



Residential Zones

Development Control Plan

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RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN

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1.0 INTRODUCTION

1.1 Name

This Plan is known as the Eurobodalla Residential Zones Development Control Plan and has been prepared in accordance with section 3.43 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 Schedule 1 - Amendments 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 R2, R3, R5 and E4 zones as stated in the [LEP](#).

Objectives for these lands are to:

- conserve the character and environmental quality of the local area enjoyed by residents of, and visitors to, the Eurobodalla
- ensure any development takes into account environmental constraints
- provide opportunity for innovative, well-designed, quality development in the Eurobodalla Shire
- ensure that the design of development will improve the quality of the built environment and is of a scale that complements the local character
- to protect the visual amenity by encouraging the retention of trees and preserving prominent ridgelines and other scenic areas in their natural state

1.4 Land to Which This Plan Applies

This Plan applies to land zoned:

- R2 – Low Density Residential (except land identified as excluded land in Maps 1 & 2 in Schedule 3 - Maps of this Plan);
- R3 – Medium Density Residential as shown in Maps 4, 5, 6, 7 & 8 in Schedule 3 - Maps of this Plan;

- R5 – Large Lot Residential if the site is less than 5000m² or if the minimum lot size for the land in the [LEP](#) is less than 5000m² (except land identified as excluded land in Map 3 in Schedule 3 - Maps of this Plan).
- E4 – Environmental Living if the site is less than 5000m² or if the minimum lot size for the land in the [LEP](#) is less than 5000m² (except land identified as excluded land in Map 2 in Schedule 3 - Maps of this Plan).
- RE1 – Public Recreation for the purposes of Section 6.2 Tree Preservation; and
- E2 – Environmental Conservation for the purposes of Section 6.2 Tree Preservation.

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 4.15 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 2 - Codes Applicable to This Plan 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 (including for building height and lot size) 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.

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 Section 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 Section 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 Siting of Development

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.</p>	<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>
<p>P2 The scale, location, footprint and height of buildings is such that:</p> <ul style="list-style-type: none"> – buildings recede into the landscape; – do not compromise ridgelines or areas of high visual significance; and – visual impact on scenic, natural landscape and adjoining properties is minimised. <p>Refer to Figure 1 below</p>	<p>A2 Buildings must not be located on hilltops, ridgelines or prominent knolls.</p>

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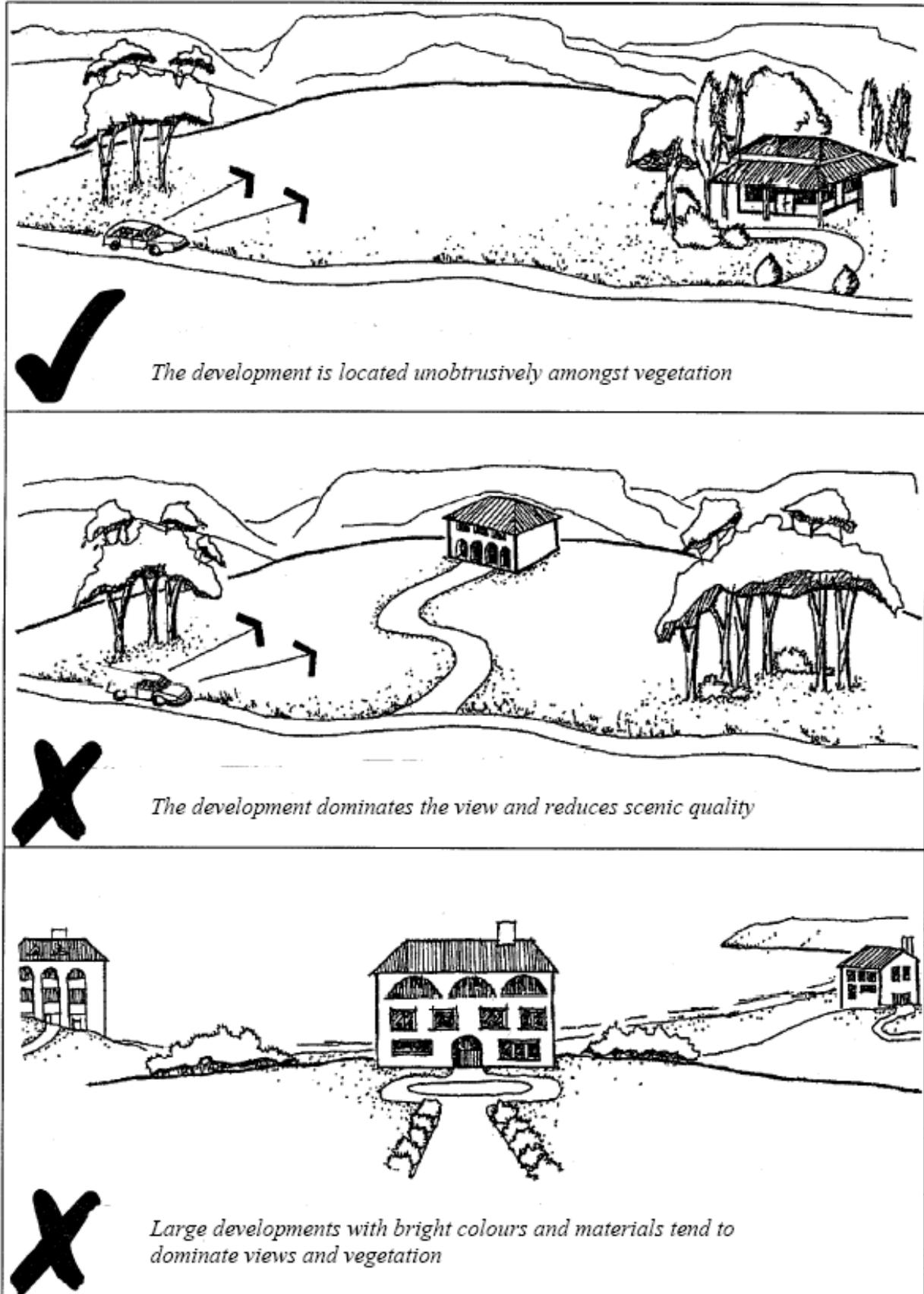


Figure 1: Impact of Buildings on Landscape

2.2 Setbacks

Intent:

