

Nelligen Village



DEVELOPMENT CONTROL PLAN

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1.0 INTRODUCTION

1.1 Name

This Plan is known as the Nelligen 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 7 February 2012 and came into operation on 30 March 2012.

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 the Plan is to further the aims of the Eurobodalla Local Environmental Plan 2012 (LEP) and to ensure that development in Nelligen respects its historic character and heritage value.

1.4 Land to Which This Plan Applies

This Plan applies to the village of Nelligen as shown in Schedule 1 - Maps in this Plan.

1.5 Relationship to Other Plans and 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 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 5 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 state 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 Plan must always be met whichever course is chosen.

These controls will provide guidance for owners, designers and Council staff in determining if a proposed development is appropriate.

Important attributes of the village that warrant management through the use of these development controls include:

- Buildings and structures of individual heritage significance.
- Precincts, to ensure that their distinctive characters are not compromised by inappropriate development. This is particularly relevant to the historic precinct.
- Places and attributes that contribute to the historic precinct's character.
- Infill development that has the potential to impact on precinct character.
- Roads, in so far as they contribute to village character. This includes the treed median strip in Braidwood Street.
- Roadside and verge treatments (including kerbing, guttering and footpaths) that impact on character
- Remnant forest and individual stands of trees, both natural and introduced.
- Important views within, to and from the town.
- The impact of subdivision and development of large allotments.
- Colours on structures, to ensure that inappropriate colours are not used in a manner that could degrade the villages' or conservation area's appearance.
- Signage, to ensure that it does not dominate nor detract from streetscape character, and
- Services and utilities.

1.7 Heritage Advisory Service

People planning development within the village are encouraged to consult with Council's heritage advisor prior to developing and submitting their plans. Appointment may be made by contacting Council on 02 4474 1226.

1.8 Definitions

Other than those listed below, terms in this Plan have the meanings found in the LEP dictionary.

Adjacent heritage items are on allotments that touch, or are in close proximity, such as across a lane or road.

Adjoining heritage items means heritage items that are on allotments that touch or join the subject property.

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.

Heritage Item has the same meaning as in the LEP 2012 and means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 (in the LEP).

Heritage significance has the same meaning as in the LEP 2012 and means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

In this Plan a place of heritage significance may refer to a heritage item as defined above, but may also refer to an item of heritage significance that has not been entered in the Eurobodalla heritage schedule.

1.9 Desired Outcomes and Area Characteristics

Council's intention is that Nelligen develops in a manner that maintains and where possible enhances its individual historic character. Historic buildings on the north side of Braidwood Street shall be conserved and enhanced to retain their aesthetic and historic character. Development on the south side of Braidwood Street, between Runnyford Road and the Clyde River may be contemporary in style but sympathetic to the heritage buildings opposite. New development throughout Nelligen shall be of a high standard that utilises design elements suitable to the south coast of NSW, rather than buildings of a metropolitan or urban character.

Nelligen Village Character Statement



Nelligen Post Office (former)

Nelligen developed as a port and river crossing in the mid 19th century and a number of significant historic buildings have survived, particularly along the north side of Braidwood Street. Many of the buildings on the south side of Braidwood Street were destroyed in bushfires in 1939 and development there generally dates from the mid 20th century. Residential development has increased considerably in the latter 20th and early 21st centuries with more recent houses in the curvilinear streets of Nelligen Place, Currowan Street and Runnyford Road. Development density on the larger lots in Reid Street is low with generous tree cover and open or partially cleared farmlets imparting a strong rural flavour to parts of the village. The steepness of the terrain is a dominant feature, as are the mature and exotic trees. A tree-planted median strip that divides Braidwood Street as it ascends the hill further enhances the town's historic and well vegetated character. The town, now by-passed by the highway, has become a very attractive residential location.

Strategy for Managing Village Character

For the purpose of this DCP Nelligen is considered as three precincts comprising:

1. The historic commercial precinct including the area opposite the former punt and extending up Braidwood Street to the former Catholic Church. This historic precinct contains the important remaining historic buildings.
2. The low density, large allotments along the west end of Braidwood and Reid streets, and
3. The modern residential area along Runnyford Rd, Clyde Boulevard, Currowan Street and Nelligen Place. This is a precinct of predominantly late 20th century residences.

The controls below apply to each of the precincts. Where relevant, Specific Controls shall apply to the historic precinct so that new development respects its historic and aesthetic character.

2.0 SITE PLANNING

2.1 Siting of Development

Intent:

- To minimise risk to human life and property from unstable land.

Development Controls:

Performance Criteria	Acceptable Solution
P1 The risk to human life and damage to property is minimised 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>

2.2 Setbacks

Intent:

- To minimise adverse impacts on the streetscape and surrounding properties and ensure that development does not obstruct important views or vistas to buildings and places of historic and aesthetic significance.

Development Controls:

Performance Criteria	Acceptable Solution
Front boundary setback	
P1 Buildings are setback to maintain the existing or desired character of the residential area as described in the Village Character Statements.	<p>A1.1 Buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of adjoining buildings, but no less than the smaller of the existing setbacks.</p> <p>A1.2 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.</p> <p>A1.3 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.</p>
Side boundary setbacks	

<p>P2 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.</p>	<p>A2 The minimum setback to a side boundary is:</p> <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 1.2m to the eaves or gutters, whichever is the closest); - 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); - 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>Corner lots - secondary street frontage</p>	
<p>P3 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>A3.1 The minimum setback to the secondary street frontage side boundary is 3m.</p> <p>A3.2 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>A3.3 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>P4 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>A4.1 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>A4.2 A minimum rear boundary setback of 450mm applies to all:</p> <ul style="list-style-type: none"> – sheds; – detached garages; and – other detached not-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</p>

	to a road.
'Front' boundary setbacks for battle-axe allotments	
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.	
P5 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>A5.1 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>A5.2 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	
P6 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>A6.1 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 and all other structures 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>A8.2 Where development is proposed on</p>

	land which has a common boundary with a public reserve other than a foreshore reserve, the minimum setback for any building from the reserve must be 3m.
Additional controls for the historic precinct	
<p>P7.1 Development is located such that it does not diminish prominent views of a heritage place, whether from in front, from the streetscape or from distant vantage points.</p> <p>P7.2 Setbacks, including front and side setbacks, of development are consistent with setbacks elsewhere in the vicinity.</p>	<p>A7 Development, including alterations and additions, must be set back behind the front building line of adjoining heritage places.</p>

