

Neighbourhood Centres



DEVELOPMENT CONTROL PLAN

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1 - INTRODUCTION

1.1 Name

This Plan is known as the Neighbourhood Centres Development Control Plan and has been prepared in accordance with section 74C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Date of Adoption

This Plan was adopted by Eurobodalla Shire Council (Council) on 18 October 2011 and came into operation on 28 November 2011.

This Plan will be subject to amendment from time to time. Plan users should refer to the list of amendments in Schedule 2 of this Plan.

1.3 Aim

The aim of this Plan is to further the aims of the Eurobodalla Local Environmental Plan 2012 (LEP) and the particular objectives for the B1, B2 and R3 zones as stated in the LEP and the particular objectives for the Neighbourhood Centres as identified in the Eurobodalla Settlement Strategy.

Objectives for the Neighbourhood Centres are to:

- protect and reinforce the existing hierarchy of commercial centres and town and village main streets as the commercial hearts of settlements;
- manage retail development so that new development does not cause adverse economic or social impacts on the neighbourhood;
- ensure the design quality will improve the quality of the of the urban environment and is of a scale that complements the character of the surrounding neighbourhood.

1.4 Land to Which This Plan Applies

This Plan applies to land zoned B1, B2 and R3 in the neighbourhood centres as shown on maps contained in Schedule 1 – Maps in this Plan.

1.5 Relationship to Other Plans, Codes & Legislation

This Plan supports the LEP and provides guidance for applicants to achieve the aims and objectives of the LEP in relation to development in the applicable zones.

Where there is an inconsistency between this Plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument shall prevail.

In addition to the above and the provisions of this Plan, in assessing development proposals, Council must consider all those matters specified in section 79C of the EP&A Act.

To the extent that they apply to the land to which this Plan applies, this Plan repeals all other DCPs of the Eurobodalla Shire.

This Plan should be read in conjunction with the Codes of Practice listed in Schedule 3 of this Plan.

1.6 How to Use This Plan

This Plan is to be read in conjunction with the LEP and other relevant environmental planning instruments made under the Environmental Planning and Assessment Act 1979.

The LEP provides the legal framework by which Council's decisions are made and sets out Council's objectives for development within the Shire. It lists objectives, permissible uses and development standards for each zone, accompanied by maps to define areas where the controls apply. In addition, the Eurobodalla Settlement Strategy and the various structure plans also provide a broader vision for the future of the Eurobodalla.

Applicants should also have regard to NSW Government legislation and policy, the requirements of the *Building Code of Australia*, the *Roads and Traffic Authority Guide to Traffic Generating Developments* and any relevant Australian Standard that may apply to all or part of the proposed development. Applicants should consult with Council to identify relevant legislation, policies and standards, and to ascertain whether any other Council policies or codes apply.

The Development Controls

The Intent in each of the development controls states the desired outcome sought for the relevant aspect of the Plan.

The controls are generally expressed as Acceptable Solutions and/or Performance Criteria. The acceptable solutions provide a simple measure by which a development may achieve the intent of a particular element of development control (deemed to comply). The performance criteria allow for flexibility and innovation for developers and designers who wish to depart from the listed acceptable solutions (merit assessment). The intent of the control and the objectives of the Plan must always be met whichever course is chosen.

1.7 Definitions

Other than those listed below, terms in this Plan have the same meaning as in the LEP dictionary.

Communal open space means open space that is shared by all residents of a development containing more than 2 dwellings.

Detached (for the purpose of 2.2 Setbacks) means by more than 900mm from another building or structure. Buildings or structures closer than 900mm are deemed to be attached (for the purpose of 2.2 Setbacks).

Foreshore reserves means areas of public land fronting water courses, lagoons, lakes, rivers, estuaries, bays, beaches and oceans, but do not include areas of land set aside for stormwater drainage that do not share a common boundary with the foreshore.

2.0 SITE PLANNING

2.1 Centres Hierarchy

Intent

- To ensure development in neighbourhood centres respects the hierarchy of commercial centres, town and village main streets.

Development Controls

Performance Criteria	Acceptable Solution
<p>P1.1 Neighbourhood centres are of a scale to satisfy the daily needs and conveniences of the surrounding population, are complementary to the major towns of Batemans Bay, Moruya and Narooma and do not undermine the higher order functions of those towns.</p> <p>P1.2 Development in neighbourhood centres does not compromise the centres hierarchy (as described in Table 1).</p>	<p>A1 The service provision and acceptable floor areas for each centre type (as described in Table 1) are to apply according to Table 2.</p>

Table 1: Hierarchy of centres in Eurobodalla

Centre	Preferred level in hierarchy	Preferred future level in hierarchy
Batehaven	Large Urban Neighbourhood	Large Urban Neighbourhood
Batemans Bay	Regional	Regional
Bodalla	Tourist Neighbourhood / Convenience	Tourist Neighbourhood / Convenience
Broulee	Hamlet Neighbourhood	Medium Village Neighbourhood
Central Tilba	Tourist Neighbourhood	Tourist Neighbourhood
Dalmeny	Hamlet Neighbourhood	Medium Village Neighbourhood
Durras	General Store	Convenience Shops
Kianga	General Store	Convenience Shops

Centre	Preferred level in hierarchy	Preferred future level in hierarchy
Lilli Pilli	General Store	General Store
Long Beach	Convenience	Small Urban Neighbourhood
Maloney's Beach	General Store	General Store
Malua Bay	Medium Village Neighbourhood	Medium Village Neighbourhood
Mogo	Tourist Neighbourhood/ Medium Village Neighbourhood	Tourist Neighbourhood/ Medium Village Neighbourhood
Moruya	District	District
Moruya Heads	General Store	Convenience Shops
Mossy Point	General Store	Convenience Shops
Narooma	District	District
Nelligen	General Store	General Store
Rosedale	General Store	Medium Urban Neighbourhood
Sunshine Bay	Small Urban Neighbourhood	Small Urban Neighbourhood
Surf Beach	Small Urban Neighbourhood	Small Urban Neighbourhood
Surf Beach industrial zone	Bulky Goods retail	Bulky Goods retail
Surfside	Convenience Shops	Convenience Shops
Tomakin	General Store	Convenience Shops
Tuross Head	Large Village Neighbourhood	Large Village Neighbourhood

Table 2: Service provision for centre types

Regional	More than 80,000m2. Contains at least 2 supermarkets and a department store.
Sub-regional	Approximately 40,000 – 80,000m2. Contains 2 supermarkets and a discount department store.
District	Approximately 20,000 – 40,000m2. Contains 2 supermarkets.
Large urban neighbourhood Centre	Approximately 3000 – 5000m2 Anchored by supermarket generally 1000 –2500m2. Provides a full weekly convenience offer.
Medium urban neighbourhood Centre	Approximately 1400 – 3000m2 Anchored by supermarket generally 450-1500m2. Provides a basic weekly convenience offer.
Small urban neighbourhood Centre	Approximately 600 -1400 m2. General Store/Mixed Business/Small supermarket anchor generally 200-700m2. Provides a “top up” convenience offer.
Large village neighbourhood centre	Approximately 3000 – 5000m2 Anchored by supermarket generally 1000-2500m2. Provides a full weekly convenience offer.

Medium Village neighbourhood Centre	Approximately 1400 – 3000 m ² Anchored by supermarket generally 450-1500m ² . Provides a basic weekly convenience offer.
Hamlet neighbourhood Centre	Approximately 600 -1400 m ² . General Store/Mixed Business/Small supermarket anchor generally 200 - 700m ² . Provides a “top up” convenience offer.
Convenience shops	250 - 600m ² including mixed business up to 300m ² and no more than four specialty shops. Provides a “basic supplies” offer.
General store	250m ² maximum mixed business. Provides a “very basic supplies” offer.

2.2 Siting of Development

Intent:

- To minimise the visual and environmental impact of new development on the landscape.