- 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
Boundary setbacks for lots <5000m² and ≥2500m² or with a minimum lot size in that range	
P1 Setbacks are consistent with the prevailing setbacks in the area.	A1 All buildings and structures, including sheds and rainwater tanks, must be setback a minimum of: <ul style="list-style-type: none"> – 5m from the side and rear boundaries; and – 7m from the front boundary; or – 30m from the front boundary where the boundary is to an unsealed public road or a private road on a Right of Way benefitting another lot.
Boundary setbacks for lots <2500m² or with a minimum lot size in that range	
Front boundary setback	
P2 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.	A2.1 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. A2.2 Neighbourhood shops must be setback a minimum of 3 metres from the road frontage. A2.3 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. A2.4 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	
P3 Buildings are setback to reduce overbearing and perceptions of building	A3 The minimum setback to a side boundary is:

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Performance Criteria	Acceptable Solution
<p>bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.</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) 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>P4 The impact of rooftop terraces on the privacy and amenity of adjoining residential land is minimised.</p>	<p>A4 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>P5 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>A5.1 The minimum setback to the secondary street frontage side boundary is 3m.</p> <p>A5.2 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>

Performance Criteria	Acceptable Solution
	<p>A5.3 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>
Rear boundary setback	
<p>P6 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>A6.1 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>A6.2 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 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>P7 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>A7.1 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>A7.2 A minimum ‘front’ boundary setback of 450mm applies to all:</p>

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Performance Criteria	Acceptable Solution
	<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>P8 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>A8.1 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 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.</p> <p>A8.3 Where development is proposed on land that contains or is in close proximity to a cliff, even where there is no foreshore reserve:</p>

Performance Criteria	Acceptable Solution
	<ul style="list-style-type: none"> – for infill development, the minimum setback for any building or any other structures from the top of the bank of the cliff must be no less than the average setback of the adjoining lawfully erected buildings; and – where a building line has not been established, the minimum setback for any building and all other structures from the top of the bank of the cliff must be 12m. <p>See Figure 2.</p>
Boundary setback for Lots 1-6 in DP708709, Congo Rd, Congo	
P9 Setbacks are consistent with the existing setbacks in the area and preserve the natural and scenic values of the area.	A9 Minimum front boundary setbacks must be in accordance with those shown on Map 9 on Schedule 3 – Maps of this Plan.
P10 Development is not visible from the adjoining beachfront and preserves the natural and scenic values of the escarpment.	A10 Minimum rear boundary setbacks must be in accordance with those shown on Map 9 on Schedule 3 – Maps of this Plan.

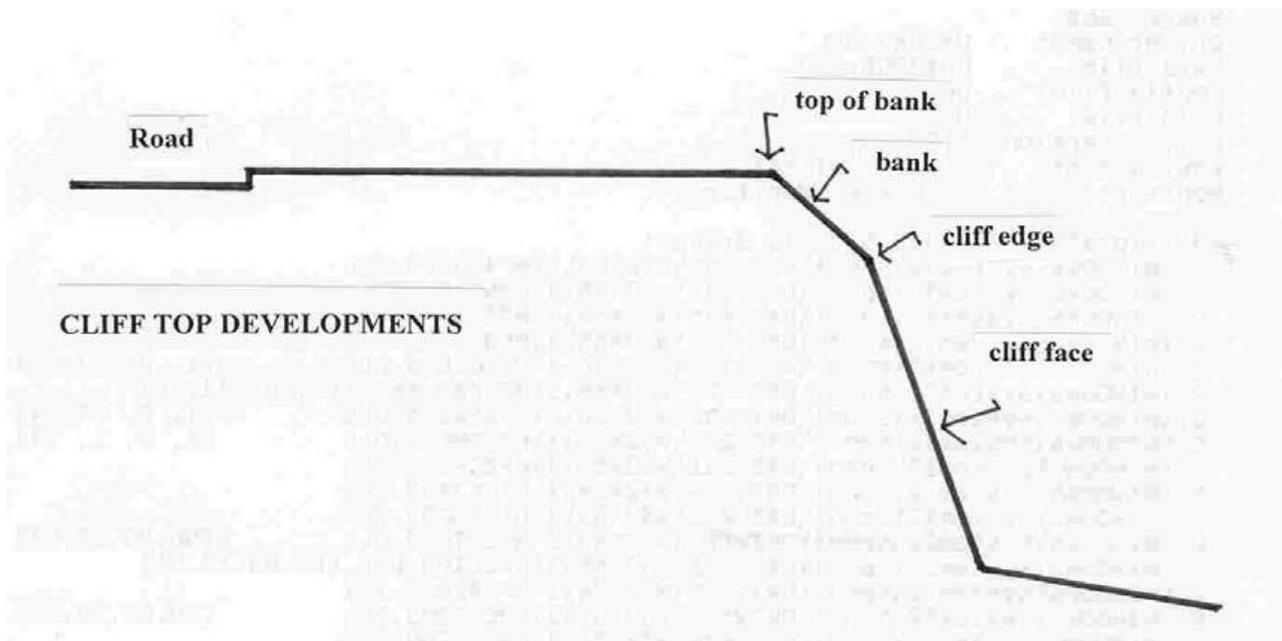


Figure 2: Cliff Top Developments

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 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 3.</p>	<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>
<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>on lots:</p> <ul style="list-style-type: none"> • $\leq 1500\text{m}^2$ or where a minimum lot size in that range applies, must not be greater than 60m^2. • $> 1500\text{m}^2$ or where a minimum lot size in that range applies, must not be greater than 100m^2. <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 3: 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	
<p>P1 Private open space is designed and located to:</p> <ul style="list-style-type: none"> – enhance residential amenity; 	<p>A1.1 Each dwelling must be provided with a minimum of 24m² of private open space at ground level and/or above ground level which must:</p> <ul style="list-style-type: none"> – not be steeper than 1 in 50 in grade;

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Performance Criteria	Acceptable Solution
<ul style="list-style-type: none"> – be functional for private recreational activities; – allow for landscape design; – optimise solar access; and – increase visual privacy, <p>to promote the enjoyment of outdoor living by residents.</p>	<ul style="list-style-type: none"> – 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; and – 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	
<p>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>	<p>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;</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	
<p>P3.1 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> <p>P3.2 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 	<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); <p>or</p> <p>a minimum balcony area of 10m² and minimum dimension of 2m (greater area and dimension is encouraged where practical) if at above ground level</p>

Performance Criteria	Acceptable Solution
<p>400m walking may be taken into account in considering a reduction in the provision of communal open space.</p>	<p>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; <p>For example, 8 units each with balconies of 10m². The communal open space requirement is:</p> $8 \times (24 - 10) = 8 \times 14$ $= 112\text{m}^2$ <ul style="list-style-type: none"> – 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.

2.5 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 [Landscaping Code](#).

