

COROWA SHIRE COUNCIL
DEVELOPMENT CONTROL PLAN NO. 6
MULWALA

1. Introduction

1.1 Title

This is a Development Control Plan prepared in accordance with the provisions of Section 72 of the Environmental Planning and Assessment Act, 1979 and Clauses 19 - 25 of the Environmental Planning and Assessment Regulation, 1980. Its title is "Corowa Development Control Plan No. 6".

1.2 Date

This Plan was adopted by Council on 18 September 1990 and commences from that date.

1.3 Land To Which This Plan Applies

This Plan applies to land within and around the town of Mulwala, as shown on the accompanying map.

1.4 Statutory Planning Provisions

This Plan conforms with the provisions of Corowa Local Environmental Plan 1989 (referred to after this as Corowa LEP 1989) which contains the local planning controls for development of the area to which this Plan applies.

1.5 Purpose

The purpose of this Plan is to give detailed guidance to people wishing to develop the land to which it applies, and to indicate Council's policies regarding such development.

1.6 Application

Council will take the provisions of this Plan into consideration in determining any application for development on land to which the Plan applies.

Council will also take into consideration those matters listed in Section 90(1) of the Environmental Planning and Assessment Act, 1979, and the provisions of Corowa LEP 1989.

Council may consent to an application which departs from the provisions of this Plan, where it is demonstrated to Council's satisfaction that:

- a) the proposal is in accord with the intent of this Plan;
- b) the proposal meets the relevant objectives as set out in this Plan; and

- c) it would be unreasonable and unnecessary in the particular circumstances to insist on strict compliance.

1.7 Relationship To Other Plans

In the event of an inconsistency between this Plan and an environmental planning instrument, the provisions of the environmental planning instrument shall prevail.

An environmental planning instrument includes a State Environmental Planning Policy (SEPP), a Regional Environmental Plan (REP) and a Local Environmental Plan (LEP).

In the event of an inconsistency between this Plan and any earlier Development Control Plan applying to the land, the provisions of this Plan shall prevail.

2. Interpretation

In this Plan, except so far as the subject matter or context otherwise indicates or requires:

“Dual occupancy development” means -

- a) the conversion of a dwelling-house into two dwellings; or
- b) the erection of a second dwelling house on an allotment of land, other than land zoned rural or non-urban, upon which a dwelling-house is already situated.

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

“Dwelling-house” means a building containing one but not more than one dwelling.

“Foreshore land” means land situated between the foreshore building line and the bank of Lake Mulwala.

“Foreshore building line” means a line between two boundaries of an allotment of land, on which no point is less than 10 metres from the Lake Mulwala Foreshore.

“Foreshore building plane” means the plane projected at an angle of 45 over the actual land to be built upon, from a distance of 3.0 metres above natural ground level at the foreshore building line.

“Height”, in relation to a building, means the distance measured vertically from any point on the roof or wall of the building to the ground level immediately below that point.

“Lake Mulwala Foreshore” means:

- a) the existing retaining walls constructed on or before 18 February 1986; or
- b) the prolongation of the alignment of existing retaining walls as at 18 February 1986 which have been opened for the purpose of constructing boat ramps or similar facilities; or
- c) the natural bank of Lake Mulwala at surcharge level (AHD reduced level of 125.08 metres) where no retaining wall or artificial level has been constructed.



“**Medium density housing**” includes residential flats, units, town houses, villa houses, cluster housing and the like.

“**Number of storeys**” in relation to a building means the number of storeys, floors or levels which a building contains as determined in accordance with Clause 6 of State Environmental Planning Policy No. 6.

“**The LEP**” means Corowa Local Environmental Plan 1989.

“**The map**” means the map accompanying this Development Control Plan, titled “Corowa Development Control Plan No. 6, Map”

“**this Development Control Plan**” or “**this Plan**” means Corowa Development Control Plan No. 6.

