pty Ltd](#)

Member PIA

Created on 07/11/2023



Cowra Council
Private Bag 342
116 Kendal Street
COWRA NSW 2794
Ph: (02) 6340 2000
Web: www.cowracouncil.com.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Cowra Council nor the SP makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
© The State of New South Wales (Spatial Services), © Cowra Council.



Drawn By: Cassandra Galley

Projection: GDA94 / MGA zone 55

Date: 07/11/2023 11:37 AM

**13 Tokyo Terrace
Cowra - Lot 7 DP
1250412**

Map Scale: 1:1809 at A4

Created on 07/11/2023



Cowra Council
Private Bag 342
116 Kendal Street
COWRA NSW 2794
Ph: (02) 6340 2000
Web: www.cowracouncil.com.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Cowra Council nor the SG makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
© The State of New South Wales (Spatial Services), © Cowra Council.



Drawn By: Cassandra Galley

Projection: GDA94 / MGA zone 55

Date: 07/11/2023 11:39 AM

13 Tokyo Terrace Cowra - Lot 7 DP 1250412

Map Scale: 1:926 at A4

William and Lynette Hales

3 May 2022

Mr Devery,
The General Manager,
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Dear Mr Devery,

Notice of Development Proposal – DA 37/2022
Proposed multi-dwelling Lot 7 DP 1250412
13 Tokyo Terrace, Cowra

My wife and I have purchased [REDACTED] and have submitted a Development Application for an architecturally designed house on the property for our home. This has been approved by Council.

We strongly object to the possibility of seven small dwellings being built on No. 13 Tokyo Terrace.

Our objections are as follows:

- We believe this is not in keeping with the promotional material describing Valley View Estate as a 'sort after' location and expectations that will ensure the area develops into an 'attractive residential estate' with 'large dwellings located on lifestyle sized blocks'.
- The provision for off-street parking for residents and visitors according to the plan is quite inadequate and impractical. Increased street traffic and street parking will not 'improve the presentation of the streetscape and overall resident amenity.'
- Services to seven dwellings at No. 13 will undoubtedly cause blockage to traffic and hinder emergency vehicles having access to that part of the street.
- In all the promotional material, there is no hint that one of the blocks might have **seven** small dwellings built on it. This is not in keeping with the spirit of the Council's proposed development of the area and we firmly believe Council should not allow this to happen. It does not bode well for future marketing and sales of blocks in the expansion of Country View Estate.
- Such a development will affect our investment in that street and reduce the re-sale value of our property.

We would ask that Council consider these factors and do not allow the Development Application of No. 13 Tokyo Terrace to proceed.

Yours sincerely

William Hales

GARDEN & MONTGOMERIE

SOLICITORS



Our Ref: GBC.RMN.044710
Your Ref:

5 May 2023

The General Manager
Cowra Shire Council
Private Bag 342
COWRA NSW 2794

By email only: council@cowra.nsw.gov.au

Dear Colleagues

re: Submission Re - Development Application No. 37/2022

We act for Garry Bryant and Maree Dykes who have instructed us to again make submissions on their behalf regarding the amended and updated documents relating to Development Application 37/22 as contained in your letter of 20 April 2023.

We note that we have previously made objections to this development application on behalf of our clients when the development application was first notified per our letter to you dated 12 May 2022, a copy of which letter is attached for your ease of reference. The contents of and objections contained in our letter of 12 May 2022 are maintained and should be read as if incorporated herein. In particular, our clients maintain the objections contained in paragraphs 2, 3, 4, 5, 6 and 7 of that letter.

We note that the applicants amended documents have attempted to address the objections contained in paragraph 5 of our letter dated 12 May 2022 by creating an additional parking spot on each of the 7 dwelling lots and also by the creation of two additional visitor parking spots on the community lot. The creation of the additional parking spaces will create additional light pollution on our clients neighbouring property from vehicle movements after dark as the design of the additional parking places created for dwellings 4, 5 and 6 and the proposed additional visitor parking on the north-eastern end of the community driveway will all necessitate vehicles entering the parking spaces after dark having their headlights facing directly across our clients property to the north of the proposed development being Lot 6 in DP1250412.

Likewise additional vehicle movements both during the day and at night will exacerbate the Acoustic Impact of the proposed development as is fully set out in paragraph 6 of our letter of 12 May 2022. The amendments to the design of the proposed development exacerbate and make no attempt to

Cowra Office 14 Kendal Street, Cowra T: 02 6342 1622 F: 02 6342 3501 Canowindra Office 69 Gaskill Street, Canowindra T: 02 6344 1507
All correspondence PO Box 13, Cowra NSW 2794 | www.gandm.com.au
Garden & Montgomerie Solicitors Pty Ltd | ABN 52 618 455 271 | Liability limited by a scheme approved under Professional Standards legislation

2

The General Manager
Cowra Shire Council

5 May 2023

ameliorate this acoustic impact.

The amendments to the application do not address any of the further issues raised in our letter of 12 May 2022.

Yours faithfully
GARDEN & MONTGOMERIE

Per: 

Grant Chamberlain
(direct email: grant@gandm.com.au)

Enquiries: Rosa Napoli
(direct email: rosa@gandm.com.au)
Tel: 02 6342 1622

GARDEN & MONTGOMERIE

SOLICITORS



Our Ref: GBC.MD.044710

12 May 2022

Attention: The Proper Officer
The Cowra Shire Council
PO Box 342
COWRA NSW 2794

By email only: council@cowra.nsw.gov.au

Dear Colleagues

re: **Submission Re- Development Application No. 37/2022**

We act for Garry Bryant and Maree Dykes who have instructed us to make submissions on their behalf regarding the development application referred to above. Our clients were notified of the application by your letter dated 28 April 2022, received by them only on 2 May 2022, with the last day for submissions being 12 May 2022. We note the following:

1. Our clients own [REDACTED] which neighbours Lot 7 DP 1250412 ("the development lot") on its northern side. Our client's property shares a common boundary of approximately 83 meters with the development lot.
2. Our clients purchased the property directly from Council in May 2020 when the subdivision was marketed.
3. Council advertised that the lots in the subdivision were to be developed in accordance with draft guidelines regarding building and site design that were contained in a document titled "Valley View Estate Building and Site Design Guidelines". The document on its front page contained a notation that: "*These Guidelines are in draft form only and are subject to final adoption by Council. The final controls will feature in a forthcoming amendment to Cowra Development Control Plan 2014.*" Cowra Development Control Plan 2014 has subsequently been replaced by Cowra Development Control Plan 2021 but the Valley View Estate Building and Site Design Guidelines were not incorporated in that document.

Cowra Office 14 Kendal Street, Cowra T: 02 6342 1622 F: 02 6342 3501 Canowindra Office 69 Gaskill Street, Canowindra T: 02 6344 1507

All correspondence PO Box 13, Cowra NSW 2794 | www.gandm.com.au

Garden & Montgomerie Solicitors Pty Ltd | ABN 52 618 455 271 | Liability limited by a scheme approved under Professional Standards legislation

4. Our clients' property is the largest lot in the subdivision and enjoys a similar elevation to the development lot. It has spectacular views to the southwest. The property was selected by our clients based on the amenity provided by the spectacular views, the large lot size, the natural setting and in reliance on the advertised Valley View Estate Building and Site Design Guidelines which indicated that the development would be a large lot residential development with large dwellings located on lifestyle sized blocks with ample room between houses.

Our clients propose to build a large home on their property to maximise the views, while enjoying the relative peace and quiet they expected to be afforded to them by the large lot sizes, the low density housing and the absence of close neighbours.

SUBMISSIONS

1. **Insufficient neighbour consultation:** Section 4.9 of the Cowra Community Participation Plan 2020 requires Council to provide a 14 day period for neighbour submissions. Our clients were not provided 14 days given that our clients received the letter with only 10 days to make a submission. Clause 4.11 of the Community Consultation Strategy provides that Council or its delegated officers can extend the time for submissions. By our emails dated 10 May 2022 and 11 May 2022 we requested an extension of time for submissions until 16 April 2022 to ensure that our clients had sufficient time (14 days) as required by the plan to make a full submission. By your email of 11 May 2022 per Larissa Hackett our application for an extension of time was refused.

Our clients had intended to retain a town planner to provide advice on their submission but due to the short notification period there was insufficient time for their planner to fully investigate the application and its effect on our clients' property and provide comprehensive advice. Under the circumstances we submit that there has not been adequate or proper neighbour consultation in respect of this development application.

2. **Non-compliance with Valley View Estate Building and Site Design Guidelines:** Our clients' decision to purchase their property was made in reliance on the character of the Valley View Estate and the provisions of the Valley View Estate Building and Site Design Guidelines. The proposed development is antithetic to those guidelines in that, *inter alia*:

- It does not contain large dwellings;
- Only one of the proposed lots would be larger than 400m². None could be described as "lifestyle sized".
- It does not respect the setting nor does it provide ample room between houses, a relaxed vista and unhurried space.

Our clients and their neighbours have a legitimate expectation that development in the subdivision will be controlled in terms of Council's advertised guidelines.

3. **Incompatible with character of Valley View Estate and surrounding development:** The smallest lot in the existing subdivision (DP 1250412) is Lot 9 which has an area of 807.9 m², which is more than twice the size of the largest lot proposed in the development application. Not all the lots have been built on but all the houses that have been built are substantial homes in keeping with the advertised character of the subdivision. The proposed development is incompatible with the existing development in Valley View Estate both as to lot size and the size of the proposed residences.
4. **Light shed from the development onto our clients' property:** The development application proposes that 4 dwellings be constructed adjacent to the common boundary with our clients property. Each of those dwellings contains a garage with the entrance on the southern side of the dwelling. Every vehicle turning into or exiting a garage would be facing north towards our clients property. Any vehicle movements after dark would result in the light from headlights being directed straight onto our clients' property.

This is in addition to the light pollution that would result from having 4 residences constructed on our clients' southern boundary.

5. **Parking:** The development application proposes only one car space per dwelling and two visitor car spaces. The applicant contends that the development will not have significant parking demand and the proposal submits that the development encourages "active transport" being walking and cycling. This does not take into account the following:
 - Extremely limited public transport in Cowra that result in most households with two adult members requiring two vehicles.
 - Valley View Estate is set at a considerably higher altitude than and at a distance from the central business district of Cowra. In order to reach the development lot from Kendal Street, a resident would have to climb a series of extremely steep and lengthy hills that extend the full length of Brisbane Street north of Kendal Street, Hospital Hill and then Comerford Street and Tokyo Crescent.

Given the location of the estate and the elevation it is simply not practicable to suggest as the applicant does that active transport is a solution. Even a reasonably fit resident would not be able to walk or cycle up those hills every day, with or without parcels, for purposes of accessing shopping, services or employment. There are other roads that can be used to travel to the proposed development from the centre of Cowra but those roads are longer and no less steep.