Development Controls:

Performance Criteria	Acceptable Solution
P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.	<p>A1.1 No development or land clearing shall occur on slopes equal to or greater than 1:4 (or 25 %).</p> <p>A1.2 Where slopes are greater than 1:6.5 (or 15%) a report prepared by a qualified geo-technical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land.</p>

2.3 Setbacks

Intent:

For Business zones:

- To facilitate active and casual visual interaction between the street and buildings;

For Residential zones:

- To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff-tops.

Development Controls:

Performance Criteria	Acceptable Solution
Business Zones	
Setback to Primary and Secondary Street Frontages	
P1 Building setbacks are to provide for development that is scaled to support the	A1 Building setbacks along street frontage must be zero, except where the design

existing or desired character of the place with appropriate massing and spaces between the buildings.	incorporates landscaping or outdoor eating areas, or except where a consistent commercial building line exists.
Side Boundary Setbacks	
P2 Building setbacks are to provide for development that is scaled to support the existing or desired character of the place with appropriate massing and spaces between the buildings.	A2 The minimum setback to a side boundary is: <ul style="list-style-type: none"> - For single storey buildings, zero; - For two storey buildings, zero, on any side boundary adjoining land zoned Business; - For any second storey, 1.5m from any side boundary adjoining land zoned Residential; - For any third storey (where permitted), 2m from any side boundary adjoining land zoned Residential.
Rear Boundary Setbacks	
P3 Building setbacks are to provide for development that is scaled to support the existing or desired character of the place with appropriate massing and spaces between the buildings.	A3 Setback from the rear boundary are the minimum area necessary to include car parking, vehicle manoeuvring, delivery of goods and open space on site.
Residential Zones	
Front boundary setback	
P4 Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	A4.1 For infill development other than neighbourhood shops, buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks. A4.2 Neighbourhood shops must be setback a minimum of 3 metres from the road frontage. A4.3 In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front façade of the dwelling (excluding garages or carports) may be setback 4.5m from the front boundary. A4.4 Garages that have the door facing the street frontage and all carports must be set back a minimum of 5.5 metres from the property boundary.
Side boundary setback	
P5 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.	A5 The minimum setback to a side boundary is: <ul style="list-style-type: none"> - For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest); - For any part of the building higher than 4.5m, 1.5m (including a minimum of

	<p>1.2m to the eaves or gutters, whichever is the closest);</p> <ul style="list-style-type: none"> - For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3 Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere; - For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg. gazebos, aviaries, green houses, pool houses, etc), 450mm
<p>P6 The impact of rooftop terraces on the privacy and amenity of adjoining residential land is minimised.</p>	<p>A6 Rooftop terraces that, if enclosed would form an additional floor outside the height and setback limit, must:</p> <ul style="list-style-type: none"> - be uncovered; - be setback a minimum of 2m from the outer limits of the roof; and - not include any structure that would exceed the height limit.
<p>Corner Lots - Secondary Street Frontage</p>	
<p>P7 Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.</p>	<p>A7.1 The minimum setback to the secondary street frontage side boundary is 3m.</p> <p>A7.2 Where a dual occupancy contains a dwelling that is not adjacent to the front boundary and addresses the side street boundary, the setback for that dwelling from the road frontage must be within 20% of the average setbacks of 3m and the adjoining building on the side street.</p> <p>A7.3 Garages and carports must be set back behind the dwelling frontage, not forward of the building line and a minimum of 5.5m from the secondary property boundary.</p>
<p>Rear boundary setback</p>	
<p>P8.1 Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.</p>	<p>A8.1 A minimum rear boundary setback of 3m applies to all buildings except:</p> <ul style="list-style-type: none"> - sheds; - detached garages; and - other detached non-habitable ancillary buildings. <p>up to a height of 3.8m.</p> <p>A8.2 A minimum rear boundary setback of 450mm applies to all:</p> <ul style="list-style-type: none"> - sheds; - detached garages; and - other detached non-habitable ancillary buildings,

	<p>up to a height of 3.8m.</p> <p>The above minimum rear boundary setbacks also apply to allotments with a rear boundary to a road.</p>
'Front' Boundary Setbacks for Battle Axe Allotments	
<p>For the purpose of this section, the 'front' boundary is that boundary of the battle axe lot that is also the rear boundary of the front lot adjoining the street. The minimum 'front' boundary setbacks also apply to allotments with a rear boundary to a road or laneway.</p>	
<p>P9 Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.</p>	<p>A9.1 A minimum 'front' boundary setback of 3m applies to all buildings except:</p> <ul style="list-style-type: none"> – sheds; – detached garages; and – other detached non-habitable ancillary buildings, <p>up to a height of 3.8m.</p> <p>A9.2 A minimum 'front' boundary setback of 450mm applies to all:</p> <ul style="list-style-type: none"> – sheds; – detached garages; and – other detached non-habitable ancillary buildings. <p>up to a height of 3.8m.</p> <p>The above minimum 'front' boundary setbacks also apply to allotments with a rear boundary to a road.</p>
Setbacks to reserves and cliffs	
<p>P10 Buildings are setback to minimise impacts on the public enjoyment of reserves and to minimise adverse impacts on the scenic qualities of reserves and cliffs when viewed from private land, public land, waterway or the ocean.</p>	<p>A10.1 Where development is proposed on land which has a common boundary with a foreshore reserve:</p> <ul style="list-style-type: none"> – for infill development, the minimum setback for any building and all other structures from the reserve must be within 20% of the average setbacks of the adjoining lawfully erected buildings, but no less than the smaller of the existing setbacks; and – where a building line has not been established, the minimum setback for any building from the reserve must be 12m. – where the common boundary is a side boundary, the main dwelling may be less than 12m if the dwelling is at the minimum setback on the opposite side boundary and all efforts have been made to achieve a satisfactory setback to the reserve. <p>A10.2 Where development is proposed on land which has a common boundary with a public reserve other than a foreshore reserve, the minimum setback for any building from the</p>

	<p>reserve must be 3m.</p> <p>A10.3 Development must be setback a minimum of 12m from cliffs measured from the top of the bank, even when there is no foreshore reserve.</p> <p>See Figure 1</p>
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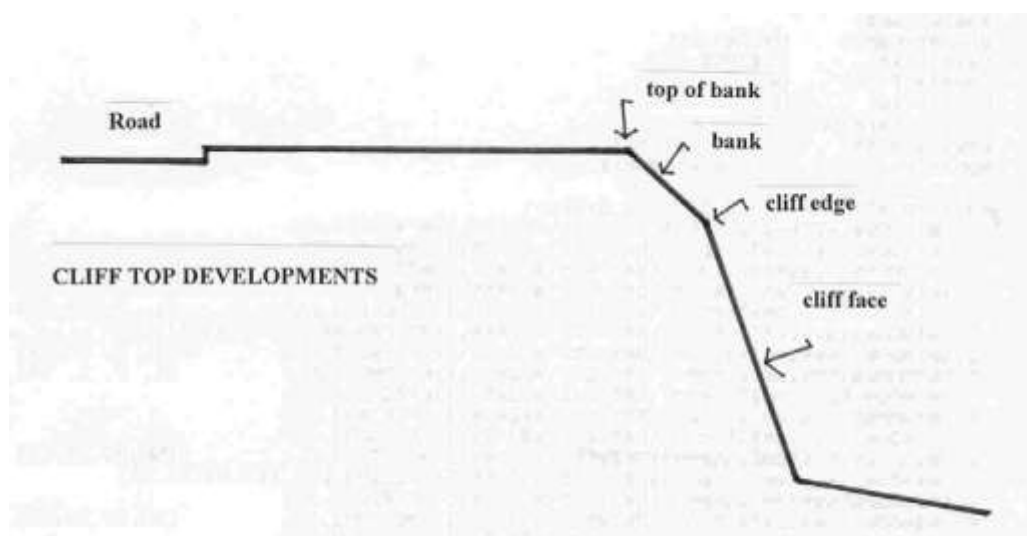