3. Aims and Objectives

The general aims and objectives of this Plan are:

- a) To protect and enhance the foreshore areas of Lake Mulwala in terms of landscape, stability, visual amenity, public use and access.
- b) To provide efficiently for future residential, tourist, commercial and industrial development in and around the town of Mulwala, with regard to new areas for development and intensification of existing areas, so as to enhance the amenity and scenic quality of the town and the lake.
- c) To assist development of a central focus for the town.

In applying the Plan, Council will give consideration to the way in which a proposal meets these objectives together with the specific objectives given for each section of this Plan and the stated purpose of particular controls.

4. Height Of Buildings

4.1 Objectives

The specific objectives of this Plan with regard to the height of buildings are:

- a) To maintain the existing low-rise, small scale character of the built environment.
- b) To preserve views to and from the lake, its foreshores, and public spaces.

4.2 Height Control

No building shall be erected on land to which this Plan applies which would exceed either:

- a) a height of 9 metres; or
- b) a height of two storeys above the natural ground level of that part of the site to be occupied by the building, allowing for a reasonable step up from ground level to finished ground floor level.

5. Foreshores

5.1 Objectives

The specific objectives of this Plan with regard to the foreshores of Lake Mulwala are:

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

5.2 Foreshore Building Line and Foreshore Land

In this Plan, a foreshore building line is defined as a line extending across the width of an allotment of land, on which no point is less than 10 metres from the Lake Mulwala Foreshore (see figure 1).

In this Plan, foreshore land is the land situated between the foreshore building line and the Lake Mulwala Foreshore (see figure 1).

Any development proposal on land which adjoins the Lake Mulwala Foreshore should be accompanied by a site plan on which the foreshore building line is clearly shown.

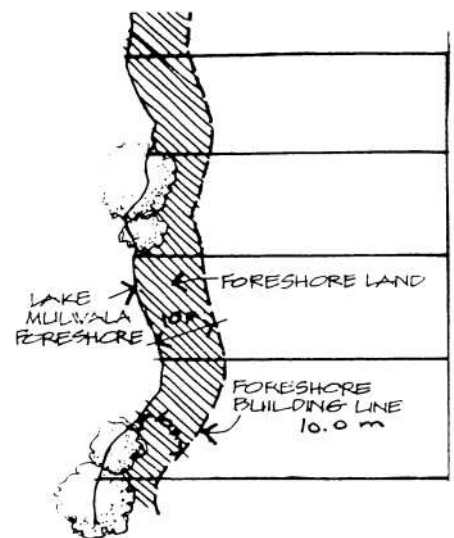


Figure 1: Refer to Cl 5.2; 5.3

5.3 Minimum Setback From Lake Mulwala

(1) Purpose:

- a) To provide sufficient setback from the lake to accommodate an appropriate landscape buffer and foreshore public access.
- b) To preserve views and privacy.

(2) Controls:

A reference in this Plan to a building does not include a reference to a boat ramp or boat jetty; an aerial, mast or pole; a ventilator or chimney stack; or a fence which has a height of less than 1.3 metres.

Council will not consent to the erection of a building or any part of a building in the foreshore land of any allotment.

5.4 Awareness and Use of Public Foreshore Lands

(1) Purpose:

To improve awareness and encourage usage of public foreshore lands for residents and visitors.

(2) Controls:

Council may require as a condition of development consent a contribution towards the upgrading of public reserves around Lake Mulwala, including the design, construction and erection of signage, landscaping, fencing and outdoor furniture.

5.5 Building Envelope

(1) Purpose:

To soften the appearance of buildings along the lake foreshore.

(2) Controls:

Any building to be erected on land which adjoins the Lake Mulwala foreshore shall be within the envelope defined by -

- the vertical plane of the foreshore building line;
- the foreshore building plane; and
- the maximum building height as provided by Clause 4 of this Plan.