2.3 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>P1.1 The style, appearance, roof pitch and cladding material of garages, sheds and carports must complement the historic rural character of the village.</p> <p>P1.2 In the historic precinct, garages sheds and carports are of a sympathetic appearance and location relative to the main building.</p>	<p>A1.1 Modern square-ribbed sheet-metal cladding must not be used on garages, sheds or carports where readily visible from the public domain.</p> <p>A1.2 Metal clad sheds, such as 'old American barns' and 'Quakers barns', are not suited to Nelligen as either garages or dwellings.</p>
Additional controls for the non-historic precinct	
<p>P2 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>Refer to Figure 1.</p>	<p>A2 Carports and garages must:</p> <ul style="list-style-type: none"> - be no further forward of the front facade of the building than 1.2m and for no more than 50% of that façade; - be treated in such a way as to reduce prominence when viewed from the street; - are to be compatible with the design of the main building in terms of roof form, detailing, materials and colours; and - not be a dominant element of the building nor dominate a streetscape.
<p>P3 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; and - do not have an unreasonably adverse impact on the amenity of 	<p>A3 The site coverage of</p> <ul style="list-style-type: none"> - sheds; - carports; - detached garages; and - other detached non-habitable ancillary

adjoining residential properties nor dominate the streetscape.	buildings. must not be greater than 60m ²
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Poor relationship to street – the garage dominates the streetscape



Improved relationship to street - garages do not dominate the streetscape

Figure 1: Garages in Street Frontage

2.4 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 on adjacent buildings; - serve as an extension of the dwelling for

	<p>relaxation, entertainment and recreation purposes by being accessible to the living areas; and</p> <ul style="list-style-type: none"> - be located behind the building line. <p>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.</p>
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.	<p>A2 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or car park, an individual entrance and is single storey in height, private open space must meet the general and:</p> <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 Private open space at ground level or above ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by residents.	<p>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:</p> <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 10m² and minimum dimension of 2m (greater area and dimension is encouraged where practical) if at above ground level and the balance (to achieve a total private open space area of 24m²) to be provided at ground level. - 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.
Dwellings with above ground level POS only	
P4 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>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

	<p>of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical);</p> <ul style="list-style-type: none"> – 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> $8 \times (24 - 10)$ $= 8 \times 14$ $= 112m^2$ – 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.
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2.5 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
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.	<p>A3 The minimum landscaped area of the site must consist of:</p> <ul style="list-style-type: none"> - 35% of the site area for residential developments. - 50% of the front setback for development other than neighbourhood shops; and - The minimum landscaped area must be provided in addition to the minimum private open space requirement. <p>Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1.0m.</p>

2.6 Parking and Access

Intent:

For All Development:

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

For Development in the Historic Precinct:

- To reduce the visual impact of large areas of concrete.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Development is designed to provide adequate, safe and well designed access and onsite parking to serve the needs of the occupants and visitors and to reduce adverse impacts on the road network and other development.	A1 Single dwelling houses must provide two parking spaces, at least one of which is located behind the building line, a driveway of maximum 3m width on the road reserve and satisfy all relevant design requirements of the Eurobodalla Parking and Access Code
P2 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.	A2 All development must comply with the Eurobodalla Parking and Access Code .
Additional controls for the historic precinct	
P3 Driveways, including their surface material, are designed so that they do not have a significant visual impact on the streetscape or the rural character of the village.	<p>A3.1 Driveways in historic precincts must:</p> <ul style="list-style-type: none"> – consist of compacted gravel, crushed brick, rock or similar material; or – paired strips of concrete, brick etc with grass or other ground-cover between the strips and on either side. <p>A3.2 Hard surfacing must not extend in width from the side of the house to the side boundary.</p> <p>A3.3 Reverse turning areas are not located in front of buildings.</p>

2.7 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.	<p>A1.1 For single dwelling houses and dual occupancies within 12m of the street frontage:</p> <ul style="list-style-type: none"> The main entrance must be clearly visible from the street; and Windows must be located to allow casual surveillance of the street from the dwelling. <p>A1.2 All development must comply with the Eurobodalla Safer By Design Code.</p>

2.8 Views

Intent:

- To provide opportunities for view sharing, where practical, for existing and future residents, by encouraging innovative design solutions and ensure that new development does not obstruct important views or vistas to buildings and places of historic and aesthetic significance.

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 2.</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. <p>Refer to Figure 2.</p>