Figure 1: Cliff Top Developments

2.4 Garages, Carports and Sheds

Intent:

- To ensure that garages, sheds and carports are of a suitable scale and style for the locality.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 Carports and garages:</p> <ul style="list-style-type: none"> are not a prominent feature of the development when viewed from the street; are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and do not dominate the streetscape. 	<p>A1 Carports and garages must be no further forward of the front facade of the building than 1.2m and for no more than 50% of that façade.</p>

Refer to Figure 2.	
<p>P2 Carports and garages:</p> <ul style="list-style-type: none"> - are compatible with the design of the main building in terms of building bulk and scale. - do not have an unreasonably adverse impact on the amenity of adjoining residential properties nor dominate the streetscape. 	<p>A2.1 The site coverage of</p> <ul style="list-style-type: none"> – sheds; – carports; – detached garages; and – other detached non-habitable ancillary buildings, <p>must not be greater than 60m².</p> <p>A2.2 Metal clad sheds, such as ‘old American barns’ and ‘Quakers barns’, are not suited to the urban areas of Eurobodalla Shire as either garages or dwellings.</p>



Poor relationship to street – the garage dominates the streetscape



Improved relationship to street - garages do not dominate the streetscape

Figure 2: Garages in Street Frontage

2.5 Private Open Space

Intent:

- To provide year round adequate open space for the private recreational use of occupants of a dwelling.

Development Controls:

Performance Criteria	Acceptable Solution
General Requirements	
P1 Private open space is designed and located to: <ul style="list-style-type: none"> - enhance residential amenity; - be functional for private recreational activities; - allow for landscape design; - optimise solar access; and - increase visual privacy, to promote the enjoyment of outdoor living by residents.	A1.1 Each dwelling must be provided with a minimum of 24m ² of private open space at ground level and/or above ground level which must: <ul style="list-style-type: none"> - not be steeper than 1 in 50 in grade; - be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings; - serve as an extension of the dwelling for relaxation, entertainment and recreation purposes by being accessible to the living areas; - be located behind the building line. A1.2 Where a secondary dwelling is proposed, it must share the private open space provided for the principal dwelling & not be separated in any way.
Dwellings with Ground Level POS Only	
P2 Private open space for dwellings at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by residents.	A2 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is single storey in height, private open space must meet the general requirements and; <ul style="list-style-type: none"> - not have a minimum dimension of less than 4m;
Dwellings with Combinations of Ground and Above Level POS	
P3.1 Private open space at ground level or above ground level is functional and responsive to the environment thereby promoting the enjoyment of outdoor living by residents.	A3 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is two storeys in height, private open space must meet the general and following requirements: <ul style="list-style-type: none"> - either be a minimum area of 24 m² of private open space provided mainly at ground level, no part of which has a minimum dimension less than 4m and the balance on a balcony/deck or terrace (the exact area apportionment to be determined by design); or a minimum balcony area of 10m ² and minimum dimension of 2m (greater area and dimension is encouraged where practical) if
P3.2 Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a reduction in	

the provision of communal open space.	<p>at above ground level and the balance (to achieve a total private open space area of 24m²) to be provided at ground level.</p> <p>Where the balcony is adjacent to the main living area of the dwelling, the balance may be provided in the form of communal open space on the site.</p>
Dwellings with Above Ground Level POS only	
<p>P4.1 Private open space above ground level and communal open space at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by apartment residents.</p> <p>P4.2 On land zoned R3::</p> <ul style="list-style-type: none"> - Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a reduction in the provision of communal open space. 	<p>A4 For each dwelling that does not have an individual entrance at ground level or a ground level private open space area, private open space is to be provided in the form of a balcony and communal open space. The general and following requirements must be met in this regard:</p> <ul style="list-style-type: none"> - contain a balcony with a minimum area of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical); - locate the balcony with direct access to the main living rooms of the dwelling; - provide a communal open space area on site calculated by multiplying the number of units by the 24m² private open space area, minus the area provided as a balcony; <i>For example 8 units each with balconies of 10m². The communal open space requirement is:</i> $8 \times (24 - 10)$ $= 8 \times 14$ $= 112\text{m}^2$ - The minimum provision for communal open space is 25% of the site area or a figure determined by the above calculation: whichever is the greater. - Communal open space must be located on the northern or north-eastern side of the site, have a minimum dimension of 3 metres, be no steeper than 1 in 50 in grade and be regular in shape.

2.6 Landscaping

Intent:

- To ensure sites are landscaped to improve the amenity and sustainability of development.

Development Controls:

A1 All applicable development must comply with the [Eurobodalla Landscaping Code](#).

A2 Landscaping must not include environmental or noxious weeds as defined in the [Eurobodalla Tree Preservation Code](#).

Performance Criteria	Acceptable Solution
Additional controls for R3 – Medium Density Residential Zone	
P3 Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.	A3 The minimum landscaped area of the site must consist of: <ul style="list-style-type: none"> - 20% of the site area used for residential development, including; - 50% of the front setback for development other than neighbourhood shops; and <p>Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1m.</p>

2.7 Parking and Access

Intent:

- To ensure development provides safe and adequate access and on-site parking arrangements.

Development Controls:

Performance Criteria	Acceptable Solution
P1 All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.	A1 All development must comply with the Eurobodalla Parking and Access Code .

2.8 Safer By Design

Intent:

- To promote a safe environment for the community by minimising the risk of crime associated with new development.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety.	A1.1 For dual occupancies; <ul style="list-style-type: none"> – The main entrance must be clearly visible from the street – Windows must be located to allow casual surveillance of the street from the dwelling A1.2 All development must comply with the Eurobodalla Safer By Design Code .

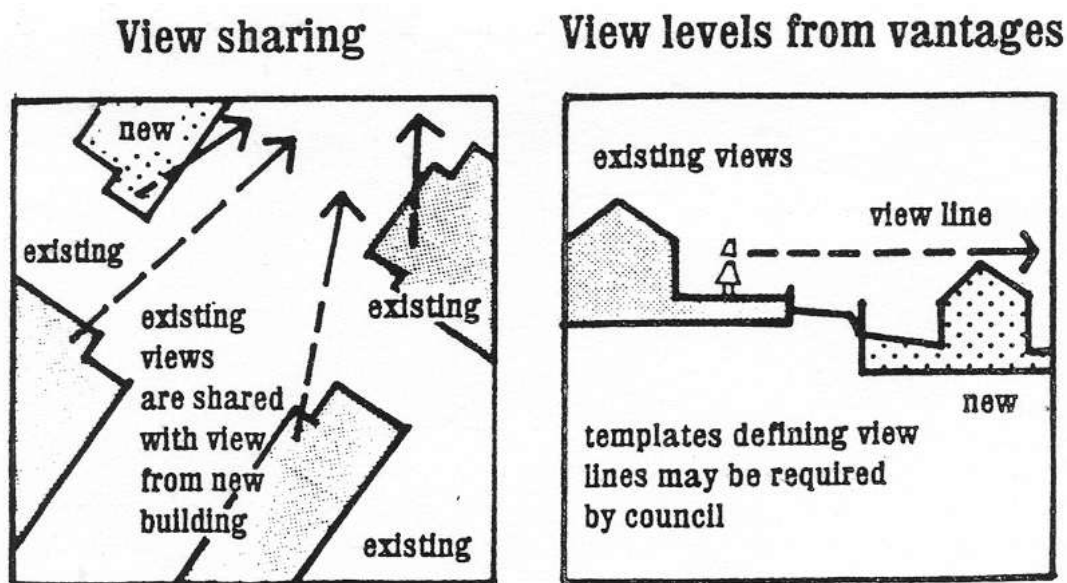
2.9 Views

Intent:

- To provide opportunities for view sharing, where practical, for existing and future residents by encouraging innovative design solutions.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 Development allows for the reasonable sharing of views through the siting, height and design of buildings.</p> <p>Refer to Figure 3.</p>	<p>A1 The design of development minimises impacts on private views and shares views where necessary by:</p> <ul style="list-style-type: none"> locating structures to provide or maintain view corridors; or adjusting rooflines, or modifying building bulk or scale; or demonstrating regard and consideration of views in the development design.