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

Performance Criteria	Acceptable Solution
<p>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>	<p>A3 The minimum landscaped area of the site must consist of:</p> <ul style="list-style-type: none"> • on land zoned R2, <ul style="list-style-type: none"> • 35% of the site area used for residential development, including; • 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 style="color: red;">For small lot dual occupancy development (on lots less than 550m² in size), 20% of the site area used for residential development, including 50% of the front setback.</p> <ul style="list-style-type: none"> • on land zoned R3, <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 • on land zoned E4 and R5, <ul style="list-style-type: none"> – 45% of the site area for residential development, including; – 50% of the front setback

Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1.0m.

2.6 Parking and Access

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
<p>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.</p>	<p>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 Parking and Access Code.</p>
<p>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.</p>	<p>A2 All development must comply with the Parking and Access Code.</p>
<p>P3 Access is located and designed to minimise adverse visual and environmental impact. Refer to Figure 4</p>	<p>A3 Driveways and other internal roads must follow natural contours where possible. Avoid unreasonably steep and visually intrusive driveways.</p>
<p>P4 Where part of a tourist development, car accommodation is designed to discourage illegal permanent occupancy.</p>	<p>A4.1 Car accommodation for tourist developments must be uncovered or open carport only. A4.2 Tourist development and the manager's residence must share a single point of access.</p>

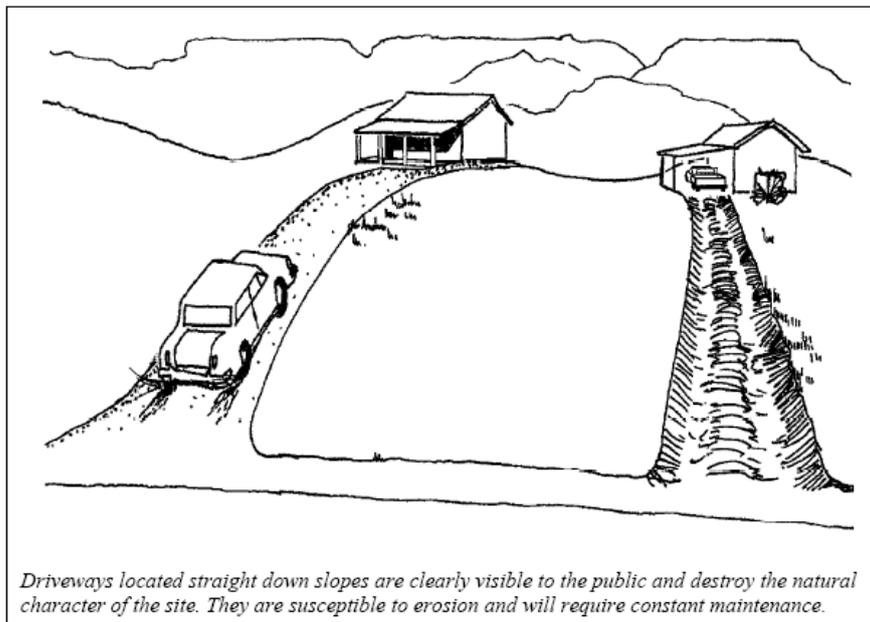
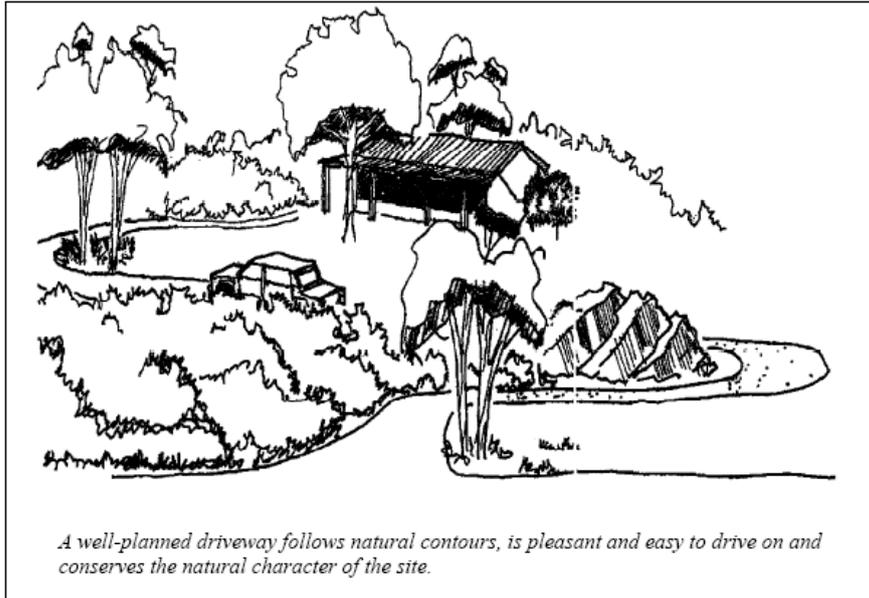


Figure 4: Impact of Driveways on Landscape

2.7 Signage

Intent:

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

Development Control:

A1 All development must comply with the [Signage Code](#) and where relevant, the [State Environmental Planning Policy \(Industry and Employment\) 2021](#).

2.8 Views

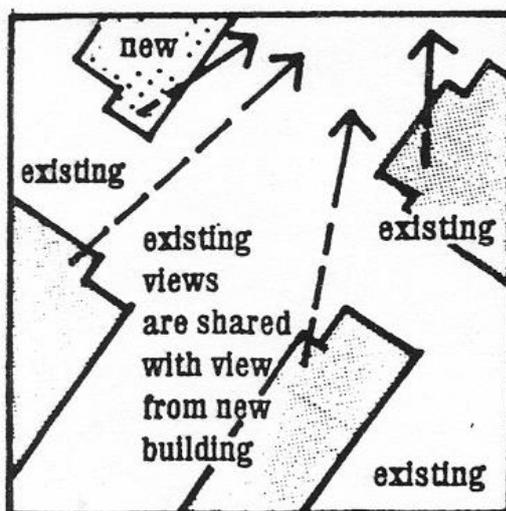
Intent:

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

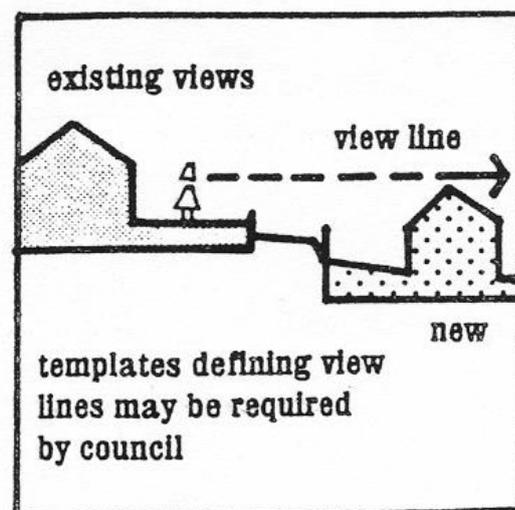
Development Controls:

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 5.</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 5.</p>

View sharing



View levels from vantages



Consider views of others when designing new development

Figure 5. View Sharing Principles

2.9 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
<p>P1 Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety.</p>	<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 Safer By Design Code</p>

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:

Performance Criteria	Acceptable Solution
<p>P1 Lot sizes and proportions maintain a consistent pattern within the area.</p>	<p>A1 New subdivision must not result in the creation of lots 1200m² or less in area that have side to front boundary proportions greater than 2.5:1.</p>
<p>P2.1 Lots zoned R2 include a site capable of accommodating a dwelling of a reasonable size.</p> <p>P2.2 Lots zoned R3 include a site capable of accommodating a dual occupancy of a reasonable size.</p> <p>P2.3 Large lots zoned E4 and R5 include a site capable of accommodating a dual occupancy of a reasonable size.</p> <p>P2.4 Site characteristics, particularly slope, will determine whether the building envelope can be achieved and therefore the feasibility of subdividing to the minimum lot size.</p>	<p>A2 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.</p>

Note: The acceptable solutions in this section do not apply to the subdivision of a dual occupancy development on a lot less than 550m² in size.

3.2 Subdivision and development of certain land at Broulee

Note: This section applies to the land identified in Map 10 in Schedule 3 - Maps of this Plan in addition to all other relevant provisions of this Plan.

Intent:

- To ensure that development of land at Broulee is consistent with the Broulee Biocertification Strategy and provides for a diversity of housing opportunities.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 Development of the subject land is designed to be generally consistent with Schedule 4 - Broulee Concept Plan of this Plan.</p>	<p>A1 The subdivision layout and road network shall include, for the full length of the conservation corridor along George Bass Drive and Broulee Road, one or a combination of the following:</p> <ul style="list-style-type: none"> – A perimeter road – A shared cycle/pathway – Open car parking areas <p>to ensure adequate separation, including an asset protection zone, between residential development and the conservation area for bushfire protection and to minimise environmental impacts.</p>

3.3 Subdivision of Bush Fire Prone Land

Intent

To ensure the subdivision of bush fire prone land can comply with Planning for Bushfire Protection 2019.

Development Control

A1 Proposals for the subdivision of bushfire prone land must comply with the requirements of Planning for Bushfire Protection 2019. Details demonstrating that any existing or proposed dwellings on the subject land can comply with Planning for Bushfire Protection 2019 must be submitted with the development application.

Note: Proposals for the subdivision of land that has a direct interface to bushfire hazard vegetation may be unable to comply with the requirements of Planning for Bushfire Protection 2019. In particular, existing dwellings on the subject land may not meet the current requirement of Planning for Bushfire Protection in relation to construction standards and asset protection zones. In these circumstances, the development application for subdivision is unlikely to be approved.

4.0 BUILT FORM

4.1 Building Bulk & Scale

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
P1 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.	A1 On sloping sites, buildings must step down the block. Refer to Figure 6.

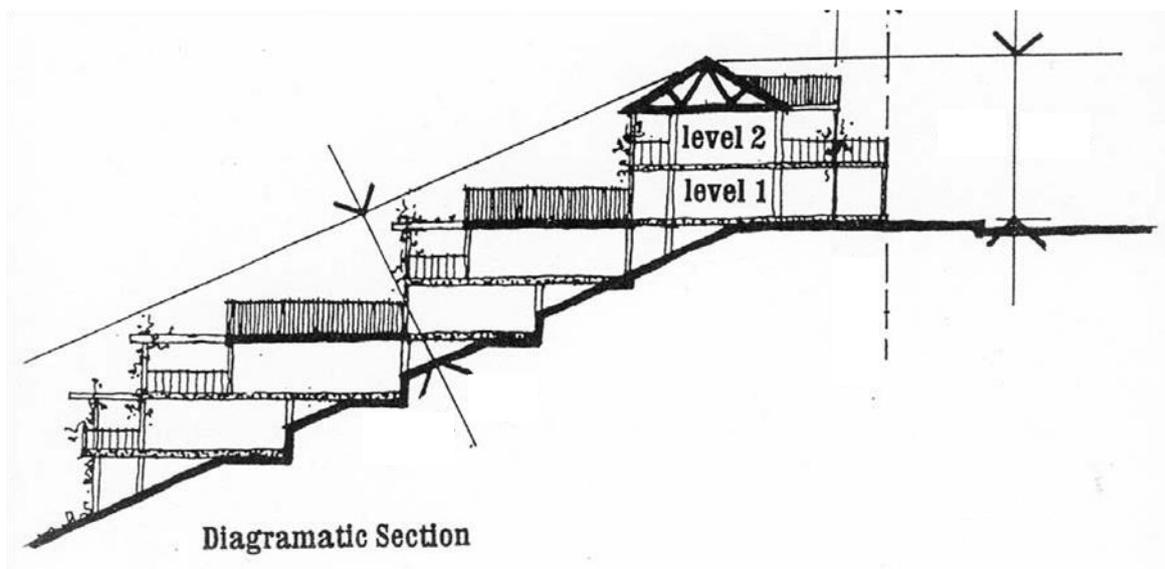


Figure 6: Development on Sloping Sites

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
<p>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>	<p>A1.1 Development must be orientated toward the street with front entrances visible from the street 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>
<p>P2 Retail and commercial uses are designed to provide active shop fronts to the street.</p>	<p>A2 Retail and commercial uses at ground level must have their entrance directly from the main street frontage.</p>
<p>P3 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.</p>	<p>A3.1 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>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 – large windows and doors to the street frontages. <p>A3.3 Buildings must not present blank facades to streets or public spaces within 50m.</p>

4.3 Style and Visual Amenity

Intent:

- To ensure development contributes positively to the local area.

Note: For land within the suburbs of Moruya and Moruya Heads as shown on Council’s Suburbs Maps, refer to the [Moruya Residential Style Guide](#).

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1.1 The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment.</p> <p>P1.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.</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>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 are still applicable.</p>
<p>P3 Attached dual occupancy is designed to have the appearance of a single dwelling and using matching building materials, colours and design elements, for example, roof pitch, gables, etc.</p>	<p>A3 Attached dual occupancy development must be designed so that the 2 dwellings are:</p> <ul style="list-style-type: none"> (a) Attached by a garage, carport or common roof or attached by a covered walkway no longer than 6m, to give the appearance of a single dwelling; and (b) Designed to create a harmonious building by the use of matching building materials, colours and design elements, for example, roof pitch, gables, etc.