- Given the impracticality of the applicant's proposed transport solution there is insufficient resident and visitor parking provided in the development that will inevitably lead to vehicles being parked in Tokyo Crescent with resultant congestion and risk to neighbouring residents.
6. **Acoustic Impact:** The situation of 4 dwellings on our clients southern boundary will inevitably result in noise pollution on our clients property. The applicants proposal does not address the impact of this noise pollution on our clients property nor does it propose any solution. The applicant dismisses the acoustic impact of the proposal by saying that the proposal does not present potential acoustic impacts. This is not correct. The impact of 4 residences as opposed to one residence with concomitant traffic movement will have an impact on our clients amenity. The applicant makes no effort to quantify or provide solutions to this impact.
7. **Unsuitability of site for proposed development:** The site is unsuitable for a multi-dwelling development of this nature. The density and nature of this development would be better suited to a flatter site closer to the central business district where residents could access the town facilities on foot or by bicycle and where the nature of the built environment is compatible with the nature of the development. The proposed development does not respect the setting or the existing extensive open space. The impacts of the development proposal on the neighbouring properties would result in a considerable loss of the existing amenity which neighbours enjoy.

Yours faithfully

GARDEN & MONTGOMERIE

Per: 

Grant Chamberlain

(direct email: grant@gandm.com.au)

Enquiries: Rosa Napoli

(direct email: rosa@gandm.com.au)

Tel: 02 6342 1622

Attention: Paul Devery

3 May 2023

General Manager

Cowra Council

116 Kendal St, Cowra 2794

Ref: **DA 37/2022 - Lot 7 DP 1250412 – 13 Tokyo Terrace COWRA 2794**

Dear Paul

We are writing to you once again regarding the proposed development of 7 detached dwellings and 8 lot community title subdivision on Lot 7 DP 1250412 (for reference, our previous correspondence regarding such is attached).

We have received the details of the updated DA proposal and can see that the applicant MB Kilzi has addressed many issues, yet we still have the same concerns that we outlined 12 months ago, which will be summarised below.

- The 20 Lots encompassing Tokyo Terrace and Seoul St - an extension of the Valley View Estate sub-division - were originally advertised in 2019 as Premium blocks to compliment the much sought after existing 55 residential lots of London Drive and Parris Place. **Thus, the price of the blocks sold were of a premium price, especially those of the larger size, from 1024m square to 3482 m square. Much emphasis was placed on there being 'simply no other blocks like these in the current market'** (Reference: James P Keady Real Estate advertising Lot 13 Valley View Estate, property ID 2248692). The blocks are "within arm's reach of the historically & culturally significant Cowra Peace Precinct – a magnificent area of passive open space interwoven with walking & riding paths." **A promise of a lifestyle in a relaxed and spacious environment was implied.**

People have purchased the said blocks in good faith that premium dwellings were to be the 'norm' for the blocks, not multi-dwelling housing of a large scale. I can only imagine the frustration felt by the resident next to Lot 7 who has built a magnificent home, only to now learn that they may have units alongside them that will run the length of their fence line and thus may lose the **ample surrounding space** they envisaged by buying such a huge block.

There is also a high possibility of the value of neighbouring property decreasing significantly if the proposed DA is approved. This could potentially have a flow on effect to the value of all dwellings in the Valley View Estate.

People purchased the prestige blocks in the belief that they would have much space between their house and their next-door neighbour's house; **they were willing to pay premium price as the new sub-division was marketed as a low to medium density housing area.**

- To have 3 to 4 units on one fence-line would be of a huge concern with regard to an increase in neighbouring noise from a high number of residents (despite the provision of landscape screening and fencing).

- Concern over the impact on the streetscape and overdevelopment of the site, plus we believe it will not comply with the existing character of the Estate.
- Huge concern over the increase of traffic in the Estate, particularly the London Drive/Tokyo Terrace intersections, & subsequent safety for drivers and pedestrians.
- The previous DA that was rejected by Cowra Council in 2020, and later by the NSW Land and Environment Court, nominated the building of 9 x two-bedroom units. The current DA has made minimal changes, to what we believed was to be 5 x two-bedroom units and 2 x three-bedroom units.

The Notice of the DA received by mail last month states that the proposal is designed with 7 x 3-bedroom dwellings. Overall, the difference in building squares is minimal, while the housing capacity of residents for the total number of units could be a minimum of seven to that of twenty-eight or even forty-two! (Estimating a maximum of up to 2 people per bedroom in each unit). A maximum number of forty-two is unlikely, yet possible.

If Cowra Council were to approve DA 37/2022, we believe it would create a precedent for future development applications of large multi-dwelling housing in the Tokyo Terrace sub-division, thus resulting in further negative impact on the street landscape; environmental over-development; and traffic congestion/safety concerns. We believe a decrease value of existing dwellings in the Tokyo Terrace/Seoul St sub-division and neighbouring Valley View Estate would be the flow-on effect. We already have heard of one Lot owner of a block in Tokyo Terrace who has said if the proposed DA was approved, he would choose not to build his planned home but instead choose to build units as he would not wish to live near the high-density dwellings.

We realise that some dual-occupancy dwellings exist nearby, including two dual-occupancy dwellings on one large lot in lower London Drive. We do not object to such as they are not on the Lots of premium size or value. The proposed development is on one of the larger lots in the subdivision being 2842m², and those purchasing the surrounding blocks would have envisaged a prestige home to be built on such, not 7 individual dwellings.

We believe the Cowra Council always strives to meet the needs of the community for future growth in all areas, which is supported by the 2020 Cowra Local Strategic Planning Statement. The key words being **'higher density living in suitable locations'**....

"Council will maintain a focus on ensuring there is adequate opportunity for higher density living in suitable locations that can be supported with critical infrastructure and are accessible to key services and facilities. In planning for growth and change, Council will strive to maintain a balance between the need to increase housing diversity and the need to preserve the integrity and function of the Cowra CBD, retain important streetscape character and enhance environmental and landscape values. Council will support residential growth in ways that increase housing diversity, preserve the integrity and function of the CBD, lead to attractive neighbourhoods, preserve and enhance important heritage, preserve and enhance the natural and built environment, and support the economic prosperity of the Shire"

Regards

Linda Hibberson

Peter Hibberson

Rhonda Kelton



Attention Paul Devery and Cowra Councillors,

I would like to put forward my objections regarding DA 37/2022.1

- It doesn't fit with the design intentions for Valley View Estate as advertised and marketed by Cowra Council, which was what attracted me to purchase land and build in this area.
- In the INTRO of the Valley View Estate Building and Site Guidelines you've communicated there will be ample room between houses, providing a relaxed vista and unhurried space. I don't see in the plan much space between these dwellings.
- Also communicated in the INTRO that the controls up-hold minimum standards and expectations that will ensure the area develops into an attractive residential estate.
- In the Streetscape section of the Valley View Estate, it does not fit with the consistency in the building line setbacks as per one of the objectives in this section.
- In the building section of the Valley View Estate one of your objectives is to ensure dwellings are constructed with high quality finishes that add value to the area. When the build estimate is \$925,000 for 7 x 3 bedroom dwellings this then equates to less than \$132,000 per dwelling. At this cost I doubt the dwellings will be of the high quality finishes as per your objective.
- Having 7 dwellings on one site will have a disproportionate impact on street traffic. We have quite a narrow street and I believe this will cause more issues especially when its garbage and recycle night.
- If approved it will set a precedent allowing over population of existing vacant blocks throughout Valley View Estate and in future staged releases.
- If approved I believe this will reduce the valuation of my property.

Regards

Rhonda Kelton



The General Manager
Cowra Shire Council
Private Bag 342
COWRA NSW 2794

5th May 2023

Attention Anthony Dainthinh & All Councillors

Notice of Development Proposal – DA 37/2022.

Proposed Multi-Dwelling Lot 7 DP 1250412, 13 Tokyo Terrace Cowra.

We have again received notice of the above development proposal and we remain in objection as previously stated 3 years ago when the 9 dwellings were proposed on DA 109/2019.

We would like to state that it is totally against the objectives and guidelines set out in the Valley View Estate Building & Site Guidelines. *See appendix 1.*

There are several objections to this proposal such as:

- It is not in-line with the prestige experience originally sold by the Council
- “There will be ample room between houses”, has not even been considered within this multi-dwelling proposal. Some of the dwelling roof lines are within millimetres of the boundaries. The set backs do not comply with the standards for the area.
- The excessive number of dwellings on the “lifestyle sized blocks” is going to create an increased volume in traffic and insufficient parking. The street is not overly wide, so with multiple cars parked throughout the day this is going to cause car congestion, especially on rubbish and recycling collection day.
- These dwellings will not reflect the “attractive residential estate” guidelines

We purchased [REDACTED] and built a large family home that we could enjoy for many years on the belief this prestige area will be upheld as the

- “large lot residential development with magnificent views”
- “simply the best Cowra had to offer”
- “destined to become the jewel in Cowra’s Crown”.

This proposal is not in line with the immediate vicinity, which will attract a downgrading atmosphere of the area and future development in the area which I have noticed that the council have started to mark more land out for future development.

With this 3rd proposal attempt of multi-dwellings on Lot 7 of Tokyo Terrace, I feel confused as to why actions to prevent this from happening again wasn’t actioned. Clearly this DA is not an option and must be stopped for the sake of the community. A lot of Cowra residents have put their life savings into their family homes and now we have an outside developer wanting to ruin their dreams.

Sincerely,

Anthony & Rebecca Hurrell

[REDACTED]

APPENDIX 1

DRAFT ONLY

These Guidelines are in draft form only, and are subject to final adoption by Council. The final controls will feature in a forthcoming amendment to Cowra Development Control Plan 2014.

**VALLEY
VIEW
ESTATE****BUILDING + SITE DESIGN GUIDELINES**

01.

INTRO

The next stage of Valley View Estate seeks to deliver a residential experience that is different to anywhere else in Cowra; large lot residential development with magnificent views, connected open space network, integrated Aboriginal history, sought after location, all within 1.5km from the commercial heart of Cowra.

Developed in line with a detailed urban design study, the public domain in Valley View sets the standard for Cowra. The unique streetscape includes wide street verges, localised street tree planting and large dwellings located on lifestyle sized blocks.

New development in Valley View Estate should aim to respect the setting, the ridge along Sakura Drive and the extensive open space leading into the Cowra Peace Precinct. There will be ample room between houses, providing a relaxed vista and unhurried space.

Future development within Valley View Estate will need to comply with basic planning controls and standards. The controls are not designed to restrict freedom of building design. Rather, the controls up-hold minimum standards and expectations that will ensure the area develops into an attractive residential estate.