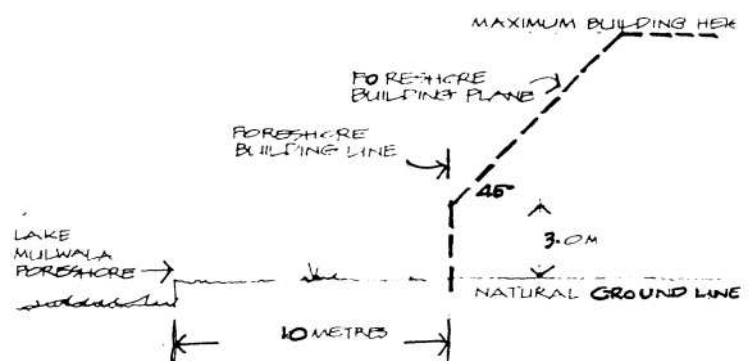


Figure 2: Refer to Cl 5.5

(3) Considerations:

The 45° foreshore building plane is intended to form part of the limiting envelope for buildings along the foreshore. It will not necessarily dictate the actual building profile.

Building elements which are of an open nature and which are specifically intended to assist in climate control, landscaping or softening the external appearance of a building, may be permitted to extend beyond the building envelope. Such elements might include:

- trellises
- pergolas
- open balustrades
- window boxes
- roof planting boxes

5.6 Foreshore Landscape Guidelines

(1) Purpose:

To achieve a more natural appearance of the foreshores when viewed from the lake.

(2) Controls:

Landscaping will be required within foreshore land in order to partially screen buildings from the lake. Tree and shrub species should be used which are sympathetic to the natural riverine environment.

(3) Guidelines

Applicants are encouraged to soften roof lines with roof landscaping, and to soften facades with elements such as window boxes, trellises and pergolas planted with vines and creepers, especially for upper storeys.

5.7 Foreshore Visual Guidelines

(1) Purpose:

To soften the appearance of buildings along the lake foreshore.

(2) Controls:

On building facades or roofs visible from the lake or from foreshore public lands, applicants should avoid:

- highly reflective or very brightly coloured surfaces
- large flat unbroken expanses of wall or roof
- repetitive facades
- high solid fences

- any other design element which will detract from the natural appearance of the lake foreshores.

5.8 Advertising Signs

(1) Purpose:

To ensure views of the foreshores from the lake are not unduly affected by advertising.

(2) Controls:

Advertising signs in areas visible to the users of Lake Mulwala will only be acceptable where their content relates to purpose for which the land is used, and where they are either:

- attached to the facade of a building and form a well integrated component of the facade design, or
- are applied to a freestanding structure and, in the opinion of Council, will not be:
 - excessive in size
 - intrusive in structure, design and colouring relative to the immediate character of the areas in which it is set or from which it can be seen.

6. Residential and Tourist Development

6.1 Objectives

The specific objectives of this Plan with regard to residential and tourist development in Mulwala are:

- a) To provide for new residential and tourist development in such a way as to protect and enhance the amenity of the town and its existing character.
- b) To provide for increased density of residential and tourist development where appropriate, in such a way as to prevent overdevelopment.

6.2 LEP Provisions

The attention of applicants is drawn to provisions of the LEP which relate to the minimum permissible allotment area for the erection of dwelling houses, residential flat buildings and motels.

6.3 Density of Residential Flat Buildings

(1) Purpose:

To provide appropriate density standards for residential and tourist development in the form of residential flat buildings, town houses and villa homes.

(2) Controls:

Residential flat buildings, where permitted, shall not occupy more than the following proportion of the area of the allotment:

- 45% in the case of single-storey development;
- 40% in the case of two-storey development.

For the purposes of this clause, the area occupied by the buildings shall include the area of all outbuildings, covered carports and garages.

6.4 Dual Occupancy

(1) Background:

Dual occupancy development is a form of medium density residential development at a scale compatible with single dwelling areas, which increases housing choices and makes better use of existing services.

It is proving successful in many established residential areas in smaller towns as well as cities, as an alternative to larger-scale development or redevelopment such as flats, town houses and villas. It is a form of development available to individual homeowners rather than developers, and offers a way of accommodating relatives or providing a rental income by putting two dwellings on one lot.

Dual occupancy development is two dwellings on one lot. They can be attached or separate.

(2) Purpose:

To increase options for responding to demand for greater density in existing urban residential areas.