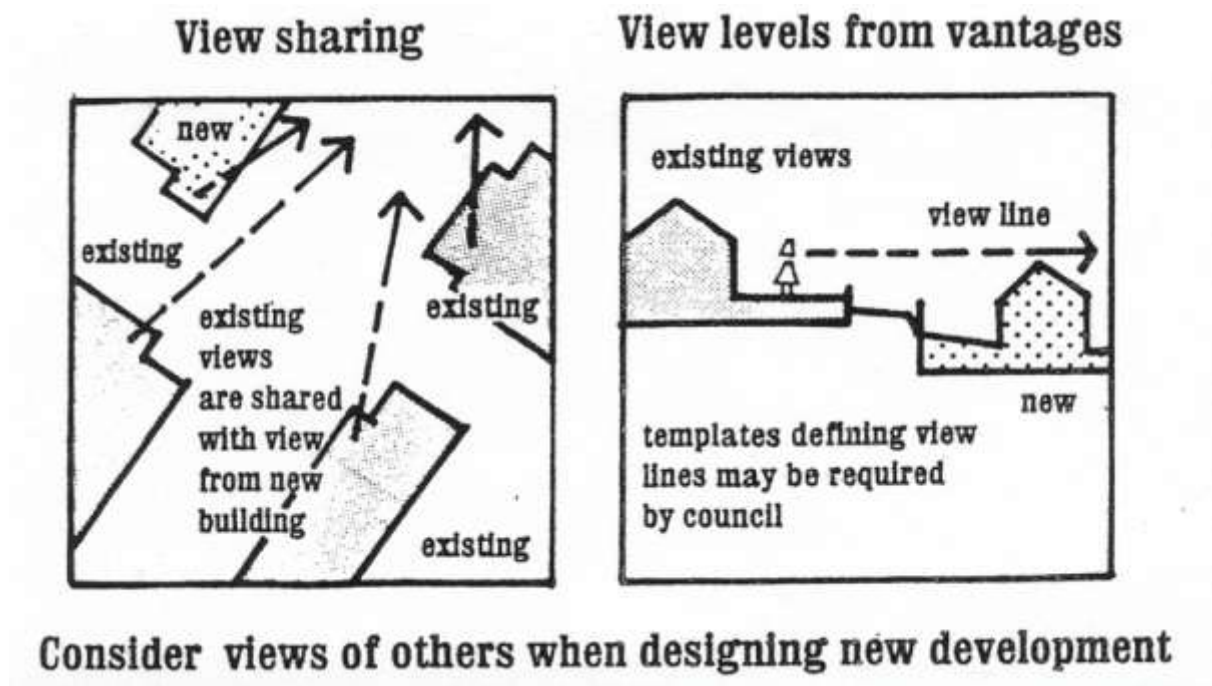


Figure 2: View Sharing Principles

2.9 Signage

Intent:

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

Development Controls:

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

2.10 Footpath Trading

Intent:

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

Development Controls:

- A1** All development must comply with the [Eurobodalla Footpath Trading Code](#).

3.0 SUBDIVISION

3.1 Subdivision Pattern and Lot Layout

Intent:

- To ensure that the size and layout of new lots serve the intent of the zone and do not have an adverse impact on buildings, streetscapes or other items of heritage significance including vegetation and views.

Development Controls:

Performance criteria	Acceptable solution
<p>P1.1 Lot size and shape:</p> <ul style="list-style-type: none"> - is sufficient to serve the intent of the zone and accommodate the range of permissible uses; - provides sufficient area to accommodate all required services relevant to the uses permitted in the zone; - provides adequate separation between the different uses within the site and in relation to adjacent properties; - and design creates a walkable context that is stimulating, legible, comfortable and safe for pedestrians; - supports building types that locate parking at the rear of the sites accessible from laneways or secondary streets; and - does not deprive significant places of their curtilage, or have other adverse impacts on a heritage place or area. <p>P1.2 Subdivision and layout allows for development that is in sympathy with local heritage values such as the retention of mature trees.</p>	<p>A1 Where lot layout or shape is a significant component of a place, new lots must be consistent with the historic land subdivision pattern.</p>

4.0 BUILT FORM

4.1 Building Bulk and Scale

Intent:

For All Development:

- To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape.

For Development in the Historic Precinct:

- To ensure that new development does not dominate a heritage place or conservation area and to retain the present scale and prominence of historical buildings.

Development Controls:

- A1** Building bulk and scale must not result in uses or works appearing out of character with the desired streetscape as described by the Village Character Statements.

Performance Criteria	Acceptable Solution
P2 Development responds 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 step down the block.
additional contrls for the Historic Precinct	
P3.1 The bulk and scale of new development does not have an adverse impact on a heritage place, item, precinct or conservation area.	A3 The bulk and scale of new development must not be greater than that of adjacent heritage buildings.
P3.2 The bulk and scale of a new building relates to the scale of surrounding buildings.	
P3.3 Attic development may be acceptable if scale and bulk can satisfactorily meet other controls in this plan.	

4.2 Street Frontage and Façade Treatment

Intent:

- To provide attractive, interesting street frontages which make a positive contribution to the character of the area and to ensure that development to the front or publicly visible sides of a significant place does not diminish its heritage or streetscape value.

Development Controls:

Performance Criteria	Acceptable Solution
P1 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building.	<p>A1.1 Development must be orientated toward the street with front entrances visible from the street in order to achieve the amenity objectives and to allow casual surveillance of entrance points.</p> <p>A1.2 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>
P2 Retail and commercial uses are designed to provide active shop fronts to the street.	A2 Retail and commercial uses at ground level must have their entrance directly from the main street frontage.

<p>P3 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.</p>	<p>A3.1 For residential development the façade 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>A3.2 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 - windows and doors to the street frontages. <p>A3.3 Buildings must not present blank facades to streets or public spaces.</p>
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4.3 Style and Visual Amenity

Intent:

- To encourage development that reflects the rural setting of the village and is sympathetic to the historic building stock.

Development Controls:

Performance criteria	Acceptable solution
<p>P1.1 The building design is in the character of the area and visually compatible with the rural village character.</p> <p>P1.2 Development is not of a metropolitan suburban style.</p> <p>P1.3 The style of new development derives from good traditional local examples within the relevant precinct.</p> <p>P1.4 Development within the vicinity of heritage places (whether secondary buildings on the heritage site, or infill development on vacant land) has due regard to the character and significance of the heritage place and shall be sympathetic in terms of character, scale, form, siting, materials and colour, and detailing.</p>	<p>A1 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.</p>

<p>P1.5 Development in areas that have little or no heritage value is designed to respond to the topography and rural village character</p> <p>P1.6 New buildings may be “of the time in which they are built” and not reproductions of earlier historic building styles, providing they are in sympathy with heritage buildings in the vicinity.</p> <p>The Nelligen Design Guideline provides some useful guidance in determining the character of local designs.</p> <p>For more detail see the publication <i>Design in Context – Guidelines for Infill Development in the Historic Environment</i> available free from the NSW Heritage Branch website www.heritage.nsw.gov.au</p>	
<p>P2 Shipping containers are located so that they are not visible from any road and adjoining property.</p>	<p>A2 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.</p> <p>Controls for the provision of minimum boundary setbacks, private open space and landscaped area apply.</p>

4.4 Building Materials

Intent:

- To encourage development that compliments local character.