02.

STREETSCAPE

Streetscape is a term that is used to describe the natural and built characteristics of a street. Requiring new development to comply with some basic planning controls and standards can greatly improve the presentation of the streetscape and overall resident amenity.



OBJECTIVES

- ✦ To encourage creativity in building design.
- ✦ To create high levels of visual interest within the streetscape.
- ✦ To create consistency in building line setbacks.
- ✦ To create adequate levels of separation between new buildings and structures on adjoining lots.
- ✦ To encourage building facades that are attractive when viewed from public places.

GUIDELINES

- ✦ The following setback standards will apply to new dwellings

Boundary	Min. Setback
Primary road	8m
Secondary road	4.5m
Side	2m
Rear	8m

- ✦ Minor architectural design / articulation features on new dwellings are permitted to encroach into the front setback area, provided the encroachment is not more than 1 metre, and the total width of the

feature is not more than 25% of the front elevation of the building.

- ✦ Building facades that directly face a street or the Cowra Peace Precinct must be properly articulated. The maximum straight wall length without architectural features is 5m for the primary street frontage or 10m for a secondary street frontage or side boundary. Architectural features include a stepped façade, change in materials or verandas and porches.
- ✦ The maximum height to the ridge of the roof of a new dwelling is not to exceed 9.0 metres above the natural ground level vertically below that point. This is achieved on sloping sites by adopting a stepped building design to accommodate the natural fall in topography.
- ✦ For corner lots, or lots with a frontage to the Cowra Peace Precinct, dwellings are designed with attractive and articulated facades that address both street frontages.
- ✦ Air conditioning units and other similar ancillary structures are to be located behind the front elevation of the dwelling, and screened if visible from the public street environment.

03.

BUILDING DESIGN

Building design is an important part of creating attractive places to live and improving amenity. Valley View is being developed as a premium residential estate, so it is important that new buildings in the area are designed to a high standard with appropriate finishes that will reflect the prestige of the area.



OBJECTIVES

- ✦ To create variation in building appearance along the street.
- ✦ To ensure dwellings are constructed with high quality finishes that add value to the area.
- ✦ To minimise adverse impacts on the natural setting of the adjoining Cowra Peace Precinct.

GUIDELINES

- ✦ At least two different forms of external cladding materials should be incorporated into the front facade of new dwellings. Suggested materials are detailed in the table below. Other materials that deliver a high quality finish will be considered on merit.

Material	Recommendation
Primary	Face / rendered brick Bagged / painted brick
Secondary	Timber Textured cement sheet. Weatherboard cladding Stone Face brick

- ✦ A neutral colour scheme is preferred for the area where colours reflect those from the surrounding natural environment. Colours should be submitted to Council as part of the Development Application for consideration.
- ✦ New housing should have a roof design that complies with the following controls:

Roof type	Min. Pitch	Max. Pitch
Traditional	22.5°	N/A
Gable	22.5°	N/A
Skillion	5°	15°
Flat	5°	15°

- ✦ Eaves have a minimum depth of 450mm to enhance thermal performance of the house.
- ✦ New dwellings are designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice). Where such areas already receive less than 3 hours of sunlight, new development should not further reduce sunlight access.

04.

ANCILLARY DEVELOPMENT

Ancillary development is a term used to describe buildings, structures and site features that are secondary to the main dwelling. Whilst ancillary development types are usually smaller than a dwelling, they can still create adverse visual and amenity impacts if they are not properly sited and designed.



OBJECTIVES

- ✦ To ensure that the design and siting of ancillary development is properly considered as part of the overall site design.
- ✦ To minimise adverse visual impacts caused by poorly designed and sited ancillary development.
- ✦ To encourage landscaping that enhances streetscape appearance and respects the natural setting of Valley View Estate.

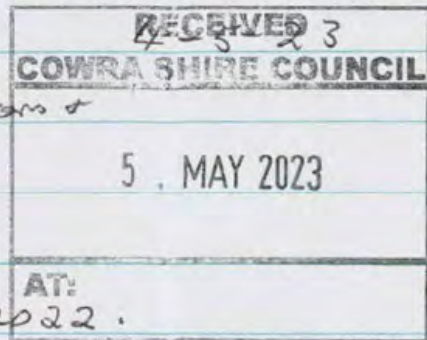
GUIDELINES

- ✦ Development Applications for new dwellings at Valley View Estate must show that at least 25% of the front setback area will be landscaped.
- ✦ Gardens facing the street or the open space area to the east of the new road should be planted with a minimum of 75% indigenous planting, including at least one indigenous tree species recommended by the Valley View Landscape Masterplan.
- ✦ Driveways should be a minimum of 1 metre from a side boundary to allow for appropriate landscape treatment to the boundary and enhance the visual separation between houses.

- ✦ Driveways and paths should be finished with materials that blend or complement the colours and design of the dwelling and the natural Valley View landscape. Concrete driveways and paths must not be stencilled.
- ✦ Fences forward of the building line are not permissible.
- ✦ Lots 1 to 8 are subject to a restriction as to user which requires the installation of a rear boundary fence that is to be constructed of non-combustible building materials.
- ✦ Garages, shed buildings, carports and the like must not be constructed forward of the building line, and must not have a height that is greater than 4 metres.
- ✦ Garages, shed buildings, carports that are highly visible from a public place should be constructed of materials that match or complement the dwelling. As a minimum, factory pre-coloured finishes will be required. Zincalume surfaces must be avoided.

2023/11835

Cowra, 2794



To: Mr Bill West + all Councillors +

The General Manager,

Dear Sirs + Madams,

Re: DA 37/2022.

Thankyou for the information re.
the above D.A. and Thankyou all for
the running of this beautiful town of
Cowra. Please don't let it be
spoiled + this "prestige" (Council's word
not mine when these blocks first went
on the market) area of London Dr.
Tokyo Terrace, + Beaul St. by approving
this ridiculous D.A. seven dwellings on
one building block?? What sort of
precedent would be set? The block
next door is a good size, could we
expect multiple homes to be built
there or any other blocks nearby? It
could completely change this beautiful
area from prestige to "ghetto like".

Would the planned driveway cope
with garbage trucks + 14 bins, a

number of visitors cars, ambulances or should a fire be started in the lovely bush area out the back it would be impossible for fire Trucks to get in & out especially if there should be said garbage trucks, ambulances & visitors or owners cars parked in the street or Tokyo Terrace, Sounds very dangerous to us.

This area could possibly cope with 2 x dual occupancies but certainly NO more.

Also what is a Community Title?
Is it a new name for a Company Title (prior to strata) where everyone had to give permission for a unit to be sold or purchased?

The whole concept is a BAD idea & should be thrown out.

Yours sincerely

2023/11835

From: [Germaine White](#)
To: [Cowra Council](#); [Larissa Hackett](#); [Paul Devery](#)
Cc: [Bill West](#); [Judi Smith](#); [Sharon D'Elboux](#); [Cheryl Downing](#); [Ruth Fagan](#); [Nikki Kiss](#); [Paul Smith](#); [Erin Watt](#); [Peter Wright](#)
Subject: DA 37/2022 13 Tokyo Terrace Cowra
Date: Thursday, 4 May 2023 12:09:21 PM

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I have previously submitted objections to the above DA in a letter dated 3/5/22 which was acknowledged by Council 17/5/22.

I sent a subsequent letter to Council 19/10/22 concerning incidences of garbage trucks being unable to gain access between Tokyo Terrace and Seoul Street due to cars being parked on both sides of the street, I asked for this additional information to be included with my original objections letter.

I've now received an updated DA and my objections remain as previously outlined in my letters dated 3/5/22 and 29/10/22. Please include my 2 previous letters and this letter for my submission of objections to the amended DA.

I also don't understand why the amended DA still contains old photographs, it still mentions a house under construction when the house in question has been completed. Are there other errors in the amended DA?


As I said in my original letter to Council 3/5/22 I believe approval of this DA for 7 unit development would not fit with the way the Council marketed and sold the Lots in this sub division.

Council advertised and marketed the sub division as being:

- developed in line with a detailed urban design study, the public domain in Valley View sets the standard for Cowra. The unique streetscape includes wide street verges, localised tree plantings and large dwellings on lifestyle sized blocks
- there will be ample room between houses, providing a relaxed vista and unhurried space
- Valley View is being developed as a premium residential estate, so it's important that new buildings in the area are designed to a high standard with appropriate finishes that will reflect the prestige of the area

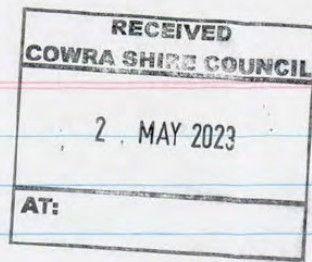
Those were the Council's words when they sold the Lots and I don't believe this DA for 7 unit multi dwelling fits with the advertising in any way, shape or form.

Germaine White



2023/11233

Re. DA 37/2022.



Cowra. 2794.

NSW.

1-5-2023.

Cowra Council.

To whom it may concern,

As we have indicated in the past, it is a shame that such a prestigious, quiet area of Cowra will have seven units on one house block - Development Proposal DA 37/2022.

It is a pity that there was not a ruling that so many units could not be built amongst some of the top level homes in Cowra. A development, such as on the corner of Lonsford St and London Drive, would be much more attractive.

We can envisage, if the development on Tokyo Terrace proceeds, a large volume of traffic on this narrow road, noise and unsightly roadside garbage bins on garbage collection days - garbage and recycling = 14 bins! will occur.

Also, are dogs allowed at the seven premises? One parking dog per normal house block is one too many! But?
We think this will all detract from this area of beauty.

Yours faithfully,

A rectangular grey box used to redact the signature of the sender.

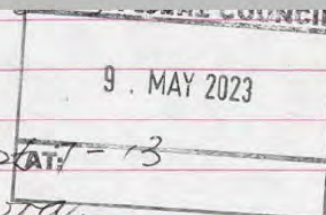
(Helen Tracy)

(Vivian Tracy)

2023/12059

Mr. Anthony Daintith
Cowra Shire Council

Re: Proposed Development ~~Lot 13~~ - 13
Tokyo Terrace, Cowra.



I wish to again lodge my strong objection to the proposal to build 7 housing units at the above address.

Again, I am at a loss to understand the rationale behind this application. To consider a development such as this in the midst of an estate with prestige single site homes, flies against all common sense and perhaps a lowering of their value, and indeed the area.

Is Council going to reject their own marketing logo of: quote, 'a unique streetscape which includes wide street verges and large dwellings located on lifestyle blocks. There will be ample room between houses providing a relaxed vista and unhurried space,' unquote, and allow this to occur.