Consider views of others when designing new development

Figure 3. View Sharing Principles

2.10 Signage

Intent:

- To promote a high standard of and prevent excessive signage.

Development Control:

- A1** All development must comply with the [Eurobodalla Signage Code](#) and where relevant [State Environmental Planning Policy No 64 - Advertising and Signage](#).

2.11 Footpath Trading

Intent:

- To provide opportunity for footpath trading that does not disrupt pedestrian or vehicular traffic within the road reserve.

Development Controls:

- All development must comply with the [Eurobodalla Footpath Trading Code](#).

3.0 SUBDIVISION

3.1 Subdivision Pattern & Lot Layout

Intent:

- To ensure that the size and layout of new lots serve the intent of the zone.

Development Controls:

Business Zones:

- A1** All lots must have sufficient area to allow adequate site development potential including areas for all required utility services and well located buildings with car parking, service areas and landscaping. Parking areas shall be located at the rear of the sites accessible from laneways or secondary streets. Where required, the lot size must accommodate any site shaping, including provision of batters and retaining walls.

Performance Criteria	Acceptable Solution
Residential Zones	
P2 Lot sizes and proportions maintain a consistent pattern within the area.	A2 New subdivision must not result in the creation of lots 1200m ² or less in area that have side to front boundary proportions greater than 2.5:1.
P3.1 Lots include a site capable of accommodating a dual occupancy of a reasonable size.	A3 All lots must be capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line.
P3.2 Site characteristics, particularly slope, will determine whether the building	

envelope can be achieved and therefore the feasibility of subdividing to the minimum lot size. See Site Planning and Site Considerations.

4.0 BUILT FORM

4.1 Building Bulk and Scale

Intent:

- To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape, and are designed with maximum flexibility to suit changing needs over time.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Building design is readily adapted to accommodate two or more different uses over the life of the building without the need for structural alterations. This can be achieved through variations in the inter floor levels of the development.	A1 Where all levels above ground level are principally dedicated to residential accommodation, the first floor level must be structured so that it can be retro-fitted for commercial space as future demand dictates.
P2 Development conforms to the topography of the site and is not of a bulk or scale that is out of character with the local area.	A2 On sloping sites, buildings must step down the block. Refer to Figure 4.

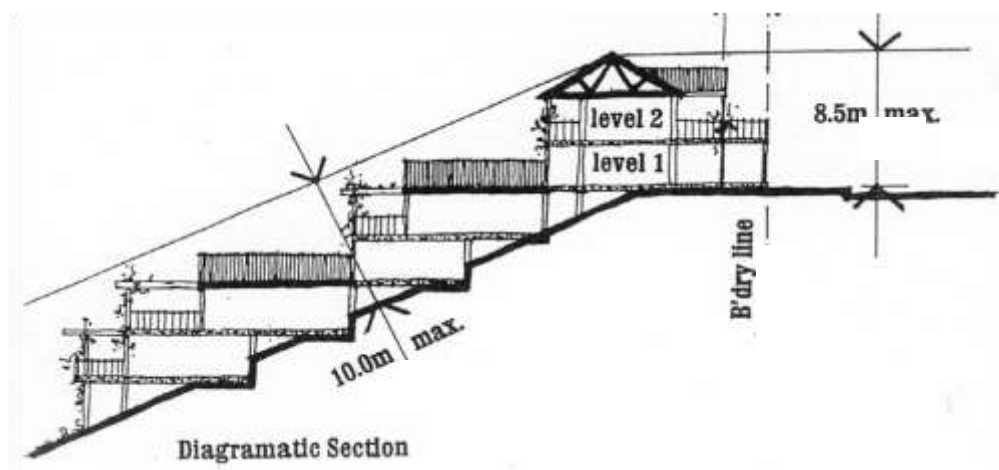


Figure 4: Development on Sloping Sites

4.2 Street Frontage and Facade Treatment

Intent:

- To provide attractive, interesting street frontages which make a positive contribution to the character of the area.

Development Controls:

Performance Criteria	Acceptable Solution
Business Zones	
<p>P1.1 Buildings are designed to enhance the streetscape through façade articulation, detailing and window and door proportions. Materials and finishes are to complement surrounding buildings.</p> <p>P1.2 Large floor space buildings employ a design feature of similar existing development in the locality where facade treatments allow them to appear as a series of smaller shops.</p>	<p>A1.1 Large wall areas facing public streets must not present as blank monotone walls.</p> <p>A1.2 No less than 75% of the front façade to be articulated by doors, windows, balconies or decks. Secondary frontage or side facades must include windows, indentations, wall offsets or variations in materials and textures.</p>
<p>P2.1 Active street frontages are provided at ground level along the length of the street frontage i.e. shops, entry doors, foyers, cafes, restaurants.</p> <p><i>Ground floor:</i></p> <ul style="list-style-type: none"> Buildings contribute to the liveliness and vitality of streets by: <ul style="list-style-type: none"> providing visual interest; providing well designed and attractive entrances, lobbies and commercial uses at ground level; incorporating, where practicable, either open or enclosed shopfronts with window displays of merchandise or services within, and/or artworks; and providing enclosure on corner sites to define the corner. Enclosed shopfronts are preferred to open shopfronts, except for restaurants. <p><i>Above ground floor:</i></p> <p>Building facades:</p> <ul style="list-style-type: none"> are modulated both in plan and elevation; articulated to express the building's distinct elements and functions; recognise and architecturally respond 	<p>A2.1 Buildings must address all street frontages with the main entrance visible from the main street frontage.</p> <p>A2.2 Shop front windows are maximised to the main street, through the use of transparent glass with a consistent height and panel size.</p> <p>A2.3 Shop front windows are not obscured by excessive signs and storage areas. Window displays are illuminated at night for security and pedestrian amenity.</p> <p>A2.4 Security grilles/roller shutter doors to be fitted only within the shopfront. Such grilles are to be transparent.</p> <p>A2.5 Full width continuous awnings must be provided along the main street frontage of all buildings where no weather protection is provided for pedestrians as part of the building design.</p> <p>A2.6 Awnings must be designed to permit street tree planting to be provided at regular intervals.</p> <p>A2.7 No residential accommodation or car parking shall be located at ground level along</p>

to unique streetscape characteristics; and - pick up the horizontal and vertical control lines of adjoining buildings.	street frontages.
P3 Shop top housing and pedestrian connections are designed to provide safety for residents and pedestrian, and to contribute to an active street frontage.	<p>A3.1 Developments containing shop top housing must provide a clear street address and direct pedestrian access from street frontages and associated car parking areas. The access must be separate from the entry areas for other building uses.</p> <p>A3.2 Any new pedestrian linkages or thoroughfares from the street to car parking and retail areas behind the building must be unenclosed and contribute to the function and character of the street.</p>
Residential Zones	
P4 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building.	<p>A4.1 Development must be orientated toward the street with front entrances visible from the street allow casual surveillance of entrance points.</p> <p>A4.2 Development on corner lots must address the street adjoining the nominated front boundary. This is to ensure consistency with the intent of Section <i>Setbacks – Side Boundary Setback</i>.</p>
P5 Retail and commercial uses are designed to provide active shop fronts to the street.	<p>A5 Retail and commercial uses at ground level must have their entrance directly from the main street frontage.</p>
P6 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.	<p>A6.1 For residential development, façades must be articulated by doors, windows, balconies, decks or wall offsets such that no more than five horizontal metres of the facade is blank.</p> <p>A6.2 The building design must incorporate at least one of the following architectural features:</p> <ul style="list-style-type: none"> - eaves and overhangs of roof structures; - verandahs and balconies (above ground level); - a variety of building materials and coordinated colours; - recesses and variation to built walls; or - large windows and doors to the street frontages. <p>A6.3 Buildings must not present blank facades to streets or public spaces.</p>

4.3 Style and Visual Amenity

Intent:

- To ensure development contributes positively to the local area.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Shipping containers are located so that they are not visible from any road and adjoining property.	A1 Shipping containers are not exempt development. To preserve the character of the area, any approved container must be located behind existing buildings, not be located in front of the established or proposed building line and be screened from view from any adjoining property. Controls for the provision of minimum boundary setbacks, private open space and landscaped area are still applicable.
P2.1 The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment. P2.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.	A2 New development must be designed to be consistent with the existing development and sympathetic with surrounding development in terms of style and orientation of openings, roof pitch, materials, colours and general style.