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. However, unpainted galvanised iron is an acceptable roofing material in the historic precinct of Nelligen.

Performance criteria	Acceptable solution
<p>P3 Materials and colour of new and existing buildings, including garages, carports and outbuildings, must be sympathetic with the rural character of the area.</p>	<p>A3.1 Buildings must not be constructed of brick walls and tiled roofs which have an urban character. Such materials are generally not appropriate, as they do not reinforce the rural historic character the villages.</p> <p>A3.2 External iron sheet wall cladding and</p>

	roofing, if used, must be in custom-orb corrugated profile, not ribbed.
P4 Materials used on historic buildings are sympathetic with the original form of the building.	A4 On historic buildings, building materials must match those used on the building, or in the vicinity, at the time of its initial construction.

4.5 Fences

Intent:

- To ensure fences around individually significant buildings reflect the style of fence that was typical of the historic period.

Development Controls:

Performance criteria	Acceptable solution
<p>P1.1 Fences do not have an adverse visual impact on the place and are sympathetic with the village's historic and rural character.</p> <p>P1.2 Modern colourbond fences do not meet the objectives of this criterion, and are generally not appropriate in Nelligen.</p>	<p>A1.1 Fencing is constructed from timber pickets, woven-wire on a frame or timber post and rail.</p> <p>A1.2 Fencing is consistent with traditional fencing evident in historic photographs of the place.</p> <p>A1.3 Ribbed metal-sheet fencing must not be used within the villages as it diminishes historic rural character.</p>
P2 Front fences higher than 1.0m may be spaced timber pickets or post and rail fencing in combination with vegetation.	A2 The height of fences must be no greater than 1.0m forward of the building line and 1.8m behind the building line (as measured from the finished ground level on the lowest side of the fence).
P3 The form, extent and materials of fencing are designed to minimise visual impact.	<p>A3 Lengths of unmodulated 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 Roof Form and Roof Fixtures

Intent:

- To ensure that new roof forms are compatible with the rural character of the village and contribute to the overall streetscape and or village aesthetic.

Development Controls:

Performance criteria	Acceptable solution
<p>P1.1 Roofs on infill development has regard to the aesthetic impact of the roof form and appearance within its vicinity and context.</p> <p>P1.2 Roofs on pavilion style additions (separate structures linked back to the parent building) may adopt a different form than the parent roof, providing the new remains aesthetically compatible with the historic.</p> <p>P1.3 Roof fixtures are located so as not to detract from the architectural design of the building, or visual amenity from the street. Where this cannot be achieved they are located and fixed to minimise visual impact, eg solar panels fixed flush to the roof-line, structures painted to blended with the building.</p> <p>P1.4 Corrugated iron is generally the appropriate roofing material in Nelligen. The use of modern clay or cement tiles is unlikely to be suitable as they are more typically associated with suburban development.</p> <p>P1.5 Roof sheeting in profiles other than corrugated custom orb may not meet the performance criteria.</p>	<p>A1.1 Roofs on alterations and additions must adopt the same form, pitch and type as prevails on the main roof.</p> <p>A1.2 Roof fixtures, including skylights, air vents, television antennas, satellite receiving dish, solar panel etc, must not be visible from the public domain.</p>
<p>P2 If the acceptable solution cannot be achieved, then options for ground mounted systems must be demonstrated.</p>	<p>A2 A serviceable amount of roof area must be orientated so as to be suitable for the location of solar energy systems and solar collectors.</p>
Additional controls for the non-historic precinct	
<p>P3 The impact of rooftop terraces on the privacy and amenity of adjoining residential land is minimised.</p>	<p>A3 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>P4 Roof pitch is to contribute to the character of the area and promote consistency in form and materials.</p>	<p>A4.1 No more than 50% of the total roof area (not including verandahs or skillion additions) may be at a pitch less than 10°.</p> <p>A4.2 Roof forms of one single expanse (i.e. large single skillion roof forms) are not permitted.</p>
<p>Additional controls for the historic precinct</p>	
<p>P5 The roof form and pitch is in sympathy with surrounding heritage buildings.</p>	<p>A5.1 Within the historic commercial area (northern precinct), roof pitch must be in excess of 25° although shallower slopes are appropriate for skillions additions, verandas etc.</p> <p>A5.2 Rooftop terraces must not be included in the design of a building.</p>

4.7 Alterations and Additions to Historic Buildings

Intent:

- To ensure that development does not diminish heritage places.

Development Controls:

Performance criteria	Acceptable solution
<p>P1.1 Alterations and additions to historic buildings are stylistically in keeping with the form, detail, material and character of the parent or nearby structure.</p> <p>P1.2 Large additions to historically significant places are done as a separate structure or pavilion linked back to the parent building. In these circumstances the new pavilion may be modern in its style, providing it is sympathetic in other regards.</p> <p>P1.3 On historic buildings, modifications to windows, doors etc are consistent with the building's significant period, and use proportions and details relevant to that period.</p> <p>P1.4 Additions that increase the width of a front façade of a historic building are of a lesser scale and set back behind the adjacent front elevation such that the historic facade is clearly legible.</p> <p>P1.5 Additions that increase the height of a building in a way that compromises its aesthetic proportions and appearance are</p>	<p>A1.1 Alterations to heritage items must retain significant detail including bargeboards, decorative trim etc, as these are often key components of a place's heritage value.</p> <p>A1.2 Small scale extensions to heritage items must adopt the original architectural styles, joinery and details, such as moulded boards, finials and the like.</p> <p>A1.3 Symmetrical facades on historic buildings must be retained by setting additions back from the front wall.</p> <p>A1.4 Chimneys that contribute to a place's significance must not be removed.</p> <p>Refer to Figure 3</p>

not acceptable.

P1.6 Development that fills-in or hides significant facades may not meet this objective.