Building costs and quality, traffic congestion, garbage collection and access, restricted access to essential service vehicles, possible affect to homes on either side of proposed development relative to value, are just some areas of concern. Yours faithfully,

Kathy Eisenhauer

5 May 2023

The General Manager
Mayor, Deputy Mayor & Councillors
Cowra Shire Council
Private Bag 342
COWRA NSW 2794

Dear Mr Devery

I am writing to express my repeated objection to the Development Application for Lot 7, Tokyo Terrace, Cowra – DA 37/2022.1 – as per its recently amended republication.

It is with huge disappointment that I find my husband and I suffering ongoing stress over this application. I believe the situation should have been finalised following the resolution to DA009/2019. At the closure of that, council should have taken recommended and necessary actions to ensure the legislation around the zoning of Valley View Estate was rewritten in accordance with the design controls under which our land was marketed to us (**see attachment 1**). We bought our properties in good faith that Cowra Council would provide us with exactly what we paid for and we are now facing, 4 years later, an ongoing battle to have our rights in this matter assured. Other residents of Valley View Estate have signed a petition in the past 2 days which will continue to circulate. (**see Attachment 2**)

As stated in my letter dated 12 May 2022:

My home at [REDACTED] is a dream home for my husband and I. We love living in the house we had constructed by a local builder, using local trades people and suppliers. We love living in Valley View Estate.

We delayed purchasing the land in Tokyo Terrace due to the previous DA109/2019. Once the State Environment Court upheld the wise decision of Cowra Council not to approve it, we proceeded with our purchase and built our home. We would not have done so if we believed we could end up with a large multi-dwelling development in the estate.

I have a number of reasons for my objection currently and will list them here. As I continue to make enquiries and gather advice, I will continue to share with you any additional concerns that may arise.

1. DA109/2019 was deemed an **overdevelopment of the site**.
 - a. The new DA 37/2022 is of the same scale, with my calculations indicating **only around 8 square metres less** floor space in total.
 - b. The new DA has 19 bedrooms as opposed to 18 in the original DA.

- c. The small lot sizes show minimal setback from boundaries and this is in contradiction to the Building and Design controls by which current residents abided.

UPDATE 2023: the amended DA 37/2022.1 has added a 3rd bedroom to dwellings 1 and 7 – so it is now a 21 bedroom total and potentially larger than the original denied 9 dwellings.

- 2. The DA does not meet with the current and future planned streetscape of Valley View Estate.
 - a. The aerial photo provided in DA37/2022 (Figure 1) says it “depicts the subject site and relationship with adjoining buildings”. **It is out of date and only shows vacant lots in Tokyo Tce and Seoul St.**



Figure 1

- b. The current streetscape is one of open spaces, large setbacks from the street and property boundaries as seen in Figure 2 below.



Figure 2

3. Carparking –

- a. Tokyo Terrace and Seoul Street were developed in accordance with the intentions for Valley View Estate. They are not wide, as they were not designed to support flow of large amounts of traffic.
- b. The average household in Australia has 1.8 cars. For 7 dwellings, this is an anticipated 12.6 cars. The DA has parking for 7 residents' vehicles, leaving 5.6 cars parking as close to the front of Lot 7 as they can manage. Figure 3 gives an idea of how this will look at the bend in the street. Driveway entries for Lot 7, 6 and 5 have been roughed in with aqua colour.



Figure 3

- c. The DA provides for 2 visitor cars parking off-street. The requirement is 1 per 3 dwellings. They are providing only enough for 6 dwellings – not 7. These 2 proposed spaces appear unworkable as they do not allow enough space for vehicle movements. This means we will have visitors parking on the street. Our 5.6 extra cars in that small space could increase easily to a dozen or more.

UPDATE 2023: All of these concerns remain. The developer has not created additional space for parking on site – rather they have drawn cars into existing open spaces on the lot. They have failed to reduce the total floor space or number of dwellings in order to provide additional parking spaces as requested in previous objections.

The “additional” spaces for dwelling 1 and 7 involve occupants parking behind each other, which is likely to lead to one vehicle being parked on the street instead.

The “additional” space in front of dwelling 6 sees a vehicle squashed onto the open space in front of a bedroom.

- d. As shown in Figure 4, the addition of 14 bins to the single property creates extra pressure on parking space availability.

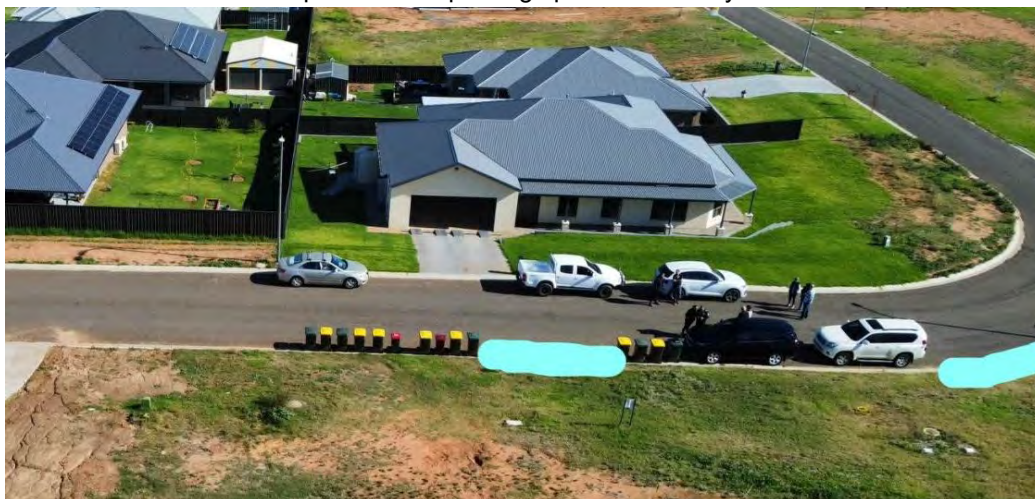


Figure 4

4. Low quality of the build – the estimated cost for 7 dwellings with driveways, fences and landscaping is \$925 000. Either this is a huge underestimate or the buildings will be low quality – not fitting with the prestige intended for the estate.

UPDATE 2023: The estimated cost has not gone changed. It is still listed as \$925, 000 despite addition of 2 more bedrooms and the widely recognised impact of inflation.

Local trades people and builders are reporting anecdotally that other developments by Mr Kilzi in Cowra are substandard.

5. Stormwater management – The large expanse of concrete required for the communal driveway and parking spaces will create a large amount of water runoff. Our driveway is almost directly across the road on the lower side of the street. We are concerned our yard and possibly our home will be impacted by the additional stormwater.

UPDATE 2023 – this is still a matter of concern for us. Given that the developer has ignored other issues or made inadequate changes while claiming to have addressed issues (eg. parking as above) I have no faith that the proposed changes to stormwater management will be adequate.

6. Lighting – the proposed driveway location means we will have headlights from the vehicles shining into our front rooms when they exit Lot 7 at night. This is tolerable when you allow for single or duplex dwellings across the road. It is intolerable when this is scaled up to 7 dwellings.

UPDATE 2023: This has been ignored since our last objection.

7. Council estate marketing –

- a. We were sold a large block in a prestige estate, with the messaging around the building and design controls making us believe we would be neighboured by similar single or duplex style dwellings.
- b. We have complied with the building and design controls.

UPDATE 2023: This objection has been ignored. At no point, have Council responded to this line of objection. At no point have they indicated to us that they will uphold the design intent of the estate. See attachment 1

8. Precedents –

- a. If this development is approved, we have been told by the owner of Lot 6 they will choose not to build their forever home there. Instead, they will develop it in similar style to Lot 7.
- b. The precedent set would allow for other vacant blocks in our street to be used in the same way.
- c. Further stage releases for Valley View Estate and vacant blocks in other existing parts of the estate could also be overdeveloped.

UPDATE 2023: This objection has been ignored as for item 7 above.

9. **Private open space** - the DA states that >75% of the proposed dwellings will receive adequate solar access to private open space.

- a. How can this be allowed to be less than 100%?
- b. Is the amount of solar access adequate? The shadow diagrams indicate:
 - i. 4 of the dwellings will continue to receive sunlight to living areas by 12 noon. **This means 3 won't** have sunlight in living areas.
 - ii. by 3 pm in midwinter, 5 of the units will receive sunlight to living areas and private open space – this means **2 dwellings won't have sunlight to living areas OR private open space.**

10. This amended application shows a **significant amount less open space** due to:

- a. Allocation of previously open spaces to now become designated car parking spaces
- b. Dwellings 1 and 7 are now larger, with the addition of a 3rd bedroom each

11. **The numbers in the table on page 10 don't work.** The block is stated to have a total area of 2,842 square metres. The Lot Areas for Lots 1 – 8 in the previous DA add to 2,842. The Lot Areas listed in the amended DA total 2797.41 square metres. **There is a discrepancy of 44.59 square metres.**

Lot No	Lot Area amended DA April 2023	Lot Area previous DA
1	499.26	482.1
2	330.17	336.4
3	307.71	300.3
4	334.52	375.9
5	401.95	423.5
6	301.1	301.1
7	301.8	301.8
8	320.9	320.9
Total	2,797.41	2,842

12. Page 14, paragraph one of amended DA 37/2022.1 states that the DA109/2019 was a similar development being for 7 x dwellings on the site. **This is not correct. That DA was to incorporate 9 dwellings,** however, the reduction to total floor space for the 7 dwellings in DA 37/2022 was marginally smaller than that of the originally proposed 9. The latest DA 37/2022.1 appears to have made Dwellings 1 and 7 larger, with the possible outcome being the 7 newly proposed dwellings crowding the block more than the original 9 proposed.

13. Page 15 refers to Clause 7.8 – Essential Services. Residents have NOT been consulted on this. **Current water pressure is not adequate** for some of the existing homes in Tokyo Tce and Seoul Street. **Further demand on the water supply with 7 dwellings on 1 site will further impact this existing concern.**
14. Page 17, paragraph 2 states that provisions in Part D.3 (which I think should read D3.3) “relating to lot layout, street design and access provision do not technically apply”. Do they apply or don’t they?
15. Page 18, paragraph 7 talks about E2.7 referring to Site Area and Frontage Controls – stating the DA complies with minimum site area and frontage controls – this is not in line with the design controls we all followed.



Boundary	Min. Setback
Primary road	8m
Secondary road	4.5m
Side	2m
Rear	8m

This also makes the statements on page 19 around E2.11 Front Setback Controls, E2.12 Side Setbacks, E2.13 Rear setbacks which the DA claims to have complied with.