4.4 Building Materials

Intent:

- To encourage the use of materials that do not have an adverse impact on the amenity of the area.

Development Controls:

- A1** Zincalume must not be used as an external building material.
- A2** Building materials that have a BCA colour rating of Very Light must not be used as an external roofing material.

4.5 Fences in Residential Zones

Intent:

- To ensure that fences make a positive contribution to the streetscape and nearby buildings.

Development Controls:

Performance Criteria	Acceptable Solution
P1 The design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.	<p>A1.1 The height of fences must be no greater than 1.2m forward of the building line or the front setback and 1.8m behind the building line (as measured from the finished ground level on the lowest side of the fence).</p> <p>A1.2 Where acoustic fencing is required as part of a development application it must be setback from the boundary in the direction of the noise source, a minimum of 1.5m and augmented by landscape treatments in the form of trees, shrubs and groundcovers provided in front of the fencing.</p>
P2 The form, extent and materials of fencing are designed to minimise visual impact.	<p>A2 Lengths of unmodulated solid fence (ie. Not broken up by the provision of gates or driveways):</p> <ul style="list-style-type: none"> • on a property boundary fronting a road reserve, and • higher than 1.2m and greater than 15 metres long, <p>must be provided with recessed indentations,</p> <ul style="list-style-type: none"> – at least 1m wide and 1m deep; – located wholly within private property; – not more than 10m apart; and – containing planting that have a mature height at least that of the fence height. <p>OR</p> <p>Fencing incorporates a combination of visually contrasting materials.</p>

4.6 Adaptable Housing

Intent:

- To design housing units that facilitates use by a person with a disability or progressive frailty.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Residential development has the ability to cater for residents with a variety of physical abilities and is responsive to the changing lifestyle needs of residents.	A1 Developers proposing multi-dwelling housing, shop top housing or residential flat buildings of 4 units or more must ensure that 25% of the dwellings are adaptable housing. The applicable dwellings must comply with Australian Standard <i>AS4299 – Adaptable Housing</i> .

5.0 AMENITY

5.1 Visual Privacy

Intent:

- To maximise the private enjoyment of residential development.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.</p>	<p>A1.1 Transparent doors and windows of living rooms must be designed and located so they do not directly face transparent doors or windows of living rooms or the private open space areas of other residential accommodation within 9 metres;</p> <p>A1.2 Planter boxes, louvre screens, pergolas, landscaping and architectural design of balconies must be used to screen the ground floor private open space of dwelling units or dwelling units from upper level residential accommodation. Acceptable privacy measures include trees, awnings, screens, fences and planter boxes to minimise the ability to directly look into neighbouring homes and yards (see Figure 5). The view of the area overlooked must be restricted within 9 m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7 m above floor level (see Figure 6).</p>