Refer to Figure 3

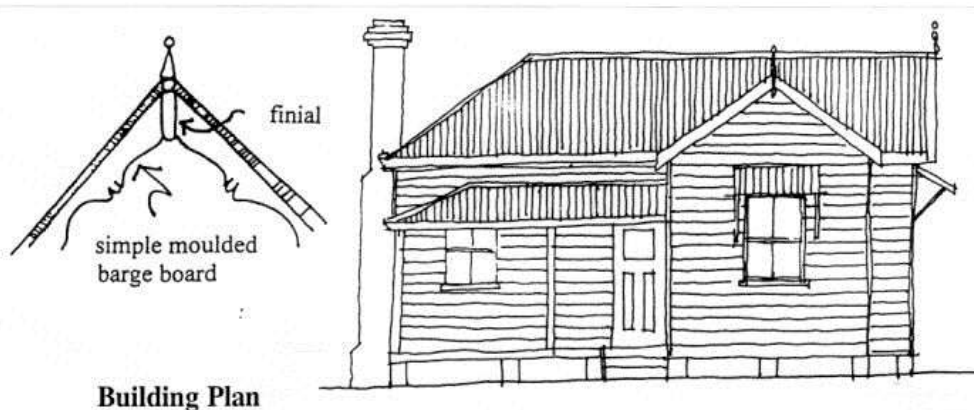


Figure 3: Modifications to the front facade of heritage places shall retain their traditional form, material and detail.

4.8 Colour

Intent:

- To ensure that colours are suitable to the architectural style and character of places, precincts and streetscape.

Development Controls:

Performance criteria	Acceptable solution
P1 Colour is not used as a form of advertising	A1 Buildings must not be painted in corporate colours. Overly bright colours or colour schemes are also not appropriate in the village.
Additional controls for the historic precinct	
P2 Modern interpretations of period colour schemes may be appropriate where they blend with local historic character.	A2.1 Paint schemes on historically significant buildings must be consistent with the colour scheme relevant to the significant phase of the particular building. A2.2 Previously unpainted surfaces must not be painted.

4.9 Adaptable Housing

Intent:

- To design housing units that facilitates use by persons 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.	<p>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 AS4299 – <i>Adaptable Housing</i>.</p> <p>Developers proposing access to heritage buildings should consult “Improving Access to Heritage Buildings”, a publication of the Australian Council of National Trusts, Australian Heritage Commission.</p>

5.0 AMENITY

5.1 Visual Privacy

Intent:

- To maximise the private enjoyment of residential development.

Development Controls:

Performance Criteria	Acceptable Solution
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>A1.1 Balconies and 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</p>

4). The view of the area overlooked must be restricted within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7m above floor level (see Figure 5).