16. The table on page 22 talks about E2.14 Visual and Acoustic Privacy Controls. It indicates there is a 12 m separation between the Southern neighbour and Dwelling 2 and a 9.6 m separation from southern neighbour to Dwelling 1 –
- What about the yet to be developed Lot 6?
 - What about separation between the 7 dwellings on the block? This is part of our concerns – **overcrowding of the block – a reduction to maximum of 4 dwellings would overcome this.**

17. Page 24 states:

- a. the development is consistent with objectives of the zone (R1)
 - i. scale is suitable for the subject site – this is not in line with the design controls for the estate
 - ii. design generally meets the objectives and design controls in Cowra DCP 2021 – this is something that should not have been overlooked by council considering the design controls under which we all purchased and built
- b. the proposal is consistent with the desired character of the locality – direct contradiction to the design controls for Valley View Estate
- c. the proposal will present a suitable landscape setting to the street – again contradicts design controls
- d. Building forms provide adequate setbacks – not according to the design controls

None of this is true in line with the design controls we abided by.

18. Page 25, paragraph 25 states the proposal is of a residential nature being a low-noise generating land use – this is difficult to accept with 7 families living on one site.

19. Page 28 paragraph 1 states the proposed development does not result in **unreasonable impacts upon the adjoining properties** – this is because Lot 8 owners complied with the design controls and have large setbacks from all boundaries. This is also unknown yet in terms of Lot 6 which hasn't been developed.

20. Traffic – as mentioned in point 3a, the streets are not wide.

- a. With additional cars parked on either side of the road near the bend in Tokyo Terrace, it will make it difficult to pass through that section of road.
- b. Safety of pedestrians and cyclists will be at risk.
- c. The proposal to “encourage” residents to use public transport as a measure for reducing traffic impact is laughable. This option is not readily available and encouraging behaviour doesn't guarantee compliance.

UPDATE 2023: The streets are only approximately 8 metres wide. Allowing between 2.8 and 3 metres for a parked vehicle means that if we have 2 vehicles parked across from each other, it is difficult to fit a car through the gap. This has been proven by our garbage truck being unable to get through at times and lack of passageway when neighbours have guests currently. Our streets were not built to handle the kind of increased traffic that would result from this multi-dwelling development.

My questions to Council:

1. What is the total area of floor space for the 7 units?
2. Why were changes not put in place by council after the DA 109/2019 sequence of events, to ensure that Valley View Estate was no longer bounded by the inadequate controls listed in Cowra LEP 2012?
3. If, as stated in the current DA 37/2022.1, there is to be limited cut and fill – how elevated will the dwellings 3 and 4 be?
4. Why are residents left footing the bill for legal support in this matter, particularly considering many of us delayed purchasing our blocks until the DA had been denied?
5. Council indicated “some” of the concerns raised by council have been addressed in this amended DA 37/2022.1. Why are we, as residents (not experts in these matters), charged with reading through the DA 37/2022.1 to determine which of the concerns have been addressed and which haven’t as we consider our stance? Can we have a list showing:
 - a. concerns raised
 - b. concerns resolved through adequate amendments
 - c. concerns not resolved or addressed
6. Is there a limit on the number of dwellings allowed in a multi dwelling development under LEP 2012?

Could you please reply at your earliest convenience to confirm receipt of this objection letter?

Sincerely,

Kathy Eisenhauer



DRAFT ONLY

Attachment 1 – Valley View Estate Building + Site Design Guidelines

These Guidelines are
in draft form only, and are subject
to final adoption by Council. The
final controls will feature in a
forthcoming amendment to Cowra
Development Control Plan 2014.



VALLEY VIEW ESTATE

BUILDING + SITE DESIGN GUIDELINES



01.

INTRO

The next stage of Valley View Estate seeks to deliver a residential experience that is different to anywhere else in Cowra; large lot residential development with magnificent views, connected open space network, integrated Aboriginal history, sought after location, all within 1.5km from the commercial heart of Cowra.

Developed in line with a detailed urban design study, the public domain in Valley View sets the standard for Cowra. The unique streetscape includes wide street verges, localised street tree planting and large dwellings located on lifestyle sized blocks.

New development in Valley View Estate should aim to respect the setting, the ridge along Sakura Drive and the extensive open space leading into the Cowra Peace Precinct. There will be ample room between houses, providing a relaxed vista and unhurried space.

Future development within Valley View Estate will need to comply with basic planning controls and standards. The controls are not designed to restrict freedom of building design. Rather, the controls up-hold minimum standards and expectations that will ensure the area develops into an attractive residential estate.



02.

STREETSCAPE

Streetscape is a term that is used to describe the natural and built characteristics of a street. Requiring new development to comply with some basic planning controls and standards can greatly improve the presentation of the streetscape and overall resident amenity.



OBJECTIVES

- ✦ To encourage creativity in building design.
- ✦ To create high levels of visual interest within the streetscape.
- ✦ To create consistency in building line setbacks.
- ✦ To create adequate levels of separation between new buildings and structures on adjoining lots.
- ✦ To encourage building facades that are attractive when viewed from public places.

GUIDELINES

- ✦ The following setback standards will apply to new dwellings

Boundary	Min. Setback
Primary road	8m
Secondary road	4.5m
Side	2m
Rear	8m

- ✦ Minor architectural design / articulation features on new dwellings are permitted to encroach into the front setback area, provided the encroachment is not more than 1 metre, and the total width of the

feature is not more than 25% of the front elevation of the building.

- ✦ Building facades that directly face a street or the Cowra Peace Precinct must be properly articulated. The maximum straight wall length without architectural features is 5m for the primary street frontage or 10m for a secondary street frontage or side boundary. Architectural features include a stepped façade, change in materials or verandas and porches.
- ✦ The maximum height to the ridge of the roof of a new dwelling is not to exceed 9.0 metres above the natural ground level vertically below that point. This is achieved on sloping sites by adopting a stepped building design to accommodate the natural fall in topography.
- ✦ For corner lots, or lots with a frontage to the Cowra Peace Precinct, dwellings are designed with attractive and articulated facades that address both street frontages.
- ✦ Air conditioning units and other similar ancillary structures are to be located behind the front elevation of the dwelling, and screened if visible from the public street environment.

03.

BUILDING DESIGN

Building design is an important part of creating attractive places to live and improving amenity. Valley View is being developed as a premium residential estate, so it is important that new buildings in the area are designed to a high standard with appropriate finishes that will reflect the prestige of the area.



OBJECTIVES

- ✦ To create variation in building appearance along the street.
- ✦ To ensure dwellings are constructed with high quality finishes that add value to the area.
- ✦ To minimise adverse impacts on the natural setting of the adjoining Cowra Peace Precinct.

GUIDELINES

- ✦ At least two different forms of external cladding materials should be incorporated into the front facade of new dwellings. Suggested materials are detailed in the table below. Other materials that deliver a high quality finish will be considered on merit.

Material	Recommendation
Primary	Face / rendered brick
	Bagged / painted brick
Secondary	Timber
	Textured cement sheet.
	Weatherboard cladding
	Stone
	Face brick

- ✦ A neutral colour scheme is preferred for the area where colours reflect those from the surrounding natural environment. Colours should be submitted to Council as part of the Development Application for consideration.
- ✦ New housing should have a roof design that complies with the following controls:

Roof type	Min. Pitch	Max. Pitch
Traditional	22.5°	N/A
Gable	22.5°	N/A
Skillion	5°	15°
Flat	5°	15°

- ✦ Eaves have a minimum depth of 450mm to enhance thermal performance of the house.
- ✦ New dwellings are designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice). Where such areas already receive less than 3 hours of sunlight, new development should not further reduce sunlight access.

04.

ANCILLARY DEVELOPMENT

Ancillary development is a term used to describe buildings, structures and site features that are secondary to the main dwelling. Whilst ancillary development types are usually smaller than a dwelling, they can still create adverse visual and amenity impacts if they are not properly sited and designed.



OBJECTIVES

- ✦ To ensure that the design and siting of ancillary development is properly considered as part of the overall site design.
- ✦ To minimise adverse visual impacts caused by poorly designed and sited ancillary development.
- ✦ To encourage landscaping that enhances streetscape appearance and respects the natural setting of Valley View Estate.

GUIDELINES

- ✦ Development Applications for new dwellings at Valley View Estate must show that at least 25% of the front setback area will be landscaped.
- ✦ Gardens facing the street or the open space area to the east of the new road should be planted with a minimum of 75% indigenous planting, including at least one indigenous tree species recommended by the Valley View Landscape Masterplan.

- ✦ Driveways and paths should be finished with materials that blend or complement the colours and design of the dwelling and the natural Valley View landscape. Concrete driveways and paths must not be stencilled.
- ✦ Fences forward of the building line are not permissible.
- ✦ Lots 1 to 8 are subject to a restriction as to user which requires the installation of a rear boundary fence that is to be constructed of non-combustible building materials.
- ✦ Garages, shed buildings, carports and the like must not be constructed forward of the building line, and must not have a height that is greater than 4 metres.
- ✦ Garages, shed buildings, carports that are highly visible from a public place should be constructed of materials that match or complement the dwelling. As a minimum, factory pre-coloured finishes will be required. Zincalume surfaces must be avoided.

- ✦ Driveways should be a minimum of 1 metre from a side boundary to allow for appropriate landscape treatment to the boundary and enhance the visual separation between houses.

Attachment 2 – signed petitions from Valley View Estate residents

Petition from Valley View Estate residents regarding DA 37/2022.1

We can provide more details if you would like to contact us.

Name	
Neralthe Fleming	
Heidi Franke	
Jo-Anne Williams	
DAW WALES	
LORENE WALES	
GRAHAM ARNOLD	
Germaine White	
Kathy Eisenauer	
Rebecca Hunt	
Rygen Hunt	
Kylie Berry	
Windy Bushell	
Graham Black	
Polyn Black	
Cheryl Black	
Carrey Woodhouse	
Sandra Probbins	
Rose Birch	
Lorelei Wallace	

Petition from Valley View Estate residents regarding DA 37/2022.1

We can provide more details if you would like to contact us.

Name	Address	Signature
SHELDON WILKINS		
Kenny Robertson		
Tredor Reeves		
Harman Singh		
Tarnjeet Kaur		
MANPREET SINGH		
IAN REID		
Joyce REID		
JAMES AHHEN		
PATRICIA AHHEN		
Belinda Pullen		
Sandy Haughton		
Julie Ryan		
Jeremy Ryan		
ROSE SUTOR		
Trish Berry		
GRAHAM BERRY		
PETER BOLER		
PAM BOLER		

Petition from Valley View Estate residents regarding DA 37/2022.1

We can provide more details if you would like to contact us.