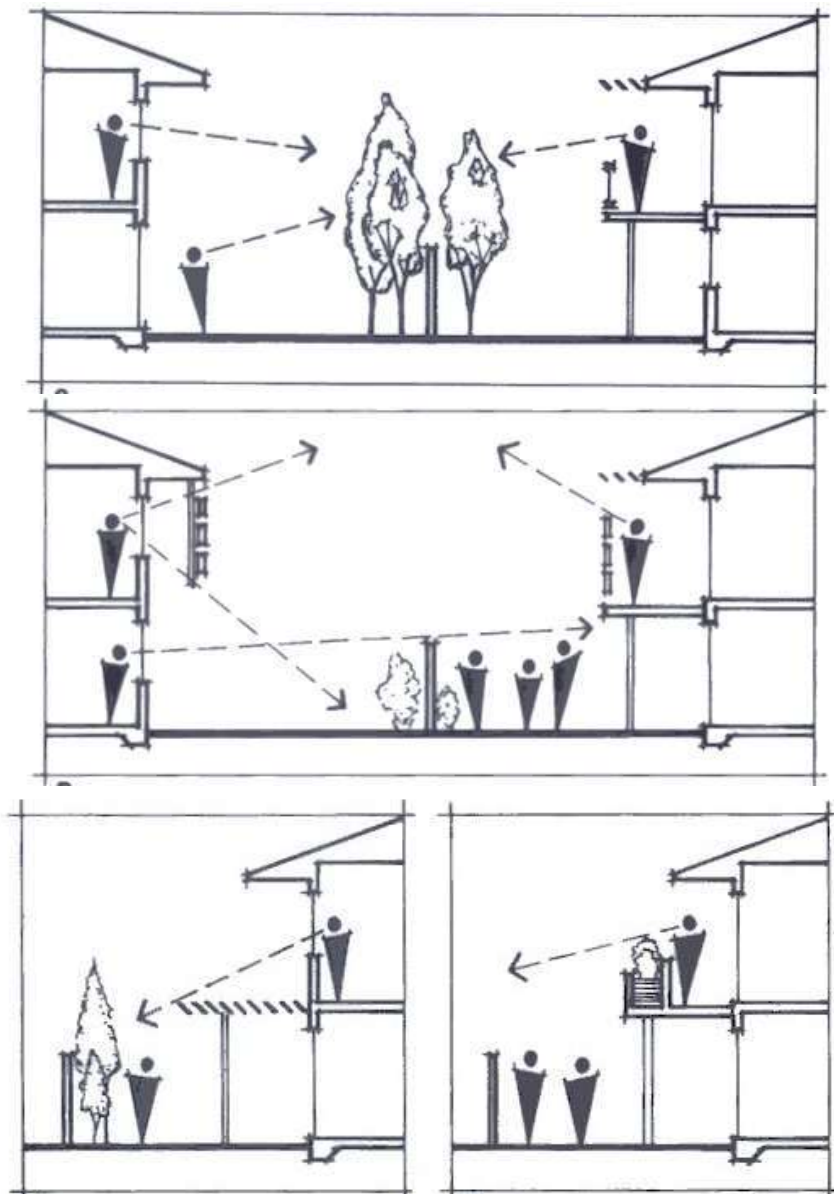


Figure 5: Acceptable Privacy Measures

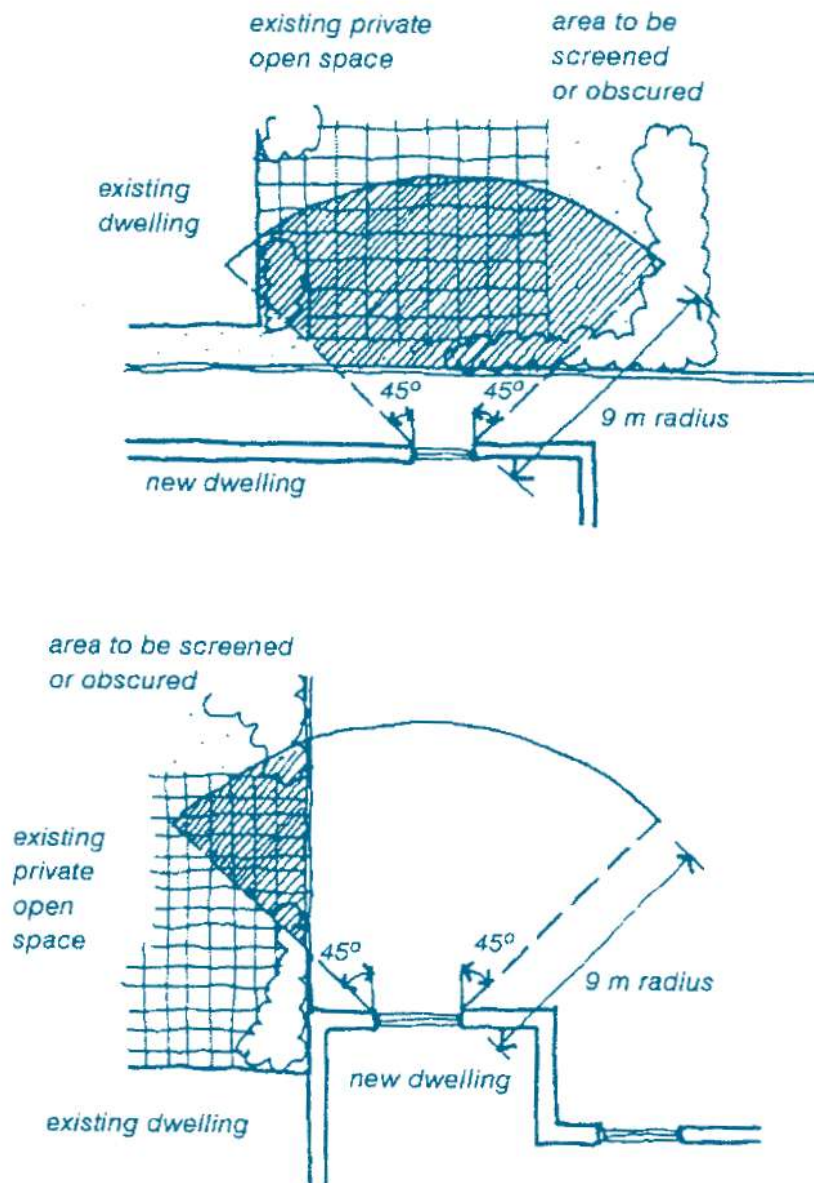


Figure 6: Screening Views to Adjacent Private Open Spaces

5.2 Solar Access

Intent:

- To maximise solar access to adjacent residential development.

Development Controls:

Performance Criteria	Acceptable Solution
Solar Access to Adjacent Development	
<p>P1.1 The use of natural light is maximised and the need for artificial lighting is reduced.</p> <p>P1.2 Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.</p>	<p>A1 Maintain solar access to adjoining residential development as follows:</p> <ul style="list-style-type: none"> For all development except where an existing adjacent building has an east-west orientation: <ul style="list-style-type: none"> maintain solar access to the front or rear living room windows for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice; and where solar access already exists to the private open space of adjacent dwellings, ensure it is maintained over a minimum of 50% of the principal private open space for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice. Where an existing adjacent building has an east - west orientation: <ul style="list-style-type: none"> maintain solar access to the north facing living room windows for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice; or where less than 2 hours solar access is currently available to the north facing living room windows of existing dwellings, no additional overshadowing shall be permitted.
Solar panels	
<p>P2 The total energy use in residential buildings is reduced.</p>	<p>A2.1 Maintain solar access to existing solar panels throughout the day at all times of the year.</p> <p>A2.2 Maintain solar access to the north facing roofs of existing dwellings (45° West to 45° East variation is possible) to a fixed minimum area of 10m², capable of accommodating solar panels.</p>

6.0 SITE CONSIDERATIONS

6.1 Tree Preservation

Intent:

- To minimise impacts on native flora and fauna, particularly threatened species.

Development Control:

- A1** All development on land to which the *Native Vegetation Act 2003* does not apply must comply with the provisions of clause 5.9 of LEP 2012 and the [Eurobodalla Tree Preservation Code](#).

7.0 SITE WORKS

7.1 Sustainability

Intent:

- To minimise the impact of new development on the natural environment.

Development Controls:

Performance Criteria	Acceptable Solution
P1 New development is designed to minimise the generation of greenhouse gases.	A1 New development must connect to reticulated electricity supply where available to enable any excess power created from alternative renewable resources to be fed back into the grid.
P2 No Performance Criteria	A2 All dwellings in residential development must be provided with a separate water meter to comply with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines.

7.2 Earthworks/excavation

Intent:

- To retain the natural slope of the land, and ensure that the bulk and scale of new development is responsive to site topography.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.	A1 Beyond the external walls of the building, the maximum cut is to be 1m and the maximum fill is to be 1m.

7.3 Stormwater Management

Intent:

- To ensure that stormwater run-off has no detrimental impact on neighbouring properties, public spaces and Council infrastructure.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1.1 New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to:</p> <ul style="list-style-type: none"> – minimise flooding; – protect and enhance environmental values of receiving waters; – maximise the use of water sensitive urban design principles; – maximise the use of natural waterway corridors and natural channel design principles; – maximise community benefit; and – minimise public safety risk. <p>P1.2 The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site.</p> <p>P1.3 The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.</p>	<p>A1.1 To avoid adverse impact on other development in the area, new development must connect to a Council approved drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to the development.</p> <p>A1.2 Development must comply with the following where relevant:</p> <ul style="list-style-type: none"> – AS3500 – Plumbing and Drainage Code; – the <i>Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design & D7 Erosion Control and Stormwater Management</i>; and – the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists.

7.4 Waste Management

Intent:

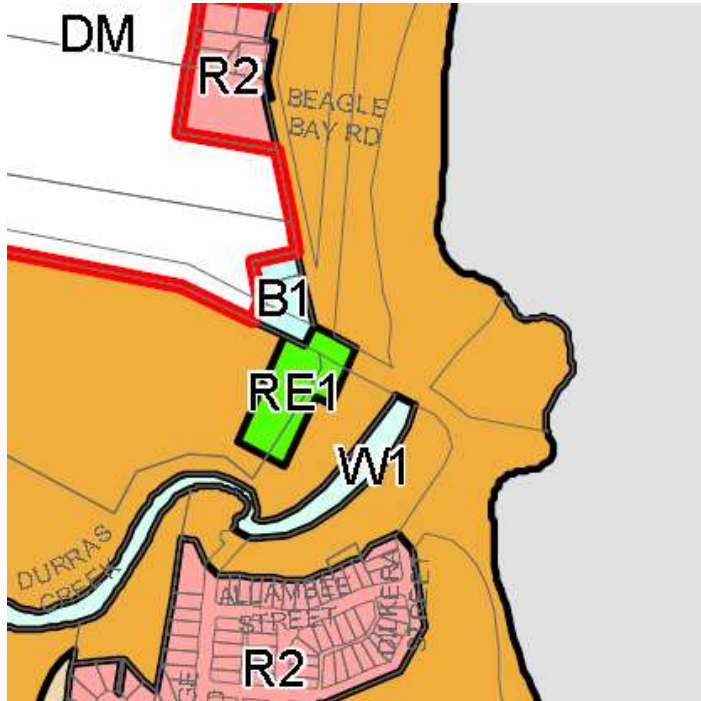
- To further the objectives of the [Site Waste Minimisation and Management Code](#).