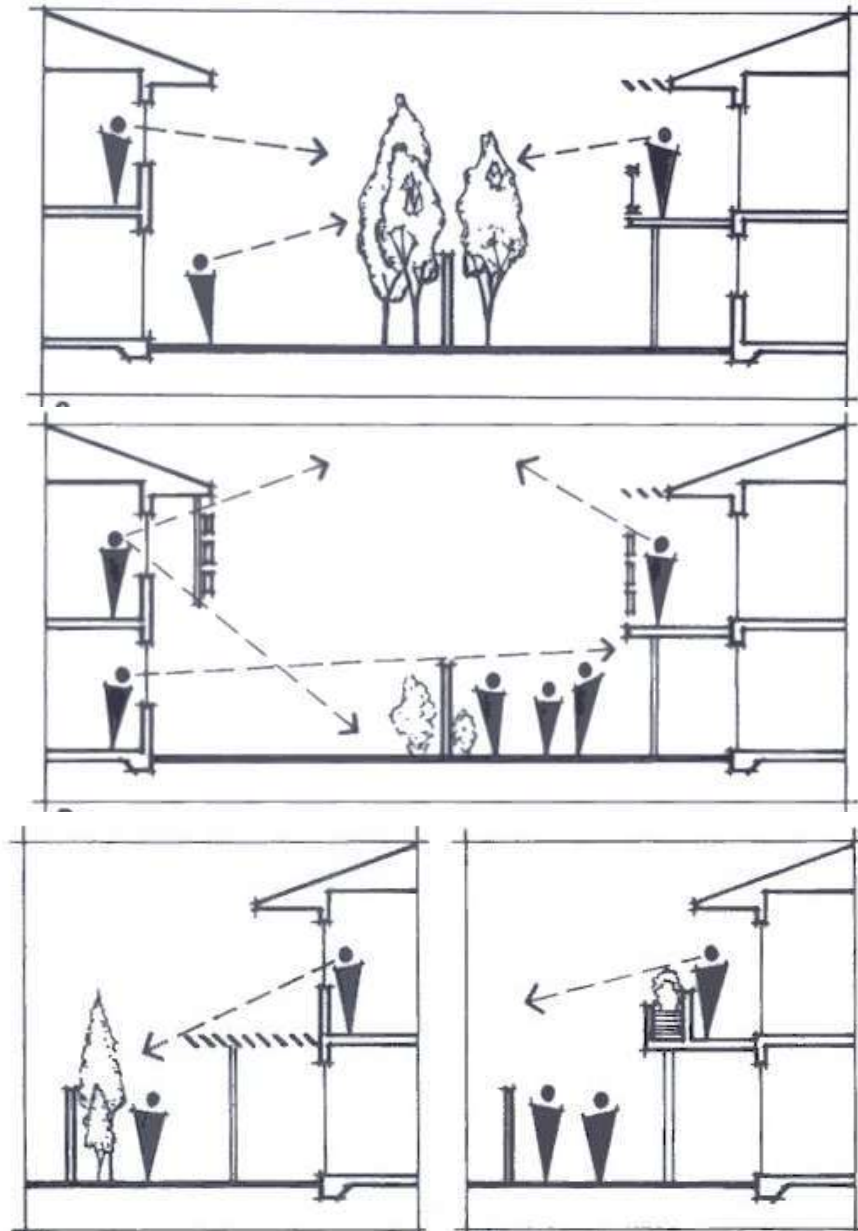


Figure 4: Acceptable Privacy Measures

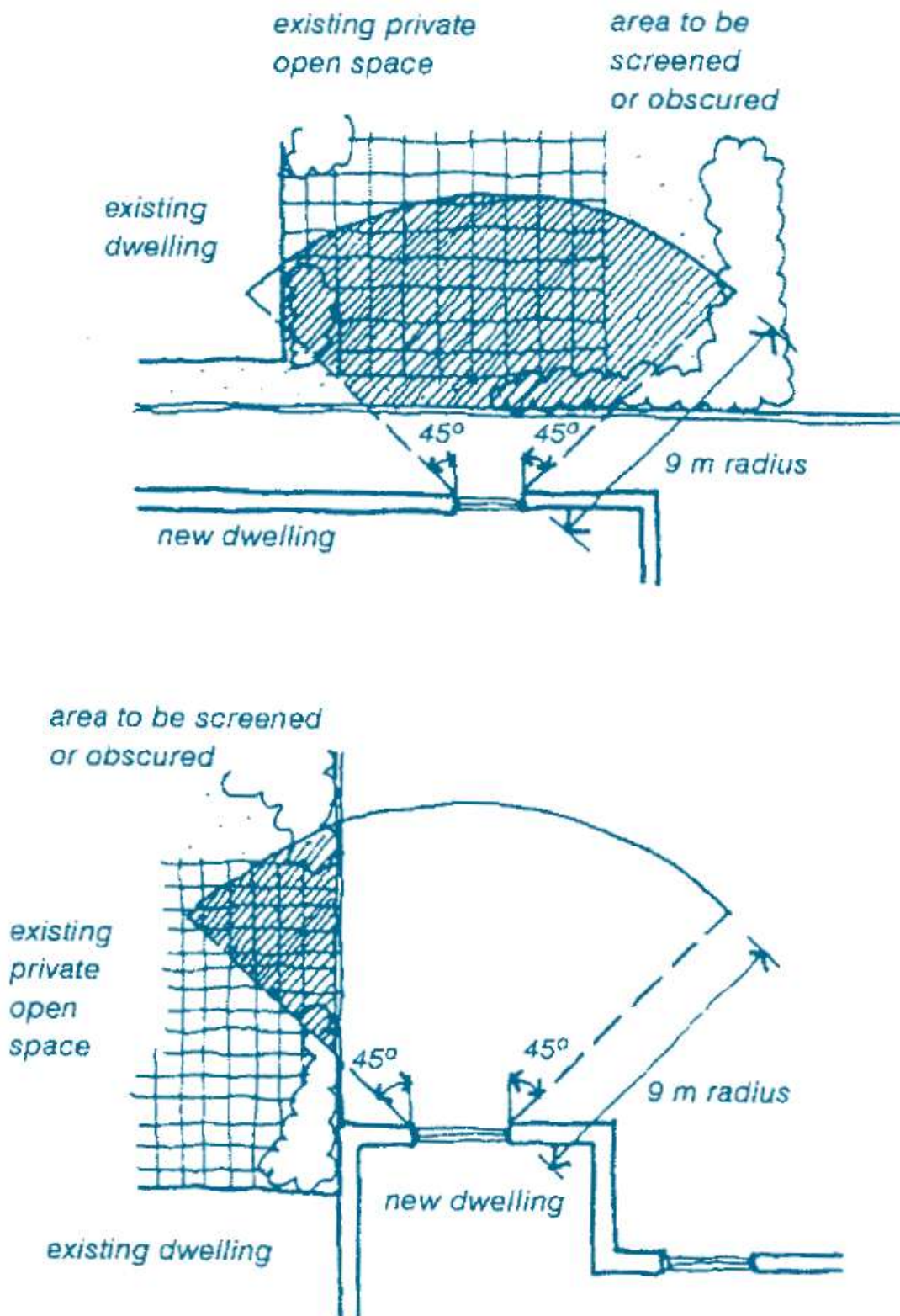


Figure 5: Screening Views to Adjacent Private Open Spaces

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 existing residential accommodation 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 primary 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 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>

5.3 Streetscape

Intent:

- To preserve and enhance the existing streetscape and contribute to the amenity of both public and private space through the use of street furniture and other public infrastructure that is in harmony with the streetscape.

Development Controls:

Performance criteria	Acceptable solution
P1 Development on road reserves, (including paving, kerbing and street furniture) and works that impact on the streetscape shall reflect the historic and rural character of the village.	<p>A1.1 Access ramps, railings and the like must be of timber (natural finish or painted) and modelled on traditional designs.</p> <p>A1.2 Seats within road reserves must be in the form of a simple bench or be a slatted seat of traditional design in durable hardwood.</p>

6.0 SITE CONSIDERATIONS

6.1 Tree Preservation

Intent:

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

Development Controls:

A1 All development must comply with the provisions of clause 5.9 of LEP 2012 and the [Eurobodalla Tree Preservation Code](#).

Performance Criteria	Acceptable Solution
<p>P2 Tree removal is accompanied by appropriate tree replacement.</p> <p>It is appropriate to prune certain trees and hedges where this will enhance views to and from significant items, both within and beyond the study area.</p>	<p>A2 Significant trees on private and public land must be retained.</p> <p>Exemptions to this acceptable solution may be found in the Eurobodalla Tree Preservation Code.</p>

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 runoff has no detrimental impacts on neighbouring properties, public spaces and Council infrastructure.

Development Controls:

Performance Criteria	Acceptable Solution
P1.1 Application of a site specific Stormwater Management Plan(SMP), approved by Council. The SMP will provide for the integrated management of	A1.1 To avoid adverse impact on other development in the area, new development must connect to a lawful drainage system which has sufficient capacity to ensure that

<p>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>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 <u>Design Guidelines for Rainwater Tanks Where An Existing Reticulated Water Supply Exists</u>.
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7.4 Waste Management

Intent:

- To further the objectives of the Site Waste Minimisation and Management Code.