Name		
Kirsty + Justin Langfield		
BRYAN McCABE		
CASEY FOX		
Peter O'Sullivan		
Mary O'Sullivan		
LORRAINE OLIVER		
LEN OLIVER		
Norman KEAR		
VERISA KEAR		
Andrew Smith		
KEN DURRE		
Ann DURRE		
MAREE DYKES		
GARRY BRYANT		

We can provide more details if you would like to contact us.

[illegible]

From: [Lorelei Wallace](#)
To: [Bill West](#)
Cc: [Cowra Council](#); [Larissa Hackett](#)
Subject: Objection to proposed 7 units in Tokyo Terrace, COWRA NSW.
Date: Friday, 5 May 2023 4:27:57 PM

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon all,

I'm an writing to say I am firmly against the building of 7 unit blocks in Tokyo Terrace.

I strongly feel the Valley View Estate is a prime area of Cowra and doesn't justify having a unit block being built in such a picturesque location of our town.

A few points to consider are the streets are only wide enough to accommodate the existing traffic of the home owners in the street and to have extra traffic heading into such a miniscle area of the street would be totally unacceptable.

The houses in the Yalley View Estate are beautiful quality homes and to have a budget style unit block built would downgrade the subdivision substantially.

By Cowra Council rejecting this application to build Units in Tokyo Terrace will keep the Estate a prime location of Cowra that it was developed for many years ago. There are many other areas of the town that are ideal for unit block buildings.

I trust you can feel for people in the area and their rejecting of the application and will make a right decision for the people of Valley View Estate.

Kind regards

Lorelei Wallace

ra NSW 2794, Australia

VALLEY VIEW ESTATE - THE PRESTIGE

Located in exclusive North Cowra, Valley View Estate offers future residents everything the name suggests - unobstructed views across the Lachlan Valley.

Valley View Estate delivers the best that Cowra has to offer. The development provides fully serviced and constraint-free lots, wide street verges and lot frontages, quality landscape finishes, all within arm's reach of the historically and culturally significant Cowra Peace Precinct - a magnificent area of passive open space interwoven with walking and riding paths.

Buyer demand for property of this calibre will be at a premium. There are simply no other building blocks like these in the current market. Don't miss your chance to secure a lot in a spectacular location that is destined to become the jewel in Cowra's crown.

From: [Paul Devery](#)
To: [Cowra Council](#)
Cc: [Larissa Hackett](#)
Subject: FW: Objection to DA 37/2022.1
Date: Friday, 5 May 2023 3:50:21 PM
Attachments: [FB_6d94f36d-83c0-443e-8690-09d9060fcd4d.png](#)
[TW_62e1713f-0d0a-43ea-9f01-6555a355a050.png](#)
[LI_84ca60f1-5cd1-4333-b7c6-9124c931ec19.png](#)
[YT_58550b8f-3337-4784-ae04-6defa441326b.png](#)
[CowraLogo_bcb0063-d7c1-40bf-9ca0-400398ec89e6.png](#)
[April2023CouncilMeeting_753c501b-06cc-4fcb-b9e2-74f1ef75269c.jpg](#)

Pls register and task to Environmental Services



Cowra Shire Council acknowledges the people of the Wiradjuri Nation, traditional custodians of the land on which we work.

Attention: The information contained in this message and or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any system and destroy any copies. The opinions expressed in this message are the personal views of the sender and do not necessarily represent the corporate opinions or policies of Cowra Shire Council.

From: Nerallie Fleming [REDACTED]
Sent: Friday, 5 May 2023 3:17 PM
To: Paul Devery [REDACTED]
Subject: Objection to DA 37/2022.1

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Re- Objection to DA 37/2022.1
13 Tokyo Terrace Cowra.

Hi Paul,

I wish to lodge my strong objection to the abovementioned DA.

I am the owner and resident of [REDACTED] in the Valley View Estate.

I submit that the proposed development is a gross overdevelopment of the site, adversely impacts on the amenity of the area, at odds with Cowra Council's own Development Control Plan and raises environmental concerns.

The following grounds are listed as part of my objection:-

1. The development is contrary to the advertising and marketing, building, design and decision controls referred to in Council's DCP which includes

a) "A residential experience that is different to anywhere else in Cowra; large lot residential development with magnificent views". - this infers that the estate was not intended for and is not suitable for very small townhouse development.

b) "Ample room between houses providing relaxed vista and unhurried space" - again strongly infers townhouse development was never anticipated, intended or suitable for the site.

c) "Large dwellings located on lifestyle blocks" - is at complete odds with townhouse development.

2. The size of the lot and the proposal DA represents gross over development and overcrowding of the site. There is insufficient room to allow for 7 townhouses, parking for residents (most households have 2 cars nowadays) and sufficient practical useable space for visitor parking for the 7 townhouses plus insufficient provision for open spaces and sunlight.

3. The proposed development is not consistent with the existing street scape. It is very much the opposite of the streetscape in Tokyo Terrace, Seoul Street, London Drive and the rest of the Valley View Estate.

4. The issues of water run off and stormwater control from such a large roof and hard stand areas are of a concern.

5. Traffic control and traffic flow. The width of the road is approximately 8 metres.

The area is designated residential area and the amount of traffic this could generate, along with the width of the road will present problems for local residents, not to mention the safety of local children who live in Tokyo Terrace and the surrounding streets. It is of great concern for residents in Seoul Street as it is the only other access into Tokyo Terrace. Traffic coming from London and Comerford Street will turn into Seoul Street or Tokyo Terrace.

This is a small "loop" circuit road and the amount of traffic that this development could generate would be decrement to the design and lifestyle of these two streets.

Consideration should also be given if emergency service vehicles eg. Fire brigade, ambulance are needed.

It is doubtful if these larger vehicles would not be hindered or unable to gain necessary access. Especially to the units at the rear of the proposed DA.

There would be 14 garbage bins for collection plus access for the garbage truck. Visitors parking allocation and driveway access to townhouses would leave nowhere for off street parking for residents and/or visitors.

I am confident in saying the residents from adjoining properties would not want their own bins plus next door neighbours rubbish bins in front of their property.

N.B. There has already been instances where the garbage truck has not been able to gain access to garbage bins in Seoul Street because of cars parked both sides on the road. Residents and visitors with 4WD vehicles are much larger than average sedan vehicles hence making one average car able to squeeze through the gap.

The driveway access into the proposed development and the front garages gives an length of 15-16 metres for available parking in front of the proposed complex for visitors to 7 units allows for only 2 cars. It is parallel parking and allowing to turn safely into the development complex units.

6. The noise generated by residents from the 7 townhouses plus their visitors will adversely affect residents (some of whom work shift work) in the area.

7. It is noted that the DA is of similar size to previous DAs on the subject land. I understand the previous DAs was refused by Council.

8. This is a low quality, cheap build and would be substandard to the quality of houses already built in the Valley View Estate.

The cost to build has not increased yet the new DA has additional buildings increase from 5x3 Bedroom and 2x2 Bedroom to 7x3 bedroom units. The average cost to build estimated at \$132,143 per unit.

Many of the current owners and residents have quality houses built to align with the presentation, prestige and lifestyle of the Valley View Estate. This development, if approved, would impact of the resale market of the Estate and devalue our homes substantially.

Most of the people living in this Estate are owner occupied who bought, built and moved here for the exact purpose in the advertising and marketing of Cowra Council for Valley View Estate.

It is possibly likely this development would be probably be rentals.

9. The photos of the area are very old and no houses are evident.

An up to date aerial photo would show the development of residential houses that has been done over the last few years especially Tokyo Terrace and Seoul Street.

I know of 2 owners of other large residential blocks ready to build their quality "dream" homes in Tokyo Terrace. These should also be taken in consideration of the streetscape of the Valley View Estate of TokyoTerrace, Seoul Street and London Drive.

If there was an artist impressions of this development put to scale with existing properties in the valley View Estate I believe it would show this development does NOT fit in with the Valley View Estate visage. Also as the Valley View Estate includes London Drive and Paris Street so too these should be shown in some photos.

10. This type of development may be suited more to densely populated cities and towns however if Cowra Council wants to develop as set out in their future development plans for this Valley View Estate area then they need to rethink what they approve.

11. If this development is approved it sets a precedent to overdevelopment and crowding of existing vacant blocks, future stage releases in the Valley View Estate and also existing house sites.

12. In the Valley View Estate there are dual occupancy dwellings/ duplexes on street corner blocks. None are in the middle of the streets.

Where are the multi-dwelling housing in Valley View Estate 190m from the site as mentioned in the DA?

13. There is grave concern of the fire danger at the rear boundary of the proposed site and the Cowra POW Camp Site. The imminent danger and safety of the occupants living in this multiple-dwelling complex, especially the back 4 units in bushfire conditions. In the environment we live in it is feasible to seriously consider this happening in dry summer conditions. The elderly, disabled, physically challenged and families with your children could have serious issues in evacuating the complex.

It would be appreciated if you could ensure that my formal objection to the proposed DA is considered by Council staff in assessing the application and also reported to Council when the DA is submitted for determination.

Please address all correspondence [REDACTED] Cowra.

Yours Faithfully,

Nerallie Fleming

From: [Susan Hammond](#)
To: [Cowra Council](#)
Cc: [Bill West](#); [Judi Smith](#); [Sharon D'Elboux](#); [Cheryl Downing](#); [Ruth Fagan](#); [Nikki Kiss](#); [Paul Smith](#); [Erin Watt](#); [Peter Wright](#)
Subject: Development proposal-DA 37/2022
Date: Thursday, 4 May 2023 5:02:48 PM

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,
I am writing to inform you of my strong objection regarding DA 37/2022. My husband and I purchased our block of land in Seoul Street as we thought it would be a great area to build our new home. Its location was very appealing & after reading Valley View Estate Building and Site Guidelines, we were convinced that it would be perfect for us. However, I fear that if the above mentioned DA were to be approved, our decision to build in Valley View Estate will be regrettable.

My objections are (but not limited to):

It does not fit with the design intentions for Valley View Estate as per Cowra Council's advertising and VVE Building & Site Design Guidelines ie, "There will be ample room between houses providing a relaxed vista and unhurried space". The building and site guidelines also states that future developments will "need to uphold minimum standards and expectations that will ensure the area develops into an attractive residential estate". If the DA is approved it will contradict Cowra Council's advertising and Building & Site Guidelines.

Minimum setback requirements are ignored.

It will overcrowd the site.

I firmly believe that there is still inadequate parking spaces, considering that most families today have two vehicles (possibly more if there are young adult children living at home).

Street traffic will increase exponentially.

Every fortnight there will be 14 bins kerbside for collection.

If approved, it will set a precedent for further overdevelopment and crowding of existing vacant blocks and in any future stage releases throughout Valley View Estate.

The DA uses old photos of the area, which has no existing homes in Tokyo Terrace or Seoul Street, while claiming to fit with the character of the location.