Development Controls:

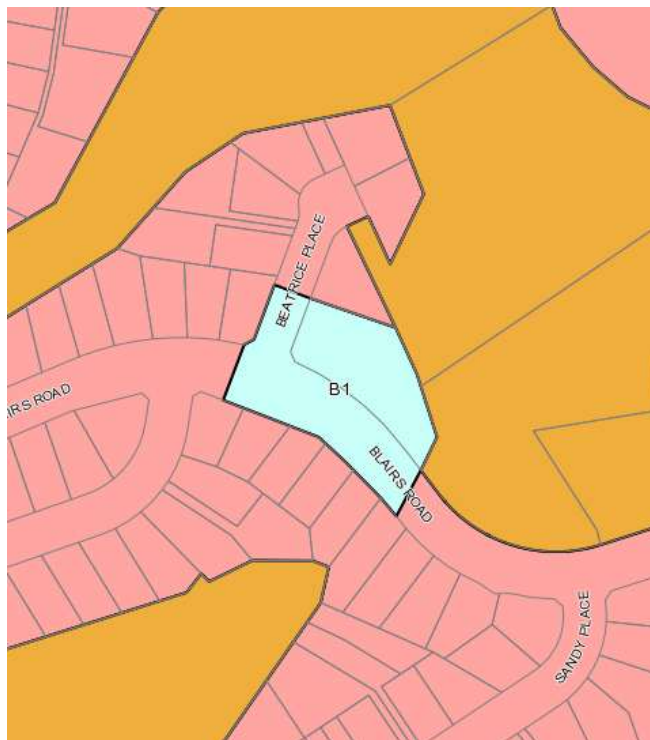
Performance Criteria	Acceptable Solution
<p>P1 Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.</p>	<p>A1 All development must comply with the Site Waste Minimisation and Management Code.</p>