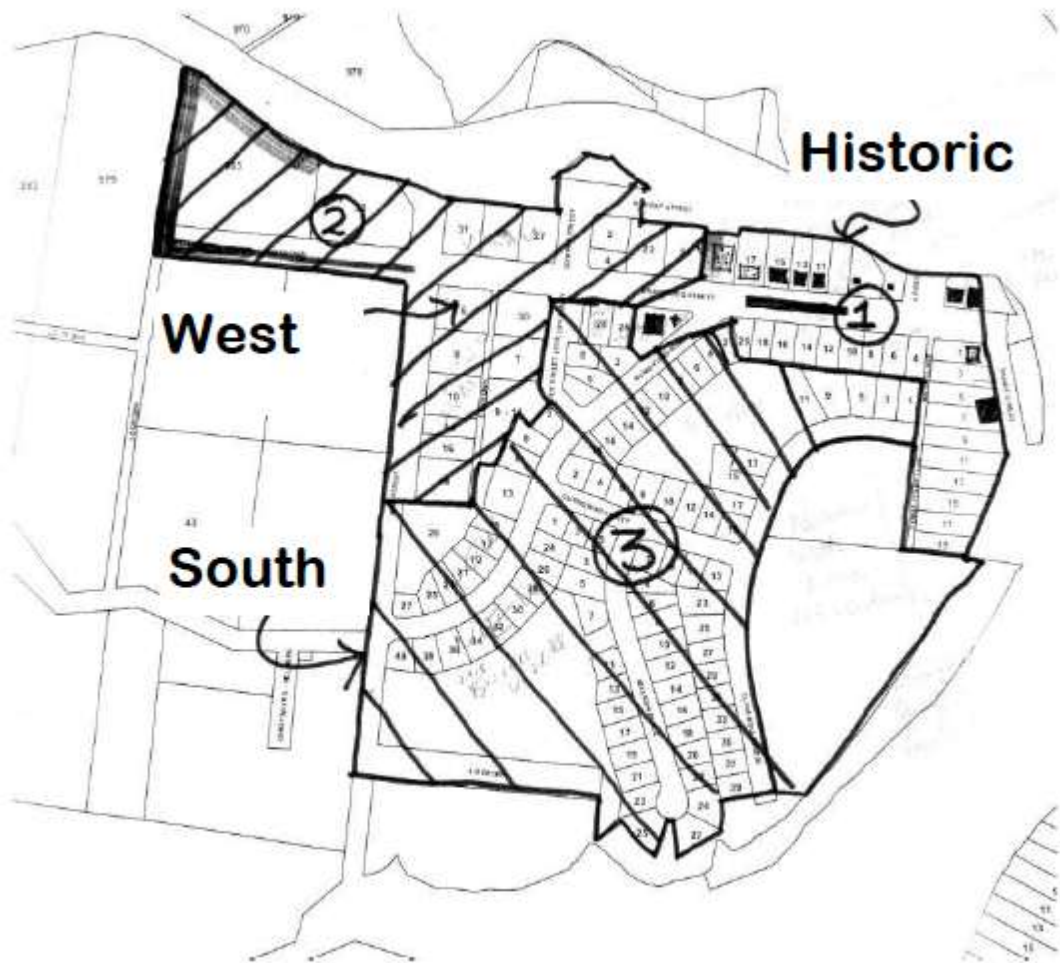
Development Controls:

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 <u>Eurobodalla Site Waste Minimisation and Management Code</u>.</p>