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** Zinalume 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

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 The design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.</p>	<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>
<p>P2 The form, extent and materials of fencing are designed to minimise visual impact.</p>	<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;

Performance Criteria	Acceptable Solution
	<ul style="list-style-type: none"> – 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> .

4.7 Small Lot Housing Development

Intent

- To ensure small lot housing developments provide an appropriate level of amenity for occupants.

Development Controls:

A1 Small lot housing development must be designed taking into consideration the design guidelines in the Department of Planning and Environment's Low Rise Housing Diversity Design Guide. In particular, the following sections of the Guide must be complied with:

- Section 3I - Natural Ventilation
- Section 3J - Ceiling Height
- Section 3K - Dwelling Size and Layout
- Section 3M - Storage
- Section 3X - Universal Design

Small lot housing development means:

- dual occupancy development on lots less than 550m² in size

26 development proposed under clause 4.1C of the Eurobodalla Local Environmental Plan 2012.

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 7). 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 8).</p> <p>Note: As shown in Figure 7, visual privacy between balconies must also be factored in the design and layout of developments, with suitable screening provided where balconies are within 9m.</p>

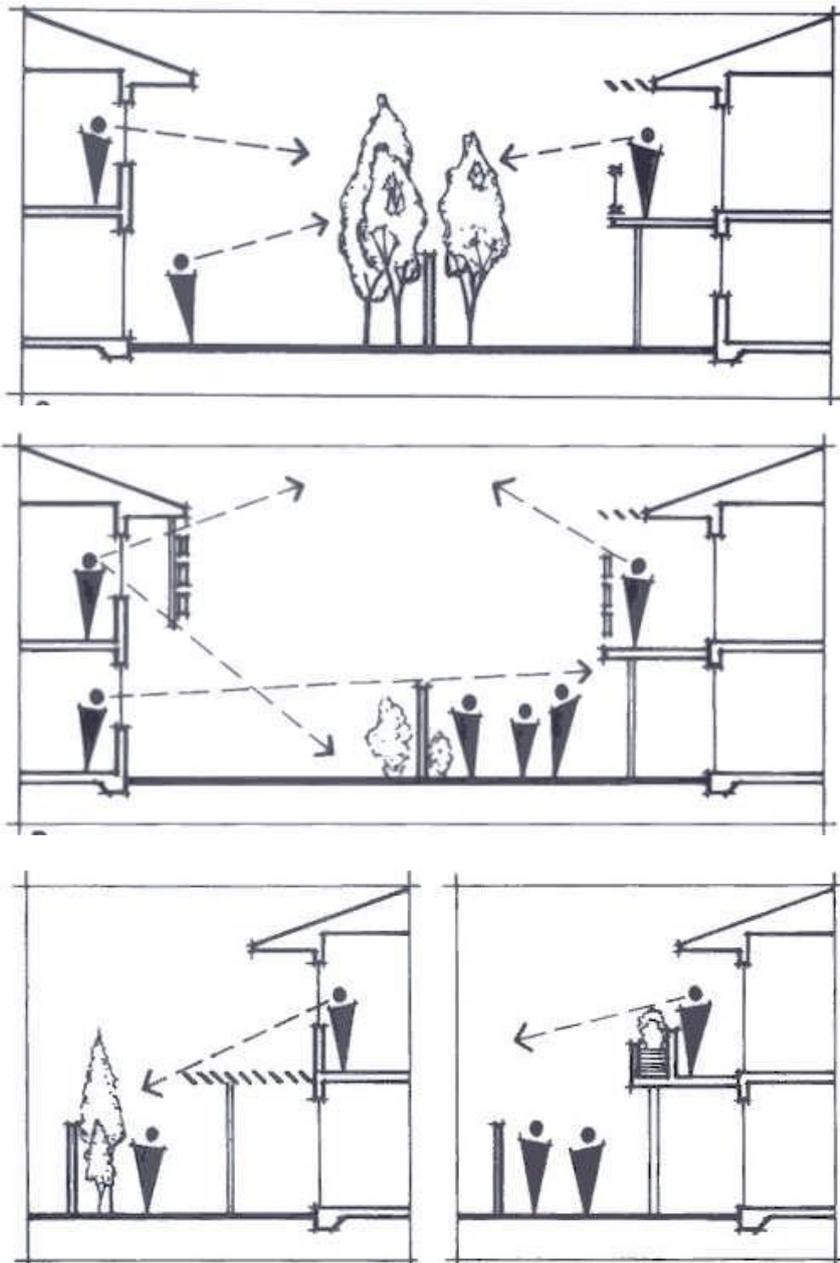


Figure 7: Acceptable Privacy Measures

RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN

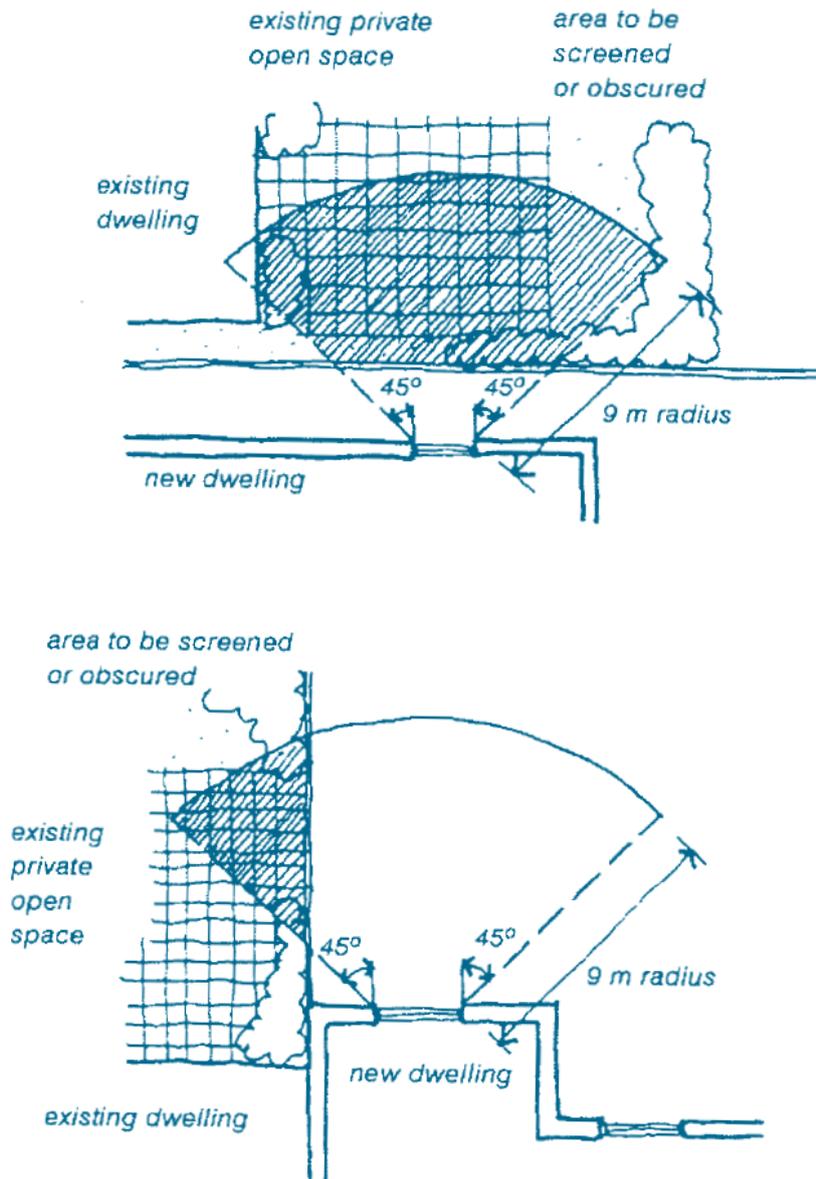


Figure 8: Screening Views to Adjacent Private Open Spaces

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</p>

Performance Criteria	Acceptable Solution
	possible) to a fixed minimum area of 10m ² , capable of accommodating solar panels.

6.0 SITE CONSIDERATIONS

6.1 Flood, Ocean Influences and Climate Change

Intent:

- To further the objectives of clauses 5.5 and 6.5 of [LEP 2012](#).

Development Control:

- A1** All development within the area to which the [Moruya Floodplain Code](#) applies must comply with that Code.

6.2 Tree Preservation

Intent:

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

Development Controls:

- A1** All development on land to which the [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#) applies must comply with that policy.
- A2** Clearing of vegetation that is not likely to significantly affect threatened species must comply with the Eurobodalla [Tree Preservation Code](#). Clause 7.2 of the [Biodiversity Conservation Act 2016](#), describes when an activity is likely to significantly affect threatened species which includes:
- If it is found to be likely to significantly affect threatened species according to the test in Section 7.3 of the [Biodiversity Conservation Act 2016](#);
 - If the area of clearing exceeds the threshold described in Clause 7.2 of the [Biodiversity Conservation Act 2016](#); or
 - If the clearing is of native vegetation on land included on the [Biodiversity Values Map](#).