SCHEDULES

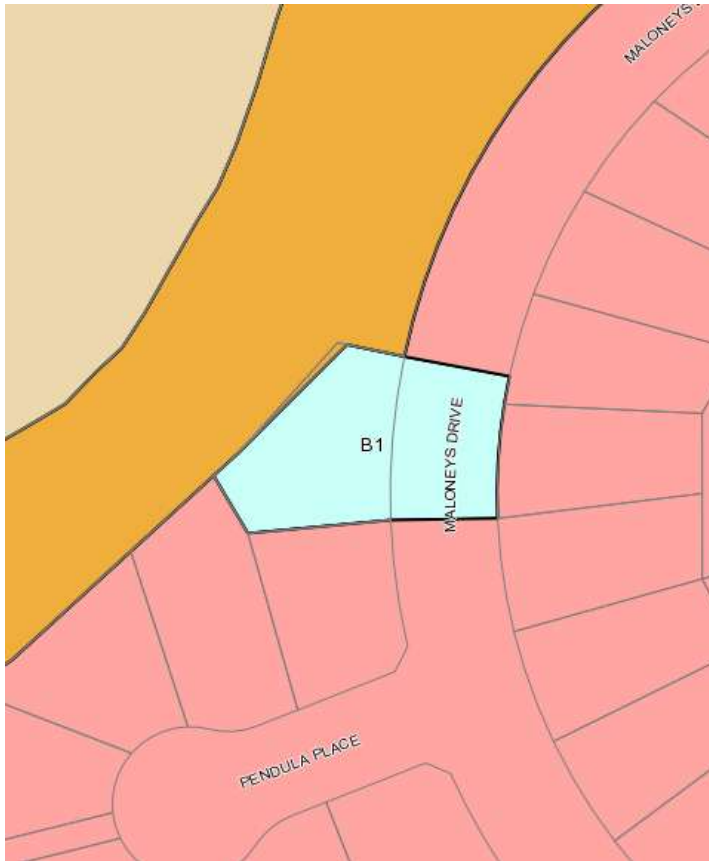
1. MAPS



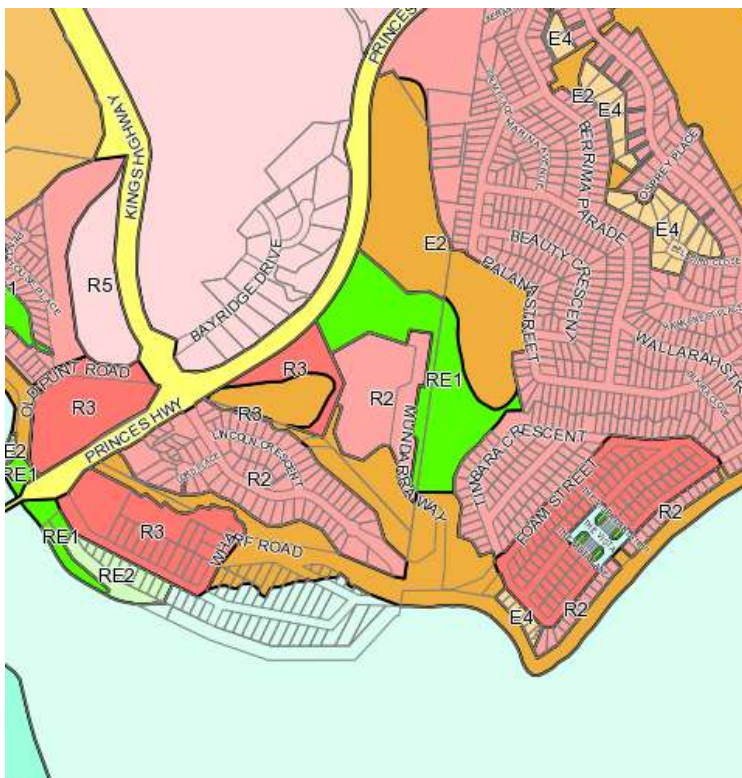
South Durras - B1



Longbeach - B1

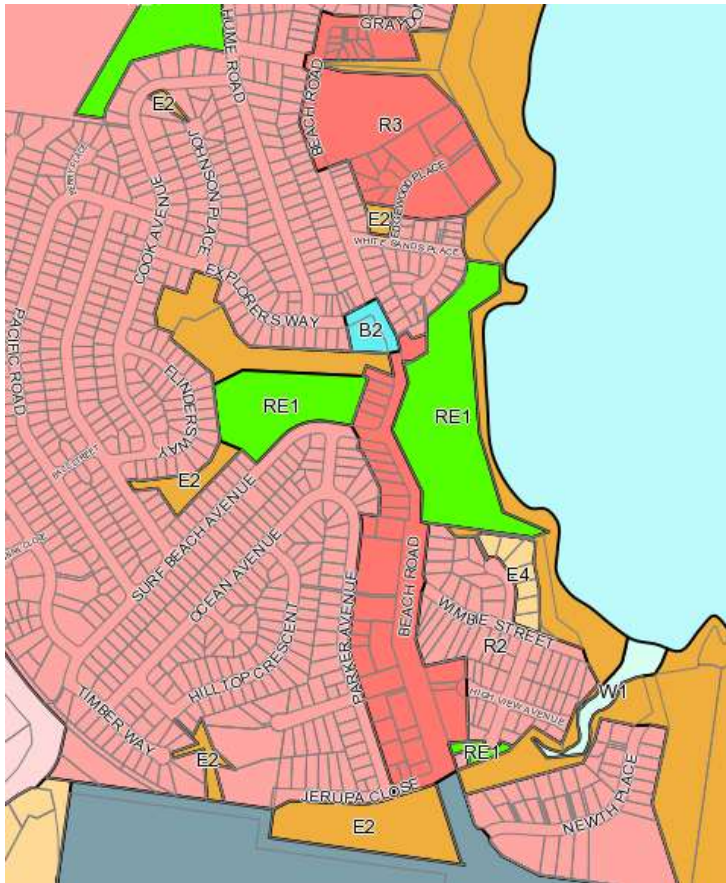


Maloney's Beach - B1

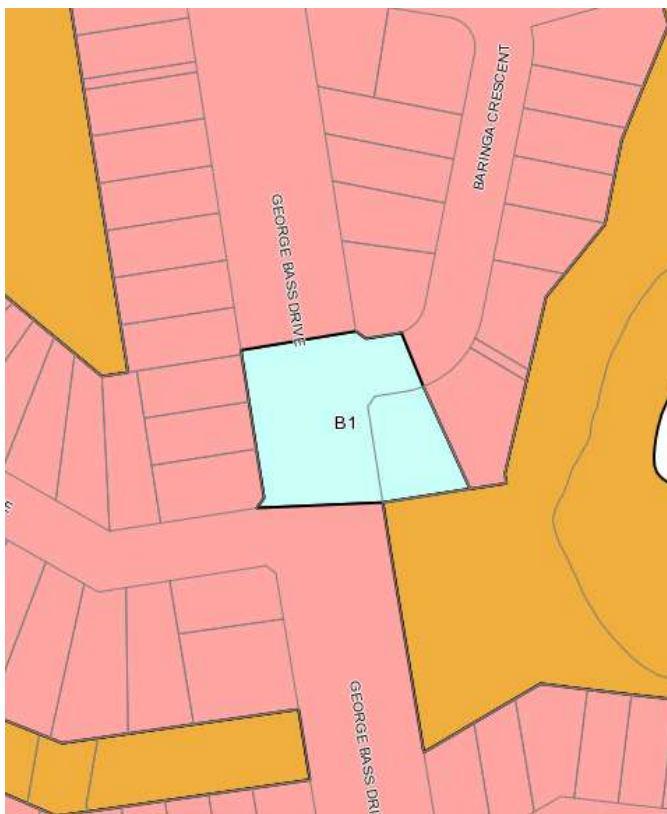


Surfside & North Batemans Bay – 4 Parts R3 x 3 & B1/R3

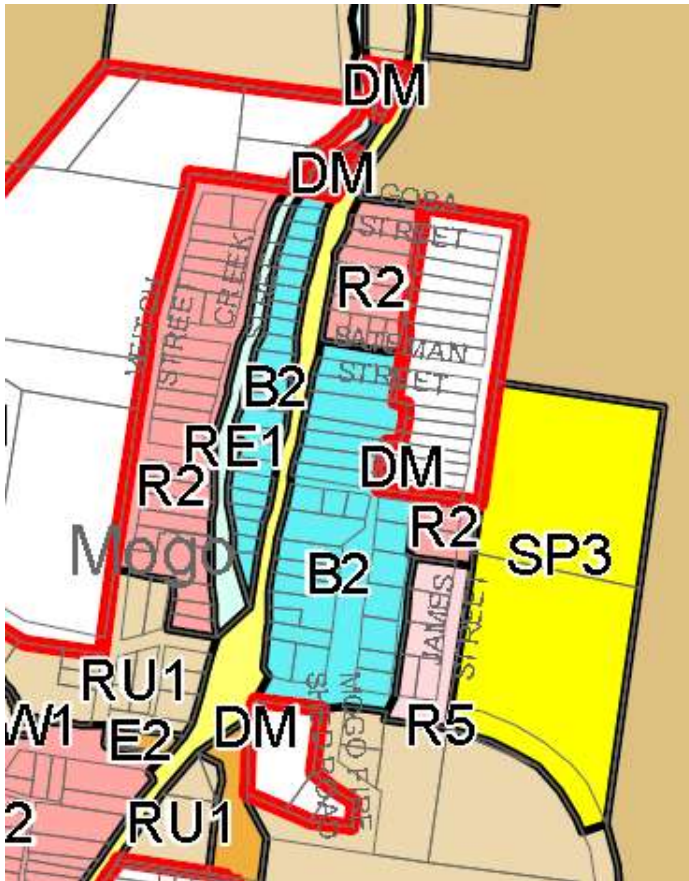
29



Surf Beach – 2 parts R3 & B2/R3



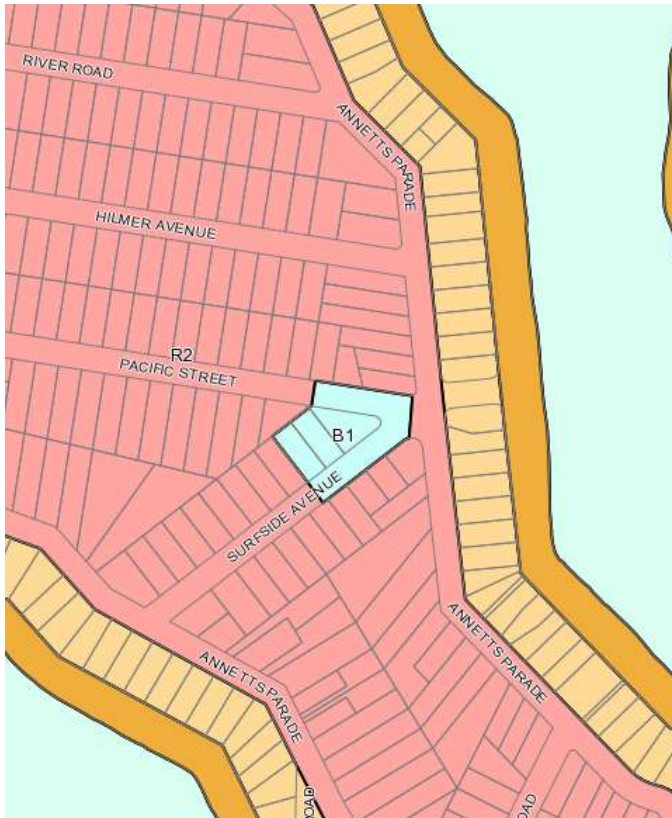
Mosquito Bay – B1



Mogo – B2



Malua Bay – B2



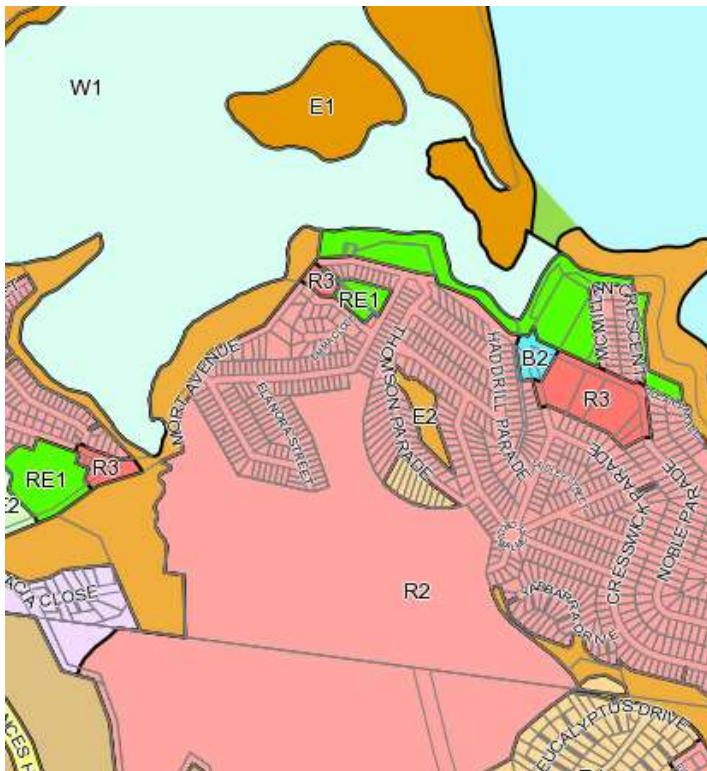
Mossy Point – B1



Broulee – 2 parts B1/R3 & B2/R3



Tuross Head – 2 parts B2/R3 & R3



Dalmeny – 3 parts R3 x 2 & B2/R3



Kianga – B1

2. LIST OF AMENDMENTS

This list is intentionally blank

3. CODES APPLICABLE TO THIS PLAN

- I. [SAFER BY DESIGN CODE](#)
- II. [LANDSCAPING CODE](#)
- III. [INTERIM SEA LEVEL RISE ADAPTION POLICY](#)
- IV. [TREE PRESERVATION CODE](#)
- V. [FOOTPATH TRADING CODE](#)
- VI. [SIGNAGE CODE](#)
- VII. [SITE WASTE MINIMISATION & MANAGEMENT CODE](#)
- VIII. [SOIL AND WATER MANAGEMENT CODE](#)

- IX. [PARKING AND ACCESS CODE](#)
- X. [ADVERTISEMENT AND NOTIFICATION CODE](#)