SCHEDULES

1. MAPS

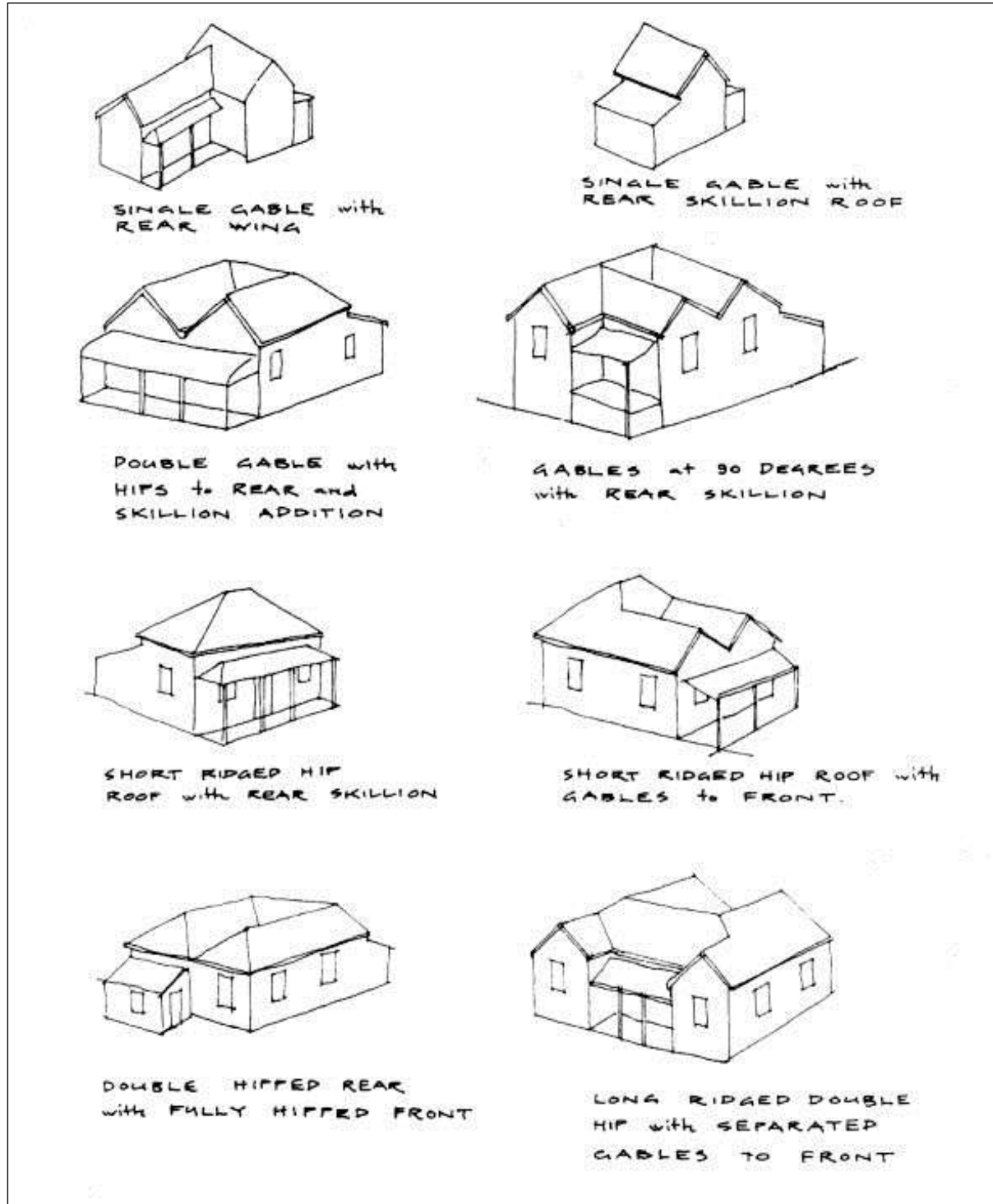
Nelligen



2. LIST OF AMENDMENTS

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3. ROOF FORMS



Typical roof forms on historic cottages

4. NELLIGEN DESIGN GUIDELINE

Aim

These guidelines seek to reinforce Nelligen's historic character, particularly in Braidwood and Wharf streets, and encourage a built form elsewhere in the village that reflects its coastal rural location. To this extent, the guidelines seek alternatives to the brick and tile type homes that are prevalent in large urban and metropolitan areas.

Nelligen's character

Nelligen's historic area is generally confined to Braidwood and Wharf Street, with most surviving historic structures located on the north side of Braidwood Street. The early buildings on the south side of the street were destroyed by fire in 1939. The western end of Braidwood and Reid streets comprise large vegetated allotments and the buildings are not dominant elements. The built environment along Runnyford Rd, Currowan Street and Nelligen Place is generally more modern.

Most of the historic buildings in Nelligen are timber-framed, clad in weatherboard and roofed in corrugated iron. They are therefore lighter in feeling and appearance than the metropolitan style brick and tile building that are common in Canberra and Sydney. Roof forms on the 19th century buildings are often steeply pitched with gabled ends and narrow eaves. The building, and hence the gabled roof ran at right angles to the slope of the land, thus reducing the amount of cut and fill and the height of piers.

Federation styled buildings often had small gables in the hip, wider eaves, exposed rafters and the roof extending over the verandah.



The Mechanics Institute displays a number of key characteristics of Nelligen's historic buildings including weatherboard walls, symmetrical façade, steeply pitched corrugated iron roof and vertically proportioned timber windows.



The roof form, verandah details, shiplap weatherboards, exposed rafter ends and protruding chimney back demonstrate how form and detail have been used in traditional structures.

The buildings addressed the street and the elevation was often symmetrical. Windows had vertical proportions and the chimney was a strong feature of the design. There was an attention to detail and architectural elements were used to enrich the overall appearance of the building. Like so many rural and coastal places, buildings were extended over time, with extensions often adopting a slightly different form. This tends to reduce the overall scale of the building.



The former court house was adapted as a church but still retains much of its architectural finery.



This adapted federation style cottage shows the use of weatherboards below the windows with cement sheeting above. The new verandah is treated as a separate element and so reduces impact on the historic roofline.

Landscape

Most buildings are set back from the road, often behind a timber picket or timber and wire fence that is less than a metre in height. This provides a degree of privacy while allowing the building to contribute to the streetscape. Driveways are varied and are not dominant elements in the street. Similarly, garages are set back, or tucked under the building, or often designed as carports rather than solid structures.



Simple picket fences in combination with vegetation can provide attractive screening and privacy



Vegetation provides an effective screen to this recent cottage. The impact of the driveway has been reduced through the use of cement paving blocks set within bands of attractive river stones

Design guidelines

Nelligen's built character is varied and enriched by a variety of styles. The guidelines encourage the on-going evolution of styles in a manner that harmonises with the existing significant built form. Replication of period styles (eg neo Federation) is not encouraged. New buildings that draw on the key elements of the earlier styles and interpret them in a modern, contemporary way should achieve buildings that add to and continue to enrich Nelligen's built form. Such elements may include:

- Steeper pitched gabled roofs, but of a controlled scale and primarily at right angles to the slope of the land
- Shallow pitched and sweeping roofs, possibly with a change of pitch over the verandah
- Timber-framed or light-weight construction
- Weatherboard or fibre-cement board walls
- Sheet walling with battens over the joints
- Combinations of weatherboards and battened sheet
- Modulation of wall surface possibly associated with variations in cladding
- Timber windows, or powdercoated aluminium windows with thicker frames
- Front of building addressing the street while still allowing for views of the river
- Reduced impact of undercrofts
- Single-storey construction
- Light weight attractive front fence
- Minimal visual impact of driveway
- Driveway character enriched with detailing
- Appropriate landscaping



This urban example shows how pitched roofs, varied wall materials and articulated forms can be combined in a modern way that expresses many of the design elements of historic buildings. The architectural massing reduces individual roof height and enables the building to step down the slope. Note that in Nelligen, a two storey building is not appropriate in the historic area, and that all buildings require a landscaped setback.



Painted and or stained weatherboards in combination with painted sheeting can provide modern and attractive forms that harmonise with historic streetscapes and the rich vegetation occurring in and around the village.

Note: Brick and tile homes such as these below are inconsistent with Nelligen's historic character



5. CODES APPLICABLE TO THIS PLAN

1. [SAFER BY DESIGN CODE](#)
2. [LANDSCAPING CODE](#)
3. [INTERIM SEA LEVEL RISE ADAPTATION POLICY](#)
4. [TREE PRESERVATION CODE](#)
5. [FOOTPATH TRADING CODE](#)
6. [SIGNAGE CODE](#)
7. [SITE WASTE MINIMISATION & MANAGEMENT CODE](#)
8. [SOIL AND WATER MANAGEMENT CODE](#)
9. [PARKING AND ACCESS CODE](#)
10. [ADVERTISEMENT AND NOTIFICATION CODE](#)