6.3 Biodiversity

Intent:

- To maintain terrestrial and aquatic biodiversity, including the following:
 - (a) protecting native fauna and flora,
 - (b) protecting the ecological processes necessary for their continued existence,
 - (c) encouraging the recovery of native fauna and flora and their habitats,
 - (d) maximising connectivity, and minimising fragmentation, of habitat.

Development Controls:

A1 Before determining a development application for development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), the consent authority must consider any adverse impact of the proposed development on the following:

- (a) native ecological communities,
- (b) the habitat of any threatened species, populations or ecological community,
- (c) regionally significant species of fauna and flora or habitat,
- (d) habitat elements providing connectivity.

A2 Development consent must not be granted to development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
- (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.4 Retention of habitat features on certain land at Broulee

Note: This section applies to the land identified in Map 10 in Schedule 3 – Maps – Maps of this Plan in addition to all other relevant provisions of this Plan.

Intent:

- To ensure that development of land at Broulee is consistent with the Broulee Biodiversity Certification Strategy and facilitates, where possible the retention of habitat trees.

Development Control:

P1 Within the development area there is no requirement to retain existing habitat features. However, in designing subdivision layouts and medium density developments, Council encourages, where possible and feasible, the retention of some habitat features, including hollow bearing trees.

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 Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design & D7 Erosion Control and Stormwater Management; and – the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists.

7.4 Water, sewer and stormwater management on certain land at Broulee

Note: This section applies to the land identified in Map 10 in [Schedule 3 - Maps](#) of this Plan in addition to all other relevant provisions of this Plan.

Intent:

- To ensure a coordinated approach to water, sewer and stormwater management across the subject land.

Development Control:

Performance Criteria	Acceptable Solution
P1 Development of the subject land is consistent with detailed master plans endorsed by Council that address water and sewer reticulation and stormwater management.	A1 Stormwater flows shall be managed to avoid detrimental impacts on the E2 zoned area and stormwater detention basins shall not be located within the E2 zoned area.

7.5 Waste Management

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
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.	A1 All development must comply with the Site Waste Minimisation and Management Code .

8.0 SCHEDULES

1. Amendments

Amendment No. 1: Addition of provisions relating to certain land at Broulee (Sections 3.2, 6.3, 7.4, Map 10 and Schedule 4 - Broulee Concept Plan).

Amendment No. 2: Updates to the land to which this DCP applies and Section 6.2 - Tree Preservation to align with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