I hope that commonsense will prevail on this matter and the application is denied.

Kind regards,

Sue Hammond

Sent from my iPad

From: [shale.11](#)
To: [Cowra Council](#)
Subject: DA (37/2022) objection
Date: Wednesday, 3 May 2023 1:08:54 PM

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.


I wish to register my objection to the Development Proposal DA 37/2022 for Tokyo Terrace. The proposed building of multiple dwellings on a single block raises numerous issues. Such a development is not in keeping with the design intention of Valley View Estate advertised by Cowra Council as "large dwellings located on lifestyle size blocks" and similar. Nor does it fit with the current streetscape of Tokyo Terrace, Seoul Street and the rest of the Estate. Further this will lead to a detrimental and disproportionate impact on street traffic. It also contravenes minimum setback requirements outlined in the Valley View Estate Building and Site Guidelines.

The amended DA itself contains a number of errors such as the planned lot sizes being inconsistent with total area for the site. In addition, the document uses old photos of the site that omit the now existing dwellings in Tokyo Terrace and Seoul Street whilst claiming to fit in with the character of the area.

Most disturbingly, approval of this or any such multi dwelling development creates a precedent which would allow the overdevelopment and crowding of Valley View Estate further exacerbating the issues and concerns raised. This is completely unacceptable, particularly in a rural environment.

Yours sincerely
Sheridan Wilkins
(resident of Valley View Estate)

Lorraine & Ian Wales



2nd May 2023

The General Manager,
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Dear Mr Devery and Cowra Councillors,

Objection to Proposed development – DA 37/2022

After receiving the revised proposal of 7 detached dwellings & 8 lot community title subdivision for Lot 7 DP1250412, 13 Tokyo Terrace, Cowra. We have reviewed the amended proposal and strongly object to the amended DA 37/2022.

- The proposed DA is not in keeping with the unique Street Scape intended including wide street verges, localised street tree planting and large dwellings on lifestyle sized blocks as marketed by Cowra Council.
- As the marketing promotion, we as the consumers were provided information for lifestyle and prestige location as per the first stage of Valley View Estate eg: London Drive with large homes on lifestyle blocks.
- The number of small individual dwellings on the one lifestyle block as intended by Cowra Council, would have a visual impact on all the residents in Tokyo Terrace and Seoul Street. Driving up Seoul Street, you see a beautiful large home and then a visual collection of dwellings that are prominent in the landscape, the street scape for the whole estate would be changed, not cohesive with current resident's street scape.

Some details listed below:

- There is not ample room between houses, providing a relaxed vista and unhurried space.
- Does not create consistency in building line setbacks as it ignores current dwellings in Tokyo Terrace and Seoul Street.
- This development is not in keeping with "Valley View...being developed as a "premium residential estate" with it being "important that new buildings in the area are designed to a high standard that will reflect the prestige of the area" (\$925,000 for 7 dwellings = less than \$132,200 per dwelling?)
- Does not "minimise adverse impacts on the natural setting of the adjoining Cowra Peace Precinct" being less than the 8m setback from the adjoining boundary.
- Uncertain it meets with "at least 50% of their usable private open space, receive(s) a minimum of 3 hours sunlight between 9 am and 3 pm on 21 June".
- Does not have "at least two different forms of external cladding materials ... incorporated into the front façade".
- Inadequate on-site parking provisions – residents unlikely to park each other in at dwellings 1 and 7 as additional space blocking the garage.
- Has the sites water run-off been properly addressed to avoid water encroaching into the neighbouring yards and streets.
- In DA 37/2022 the application mentions similar dwellings in the area on London Drive. The London Drive/Comerford Street developments has 2 duplex's set on near level land and the 3 individual homes on the opposite corner are also set on low level land and are not offensive to the visual impact or street scape of the street.
- Water pressure to the dwellings seems to be overlooked as a potential issue for the proposed dwellings and possibly the residents that already reside in Tokyo Terrace and Seoul Street. Currently, a resident in Seoul Street does not have the same water pressure as others in the street.

- Within this DA, two of the previous issues was housing densities and active transport. How can you encourage or maximise public transport use by constraining the car parking provision? Each proposed dwelling has 2 car parking spaces and 4 visitor parking spaces (18 vehicles). This is not minimising the parking of vehicles and the use of vehicles. A construction like this CANNOT be built with the assumption the residents will walk, ride, and use public transport. When the developer completes the development, there is no more encouragement to walk, bike or use public transport to and from business district in town.
- To approve such a development would set a precedent for the other blocks in Valley View Estate to have multiple dwellings. This will affect the value of our property and the lifestyle we have bought into when we purchased our land as we were buying into a lifestyle of large homes on large lifestyle blocks with ample room between houses, providing a relaxed vista and unhurried space.

Kind Regards



Ian & Lorraine Wales



To General Manager
Cowra Shire Council
Locked Bag 342
COWRA NSW 2794

02 May 2023

Attention Paul Devery, Anthony Daintith & All Councillors

Re DA 37/2022 Proposed Multi Dwelling seven (7) Dwellings & Eight (8) Lot Community Title Subdivision Development at Lot 7 DP 1250412 – 13 Tokyo Terrace COWRA

Thank you for your letter dated 20 April 2023 with the amended updated plans and SOEE for the above proposal.

As both a ratepayer and owner of land in Tokyo Terrace, I object strongly to the above proposal for the following reasons:

1. The SOEE and amended plans do not address the requirements of DCP 2021 at all;
2. Rear setback of dwelling 3 does not appear to comply with the requirements of the DCP for rear setbacks;
3. Dwellings 1 & 7 have stack car parking and cannot safely leave the site in a forward direction and the additional car space is provided within the front setback, which is not allowed by the DCP;
4. Storm water in the area is already an issue and with the amount of hard surface areas proposed this will only exacerbate the situation;
5. The proposed development has not addressed the Liveable Housing Design as provided in the DCP;
6. The submitted SOEE states that the **proposed development is consistent with the character of the locality** this is certainly not the case with development that is currently in Tokyo Terrace and the surrounding area, nor in accordance with the Valley View Estate provisions;
7. Valley View Estate is supposed to be a prestige residential estate as advertised and sold by the Cowra Shire Council (see attachment); and
8. With the proposed development, additional multi garbage bins will need to be collected by the garbage truck which currently is having difficulty in completing its run in Tokyo Terrace at the moment and having to reverse down Tokyo Terrace. This proposed development will only increase the difficulty for the garbage truck and cause traffic congestion in Tokyo Terrace.

This application should be refused by Council as it is not in keeping with the Valley Estate. If Council does intend to approve this application in its submitted form, I will be seeking legal advice for seeking refusal in the Land & Environment Court like the first application that was refused by the Court.

If you have any queries in relation to my submission, or would like to meet on site to witness the scale to which this DA is out of keeping, please do not hesitate to contact me.

Regards

Vicki Wallace

CC all Councillors

Karen and Glenn Reid

The General Manager
Mayor, Deputy Mayor
& Councillors Cowra Shire Council
Private Bag 342 COWRA NSW 2794

Dear Mr. Devery and Cowra Councillors

Objection to Proposed development – DA 37/2022

After receiving the revised proposal of 7 detached dwellings & 8 lot community title subdivision for Lot 7 DP1250412, 13 Tokyo Terrace, Cowra. We have reviewed the amended proposal and strongly object to the amended DA 37/2022.

- Upon purchasing our block in February 2020, we were provided with a document outlining the Valley View Estate Building and Site Design guidelines, which we strictly adhered to when going through our design process with our selected builder. Adjustments were made to our façade and floor space to ensure we fitted within these guidelines. This was an additional cost to us. We have noticed that there are a few of these guidelines that are not being adhered to within this new development application.
- As the marketing promotion, we as the consumers were provided information for lifestyle and prestige location as per the first stage of Valley View Estate eg: London Drive with large homes on lifestyle blocks.
- The proposed DA is not in keeping with the unique Streetscape intended including wide street verges, localised street tree planting and large dwellings on lifestyle sized blocks as marketed by Cowra Council.
- The number of small individual dwellings on the one lifestyle block as intended by Cowra Council, would have a visual impact on all the residents in Tokyo Terrace and Seoul Street. Driving up Seoul Street, you see a beautiful large home and then a visual collection of dwellings that are prominent in the landscape, the streetscape for the whole estate would be changed, not cohesive with current resident's street scape.

Details listed below:

- This development is not in keeping with "Valley View...being developed as a "premium residential estate" with it being "important that new buildings in the area are designed to a high standard that will reflect the prestige of the area" (\$925,000 for 7 dwellings = less than \$132,200 per dwelling including driveway and landscaping)
- There is not ample room between houses, providing a relaxed vista and unhurried space.
- Does not create consistency in building line setbacks (when we built it was a minimum of 8 metres plus the 2 metres on the footpath) as it ignores current dwellings in Tokyo Terrace and Seoul Street.
- Does not "minimise adverse impacts on the natural setting of the adjoining Cowra Peace Precinct" being less than the 8m setback from the adjoining boundary.
- Uncertain it meets with "at least 50% of their usable private open space, receive(s) a minimum of 3 hours sunlight between 9 am and 3 pm on 21 June".
- Does not have "at least two different forms of external cladding materials ... incorporated into the front façade".
- Inadequate on-site parking provisions – residents unlikely to park each other in at dwellings 1 and 7 as additional space blocking the garage.
- Has the sites water run-off been properly addressed to avoid water encroaching into the neighbouring yards and streets as we still have water runoff issues to this day. The incline of the driveway is of concern and the elevation plans for the site.

- Water pressure to the dwellings seems to be overlooked as a potential issue for the proposed dwellings and possibly the residents that already reside in Tokyo Terrace and Seoul Street. Currently, a resident in Tokyo Terrace does not have the same water pressure as others in the street.
- To approve such a development would set a precedent for the other blocks in Valley View Estate to have multiple dwellings. This will affect the value of our property and the lifestyle we have bought into when we purchased our land as we were buying into a lifestyle of large homes on large lifestyle blocks with ample room between houses, providing a relaxed vista and unhurried space.
- They have addressed the issue of parking by stating that the residents will use public transport, walk or bicycle. To expect this to be a common practice in a country town is not reasonable. This development will cause additional pressure on an already narrow street.
- The development plan states that the town centre is *'approximately 2km north of the Cowra Local Centre'* this is in fact an untrue statement. This property address is 2.3 kilometres to the local Post Office with the centre and main shopping district further. This walk/ride also covers many slopes and inclines and would be difficult for the elderly or parents with small children.
- On page 3 it states *'London Drive characterized by single dwellings with some examples of medium density development – dual occupancy and multi dwelling housing approximately 190m south-west of this site.'* This is also an untrue statement as there are no multi dwelling properties within the Valley View Estate and definitely not within 190 metres. There are a few duplexes within the Estate these have all been developed on corner blocks allowing for adequate parking and setbacks.
- The lot sizes on page 10 do not equate to the total square metres of the property. The block is stated to have a total area of 2,842 square metres. The lot area for lots 1-8 in previous DA added to 2,842. The lot areas listed in this amended DA total 2,797.41. This is a discrepancy of 44.59 square metres.
- The proposed development has also increased in number of bedrooms as units 1 and 7 have now become 3 bedroom homes. This current development is now as large as the previous development that was rejected in 2019.
- It is also disappointing to see that in this new proposal they have not taken the time to include more recent site photographs showing current building and development. I believe these photos would be a detriment to their proposal as it would clearly show how this development would not fit in with the already set 'prestigious' streetscape.
- Page 25 states the proposal is of a residential nature being a low noise generating land use. This is difficult to accept with 7 families living on one site.