(3) Controls:

Dual occupancy development is permissible with the consent of Council in established parts of urban residential zones as shown on the map.

The following minimum conditions will apply:

- a) The minimum allotment size will be 550 square metres for attached dual occupancy and 650 square metres for detached dual occupancy.
- b) One on-site covered car parking space shall be provided for each dwelling, freely accessible at all times
- c) The maximum floor space ratio shall be 0.5:1 for the total development, counting both dwellings.

(4) Considerations:

Where an existing dwelling already has a floor space ratio equal to or greater than 0.5:1, Council may consent to an application for dual occupancy development providing that the floor space ratio will not increase as a result of the development.

Council will give particular consideration to the following matters in assessing any application for dual occupancy development.

- The siting and design of the proposed dual occupancy dwelling should ensure that privacy is maintained for the existing dwelling on the site and for neighbouring existing dwellings.
- Adequate private open space should be provided for the existing dwelling and the proposed dual occupancy dwelling in such a way as to ensure privacy and adequate sunlight for each.
- The siting and design of the proposed dual occupancy dwelling should avoid overshadowing or directly overlooking the private open space of existing neighbouring dwellings.
- Preference will be given to shared driveways where possible.

7. New Urban Residential Areas

7.1 Objectives

The specific objectives of this Plan with regard to new urban residential areas are:

- a) To provide for subdivision and residential development in substantially undeveloped land to the north-east of the town, within Zone No. 2(b) - Residential “B” Zone.
- b) To establish urban design principles which will enhance residential amenity, safety and efficiency.
- c) To make provision for future commercial activity associated with the development of the residential areas north of the canal.

7.2 Road Hierarchy

(1) Purpose:

- a) To ensure access, safety and convenience for road users and residents.
- b) To provide for a low speed environment within residential estates.

(2) Principles:

- There should be a clear hierarchy of roads in which the road width and streetscape matches the intended function and promotes uses compatible with that function.

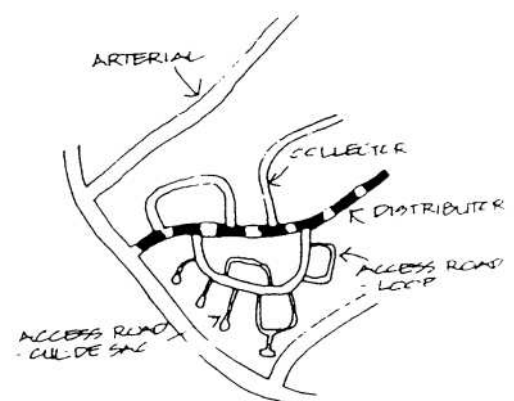


Figure 3: Refer to C1 7.2

- Dwellings should be accessed from lower-order roads as much as possible, rather than from collector or distributor roads carrying higher traffic volumes.
- Access roads - those which serve mainly as access to dwellings - should not be through routes for traffic which is not associated with the residential area.
- Access roads are the lower order roads in the hierarchy and should be designed to promote low driving speeds and to accommodate pedestrians and cyclists comfortably and safely.
- An access road can be "choked" or marked by different paving at the entrance to help identify its people-oriented function.
- Low vehicle speeds are encouraged by narrow road pavements and curving streets.
- Narrower road pavement and informal road alignment within the road reserve allows more area for landscape treatment.

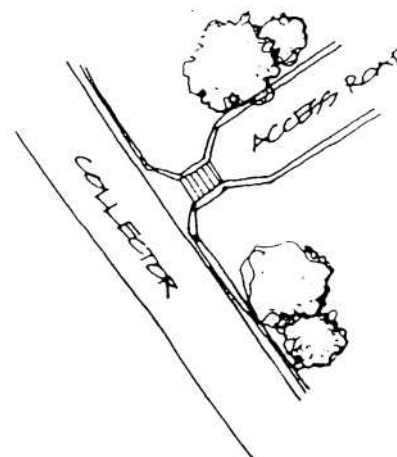


Figure 4: Refer to CI 7.2

7.3 Development Principles

(1) Purpose:

To enhance residential amenity and promote efficient development.