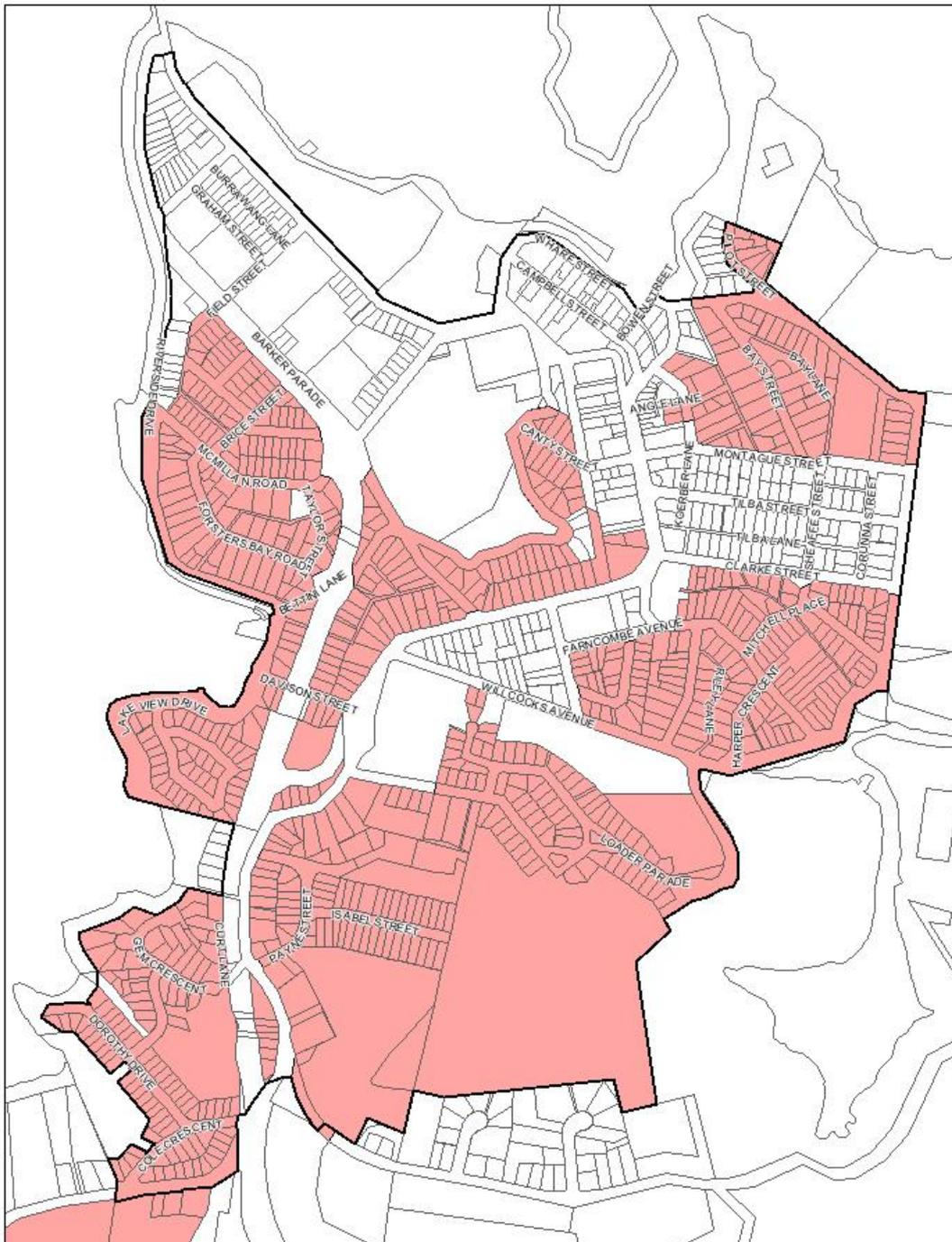
Amendment No. 3: Addition of Section 6.3 Biodiversity and removal of the application of [11/10/2019] this plan for the purposes of Section 6.2 Tree Preservation to land to which the Rural, R5 Large Lot Residential and E4 Environmental Living DCP applies.

2. Codes Applicable To This Plan

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

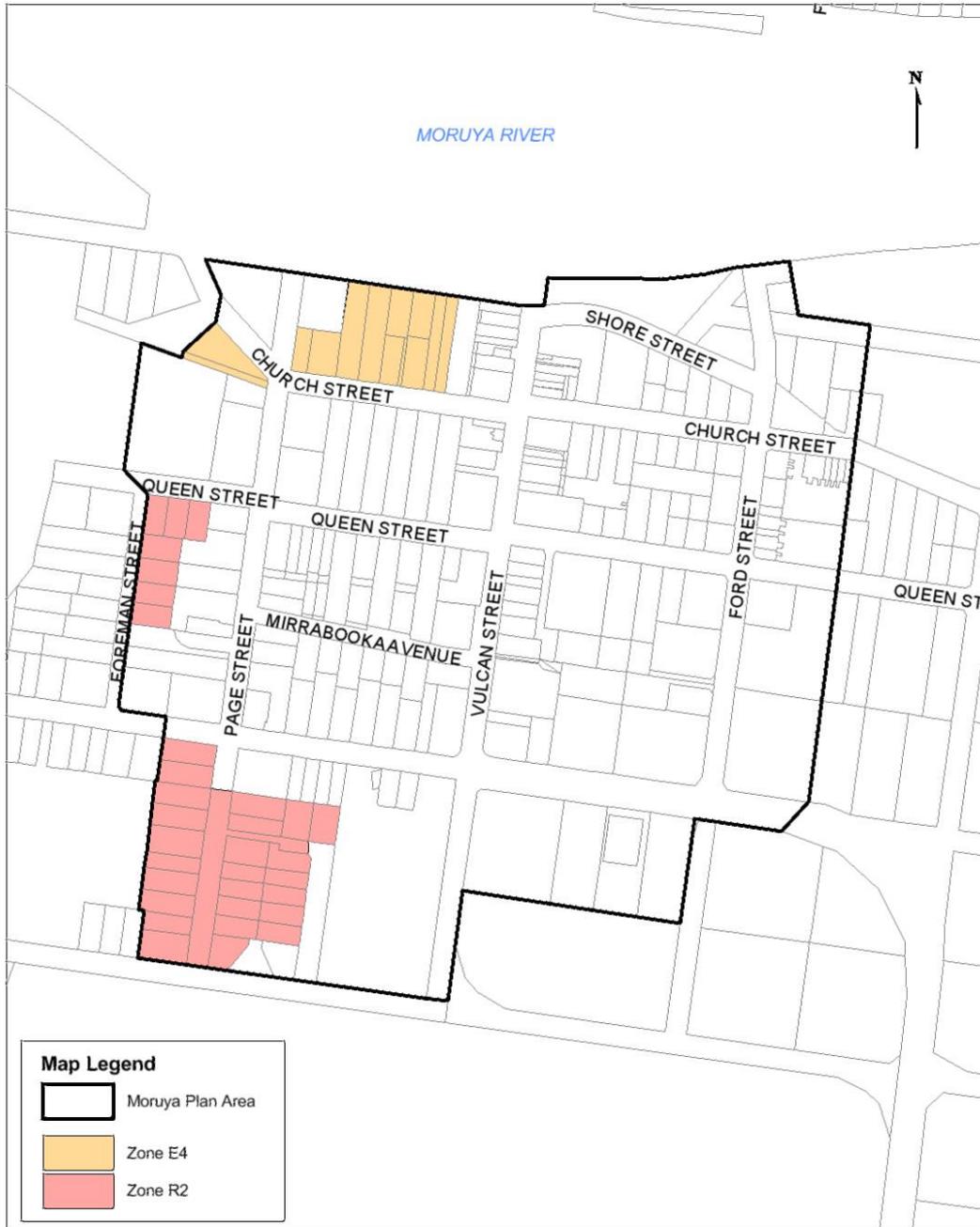
3. Maps

Schedule 3 contains the maps for the three isolated R3 areas, the Greenfield sites and the residential areas covered by the Moruya and Narooma DCPs (therefore excluded from this DCP).