We would also like to pose the question to Cowra Shire Council around why corrective actions were not taken after the DA 109/2019 was rejected, and why are resident who placed their faith in our council to uphold their promise of a prestigious lifestyle of large homes on large lifestyle blocks with ample room between houses, providing a relaxed vista and unhurried space being left to foot the bill of trying to again override this development?

We would like to finish by saying the home we built on Tokyo Terrace is what we consider our forever home, the building of a brand-new home is something we never thought was possible. We also considered this a financial investment knowing we had chosen a prestige area to build our home and raise our family.

If required we can be contacted on [REDACTED] if you require any further information.

Yours Sincerely

Glenn and Karen Reid

CrennanLegal

Paul Crennan BEc LLB Accredited Specialist Local Government & Planning Law

13 June 2023

Our Ref: PLC:lmh:23017

Your Ref:

The General Manager
Cowra Shire Council
PO BOX 342
COWRA, NSW, 2794

By Email Only: Environ@cowra.nsw.gov.au; adaintith@cowra.nsw.gov.au;
council@cowra.nsw.gov.au

Dear Sir,

**RE: KILZI and COWRA SHIRE COUNCIL DEVELOPMENT APPLICATION
DA10.2022.37.10 7 DWELLING SUBDIVISION**

We are the Solicitors for the Trustee for the Kilzi Superfund which is the applicant for Development Consent in relation to DA No. 37/2022 for 7 Detached Dwellings and 8 lot Community Title Subdivision.

The proposed development is for the premises at Lot 7 DP 1250412 known as 13 Tokyo Terrace Cowra.

Through the course of Council's notification process regarding the Development Application our client has become aware of objections which have been raised.

Our client has had its planning consultant from Chapman Planning respond to the issues raised in the objections.

We note that many of the objections raise issues which were dealt with by the Land and Environment Court in proceedings that were conducted in relation to a prior refused Development Application lodged by our client¹.

In that case the issues of:

- principle,
- compliance with the Local Environmental Plan objectives (and zone objectives),

¹ Kilzi v Cowra Shire Council [2020] NSWLEC 1566



Liability Limited by a scheme approved under Professional Standards Legislation



Crennan Legal Pty Ltd
ABN 96147736598
90 Bentinck St
Bathurst NSW 2795

Tel 02 6331 2121
PO BOX 2121
Bathurst NSW 2795
info@crennanlegal.com.au

- the Development Control Plan,
- the extent of exposure to sunlight required,
- consistency with desired future character,
- biodiversity/ecology and
- heritage

were all found in favour of our client's development.

That development appeal was refused due to design issues and the potential to impact upon the development of the adjoining neighbour at lot 8 which was in the course of construction².

In the subject Development Application

- a superior design has been submitted over that which had previously been the subject of Council's consideration.
- Council's Development Control Plan has changed, however, the material aspects of the DCP³ with respect to the development under consideration have not changed.
- The proposed development complies in all respects with the DCP.
- The design incorporates levels landscaping and fencing which ensure that the privacy of the next-door premises is respected.
- Chapman Planning has identified in a qualitative and quantitative analysis the compliance with Council's planning provisions.

Now that the development on lot 8 can be understood as to the impact presented by the proposed development it is plain that there is no adverse impact to be found.

Many of the objections raised repeat objections that have already been found by the Court in favour of multi-dwelling housing on this site.

Other objections do not go to issues of planning which come within the considerations to be applied under the Environmental Planning and Assessment Act. As irrelevant consideration, such as marketing of the subdivision, Council must reject those objections.

In the planning regime, Council has created the structure of the Local Environmental Plan and the Development Control Plan which embrace medium density development in the R1 Zone. Compliance with those provisions and respect for the impact of the development upon the locality would see the development approved.

Where the Court has already determined issues, Council would be cautious not to reargue such principles as have been settled by the Court.

Council is urged to assess the development in accordance with:

- proper planning principles;
- relevant matters under the Environmental Planning and Assessment Act; and
- issues as previously determined by the Land and Environment Court

²The concern was that with the house next door on lot 8 not having been constructed and its layout not having been identified Court is unable to conclude that the proposed development will not impose an adverse environmental impact on Lot 8.

³ Cowra Development Control Plan 2021

Our client awaits Council's determination of the development application.

Yours faithfully
CRENNAN LEGAL



Paul Crennan
Legal Practitioner Director
Accredited Specialist Local Government & Planning Law

OFFICIAL

20/06/2023

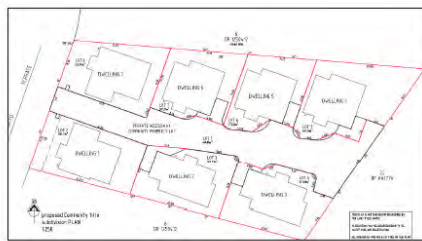
RE 13 Tokyo Terrace Cowra NSW 2794

To whom it may Concern,

Thanks for the submissions the areas of concern in the submission that have been submitted have already been addressed by Chapman planning in the past. Also the areas of concern are not key principle areas that make the development non compliant with the DCP. We have worked with council to address these areas of concern and believe they have been addressed in the past.

Please see attached the letter of concern that has addressed previous submissions.

Also the SEE has been updated to include the correct lot size and no changes have been made to the plans only change was to the SEE document. As the plans were updated but not reflective in the SEE.



The proposed subdivision is described as follows:

Lot No.	Lot Area
Lot 1 (Community Property / Private Accessway)	618.88m ²
Lot 2	330.17m ²
Lot 3	303.53m ²
Lot 4	321.68m ²
Lot 5	387.26m ²
Lot 6	272.31m ²
Lot 7	287.37m ²
Lot 8	320.9m ²

10

Thanks for your help and assistance.

Regards

Michael Kilzi

OFFICIAL



Chapman Planning Pty Ltd
ABN: 48 126 638 248

Response To Submissions 13 Tokyo Terrace, Cowra

The following table provides a response to the submissions made upon Development Application DA 37/2022 at 13 Tokyo Terrace, Cowra

Topic	Issue	Response
Density	Overcrowding too big for lot size – precedent for future multi-dwelling -	<p>Multi dwelling housing is permitted with development consent in the zone.</p> <p>The development proposal provides adequate private open space and internal amenity. Amended plans have been submitted detailing the internal fit out of the dwellings.</p> <p>All lots being created with the proposed dwellings meet the minimum lot size of 300m² as required in Council DCP.</p>
Traffic	Increased traffic – vehicle noise – parking – hinder emergency vehicles – driveway location headlights shining into front rooms – safety of pedestrians & cyclists	<p>Swept paths have been provided on the plans.</p> <p>The amended architectural plans show 9 x visitor car spaces to more than accommodate visitor traffic generation for the subject site.</p> <p>Central driveway will provide access for emergency vehicles to entire development.</p> <p>Houses opposite the development don't have frontage to the proposed development.</p> <p>Council's road network is capable of supporting the increased traffic generated from the development.</p>



Chapman Planning Pty Ltd

ABN: 48 126 638 248

Acoustic Impacts	Increased noise – garbage disposal – families with pets co-located in small area	The land use is permitted with consent in the zone. The land use is residential and acoustic impacts are commensurate with the residential land use.
Aesthetics	Not in line with unique prestige estate – minimal setbacks from boundaries – quality of build not in line with prestige – maintenance of property	<p>The development proposal meets the setback requirements under the development control plan. The application is supported by a landscape plan ensuring the dwellings will be viewed within a landscape setting.</p> <p>The landscape plan includes screen planting. The side elevations of the development proposal and screen planting are shown on the landscape plan.</p> <p>Architectural style is sympathetic with the recent construction in the area.</p> <p>Material and colour selection is similar to adjoining properties</p>
Parking	Visitor car parking insufficient – inadequate vehicle access and parking	The parking rate meets the requirement of the Cowra Development Control Plan which includes parking rates determined to be appropriate by Council. Notwithstanding, amended plans are submitted with 9 x visitor car spaces in addition to the residential parking spaces for each of the dwellings.
Council Current/Future Plan for area	Goes against Council's marketing of subdivision – to be developed in line with detailed urban design study – noncompliance with Valley View Estate Building and Site Design guidelines	<p>The marketing of the valley view estate is not a consideration under the environmental planning and assessment act.</p> <p>The scale of the dwellings within the multi dwelling housing development is consistent with similar examples in the vicinity of the site.</p>
Property value	Decrease re-sale values – sociodemographic change – dangerous precedent	This is unfounded and not a consideration of the environmental planning and assessment act.
Previous DA	Similar to a previous DA by Council which was refused	<p>This application presents a reduction in scale to the previous application. A full comparison of the changes to the previous application is provided within the statement of environmental effects submitted with this application.</p> <p>The previous DA was for 9 dwellings.</p> <p>The development is in accordance with Council DCP 2021.</p> <p>Minimum lot size complies with LEP & DCP requirements</p>

Suite 8, 88 Mountain Street, Ultimo NSW 2007 | T. +61 2 9560 1718 | info@chapmanplanning.com.au | ABN: 48 126 638 248 | www.chapmanplanning.com.au 2



Chapman Planning Pty Ltd

ABN: 48 126 638 248

Stormwater	Watercourse problems - storm water inundation	<p>The application is supported by stormwater plans provided by C.P.C Land Development Consultants.</p> <p>Stormwater generated from the development will be directed to Council's Stormwater system.</p> <p>Pre-development and post-development stormwater calculations are in accordance with Council's guidelines for a 20 year stormwater event</p>
Bushfire	Asset protection zone to be contained wholly within subject site	The development application is contained wholly on the subject site and does not include work on the adjoining parcels of land.
View Loss	View loss from 33 London Drive	The predominant view to the valley is experienced to the west from London drive. The subject site is located east of London Drive and specifically 33 London Drive. There are no view corridors across the site which would be obstructed by the proposed development.

3 LATE REPORTS

Nil