(2) Principles:

- The preferred pattern of development is from North Street towards the north, in order to assist the consolidation of the neighbourhood around existing housing on the south side of North Street.
- The existing layout of road reserves through the area should not determine the future road layout and the pattern of subdivision. Long straight roads in the existing rectangular pattern would act to alienate residential areas from each other and would encourage high vehicle speeds.
- The subdivisional road layout shall be substantially in accordance with the layout shown on the principles map for the area.
- Where new residential allotments have a boundary to North Street, Tocumwal Road or the Mulwala-Savernake Road:
 - the road reservation is to be widened by 8 metres on that frontage and the nature strip landscaped to Council's satisfaction; and



- the principal frontage of the lots, and vehicle access, shall be from lower-order roads within the subdivision.
- Lot size, orientation and layout should make it possible for the majority of dwellings to be designed so that the main living area can receive no less than four hours of sunlight per day between 9 am and 3 pm.
- Provision for appropriate public open space shall be substantially in accordance with the principles map and shall incorporate the main electricity easement from north-west to south-east.

7.4 Allotment Sites

(1) Purpose:

To provide a range of lot sides which will meet the demands of different household types, incomes and lifestyles.

(2) Controls:

- No less than 10% of the area of the land to be subdivided shall provide opportunities for medium density housing. Lots subdivided for this purpose shall have a minimum site area of 1,500 square metres and should be distributed throughout the residential area.
- For the land not so intended for medium density housing, the average lot size shall be no less than 650 square metres.

(3) Considerations:

Land which forms part of a public roadway or public open space will not be included in calculations for the purposes of clause 7.4(2).

7.5 Provision For Commercial Development

(1) Purpose:

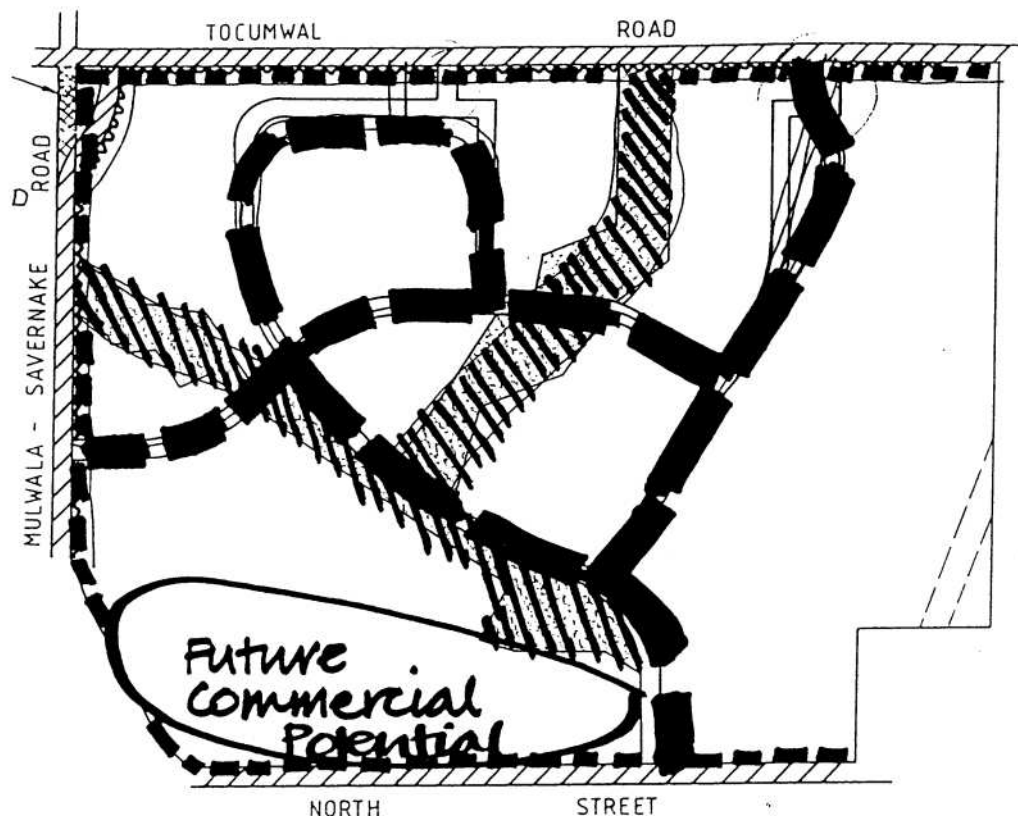
To make provision for future commercial development appropriate to the neighbourhood and its rate of settlement.

(2) Principles:

- As the residential neighbourhood is progressively developed and settled, Council will give consideration to zoning appropriate land for commercial activity of a suitable scale and nature.
- In the short term, Council will give consideration to including sufficient land within a commercial zone, to provide for the development of a neighbourhood shop to meet the needs of the first stage of subdivision and the nearby existing residences.



- In the future, Council will give consideration to appropriate commercial zoning of land within the area shown on the principles map. Consideration of such zoning will take into account:
 - the need for additional commercial activity in the area north of the canal;
 - the rate and scale of settlement of the residential areas north of the canal;
 - the likely social, economic and environmental effects of any proposed commercial activity, for the locality and for the town of Mulwala generally.



LEGEND

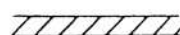



-  ARTERIAL ROADS
-  COLLECTOR ROADS
-  PROPOSED OPEN SPACE
-  NO NEW RESIDENTIAL FRONTAGES AND 8M DEDICATION TO ROAD (TO BE LANDSCAPED).

Figure 5: Refer to Cl 7.3, 7.4 & 7.5

8. Town Centre

Note: This part of the draft plan is not in its final draft form. Two location options for a town centre have been identified and briefly discussed, but input from the residents and business people of the town should shape the decision on which is the best location. This clause will need to be reworded after exhibition of the plan, to reflect the views of the public.

8.1 Objectives

The specific objectives of this Plan with regard to the town centre of Mulwala are:

- a) To encourage the gradual growth of an identifiable town centre.
- b) To discourage the present pattern of disconnected "ribbon" commercial and retail development along the main street.

8.2 Town Centre

(1) Background

The mainly linear growth of Mulwala along the Lake foreshore has resulted in a dispersed pattern of commercial and retail development along the main road. For the visitor, there is no identifiable retail centre or even a clearly recognisable stopping place which could be regarded as the town centre. The proximity of the much larger shopping centre of Yarrowonga reinforces the difficulty of establishing a central commercial focus for Mulwala.

(2) Purpose

- a) To identify an appropriate location for the town centre.
- b) To provide guidelines for encouraging gradual development of the town centre.

(3) Discussion

In order to assist the gradual growth of a central focus for the town, there needs to be a conscious decision to focus on a particular location and then an ongoing program of improvements for the town centre.

Two possible locations for a town centre have been identified, each with different advantages and characteristics.

One is the triangular area of Crown land adjacent to the main road (marked A on the map). The streetscape widens here, giving a sense of arrival and encouraging people to stop. It is well-located in relation to the Ski Club and public access to the lake. The land could accommodate visitor parking, information displays, a landscaped park etc. A disadvantage is the semi-industrial appearance of commercial development across the main road.

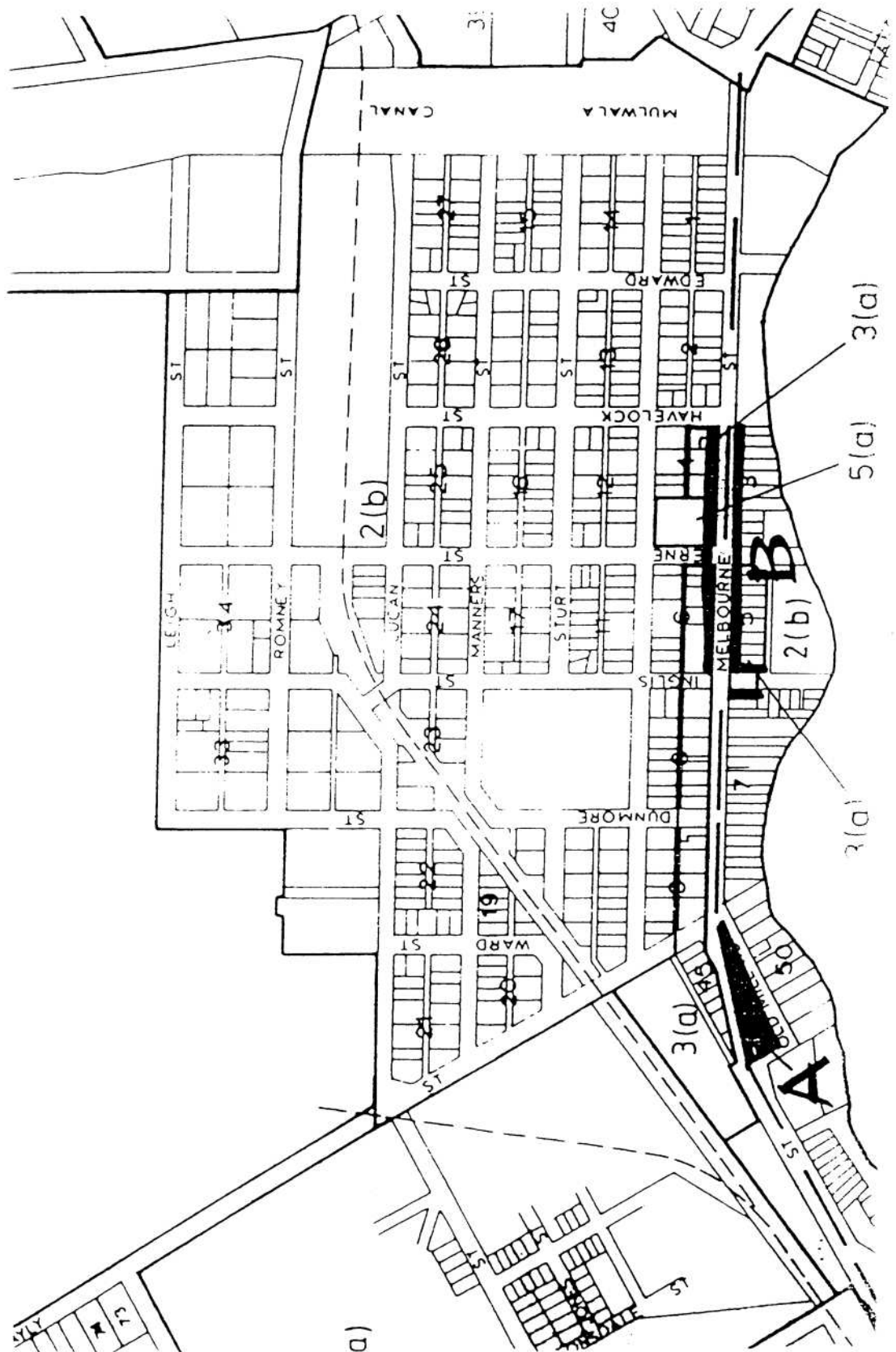


Figure 6: Refer to CI 8.2



The final form of this Plan will nominate the preferred town centre location and include provisions for a program of town centre improvements.

(4) Controls

When considering applications for commercial and retail development and development providing tourist accommodation and/or facilities in the area to which this Plan applies, Council may require as a condition of development consent a contribution towards improvements of the designated town centre area.

These contributions would be towards the design and development costs associated with the following town centre improvements:

- planting (particularly shade trees), paving, outdoor furniture and signposting;
- paved and landscaped visitor parking;
- information boards in the short term and an information structure or centre in the longer term;
- accommodation for monuments or other historical / heritage items and provision for appropriate interpretive material;

Council may establish a Town Centre task force to develop landscape and streetscape guidelines for commercial and retail development in the designated town centre area. Consideration should be given to a unifying theme for building elements, materials and colours.

The Town Centre task force should include representatives of commercial, retail and tourist-related businesses and appropriate members of Council's staff.