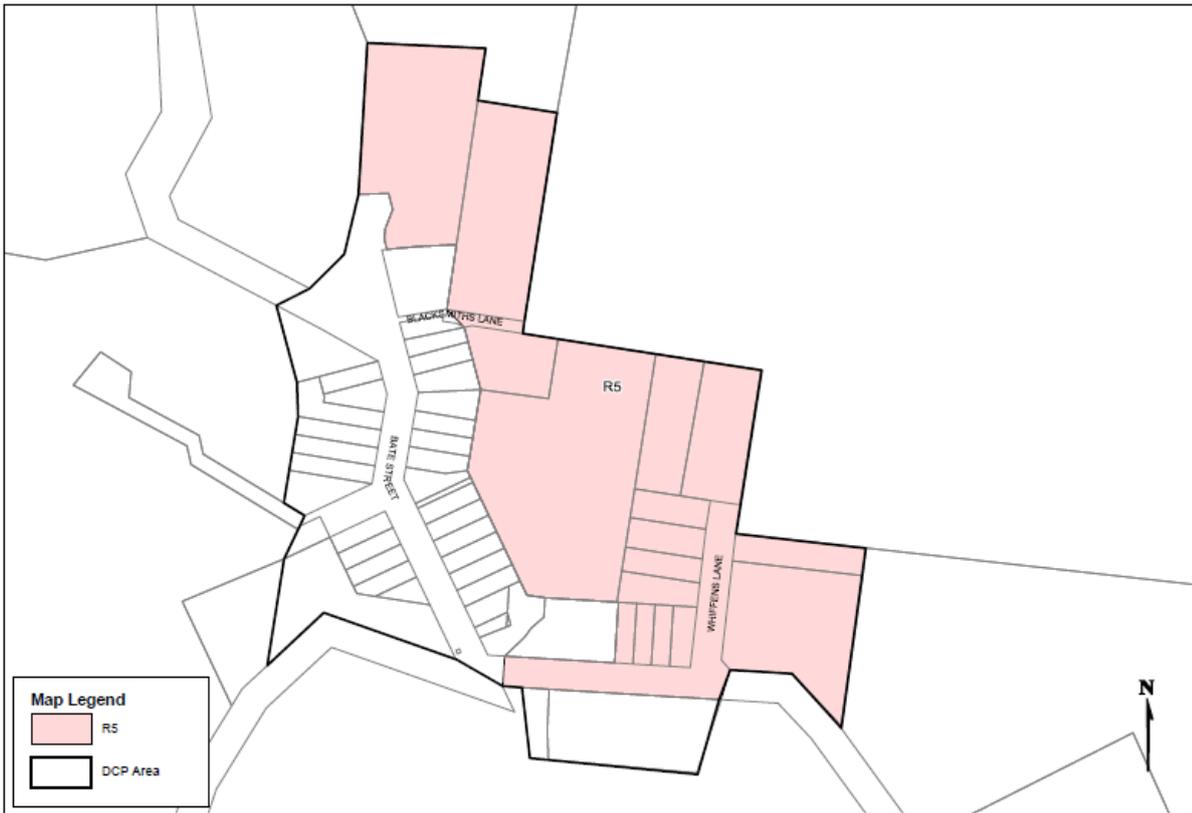


Map 1 - Narooma R2 excluded from this plan

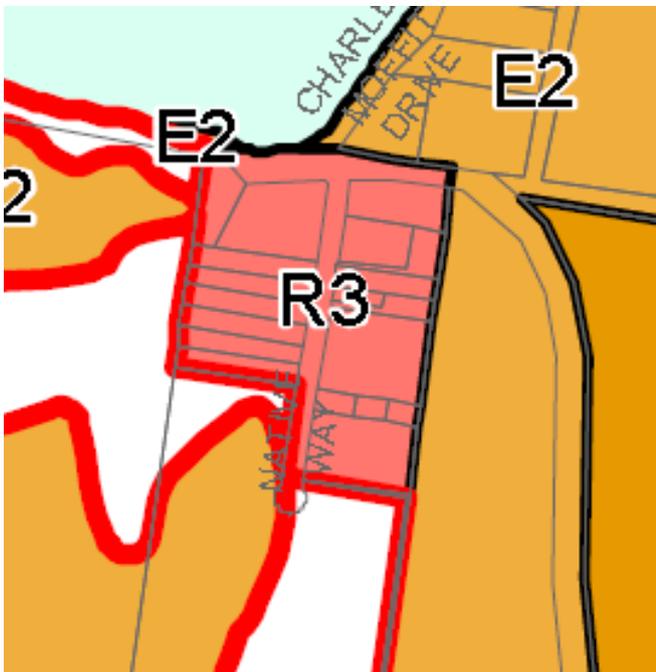
RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN



Map 2 - Moruya R2 and E4 excluded from this plan

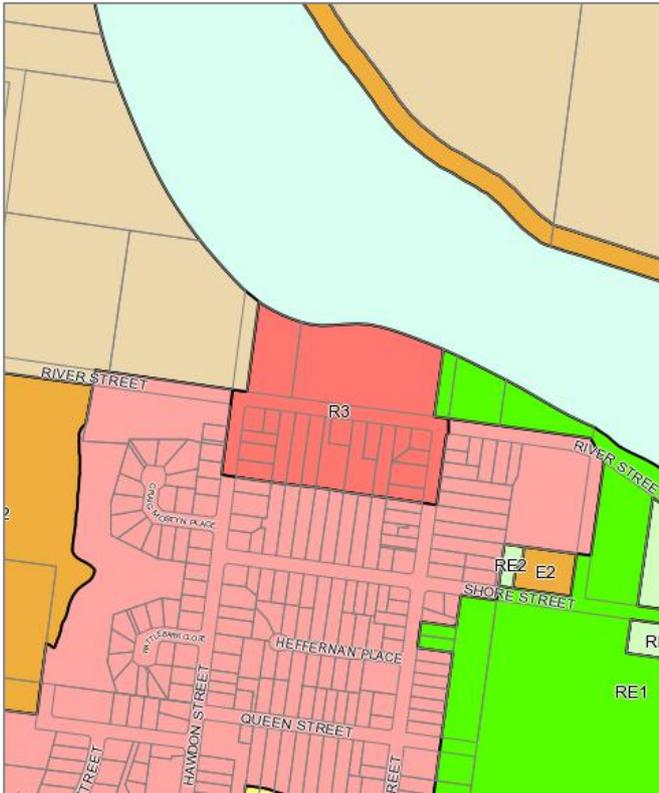


Map 3 - Tilba R5 excluded from this plan

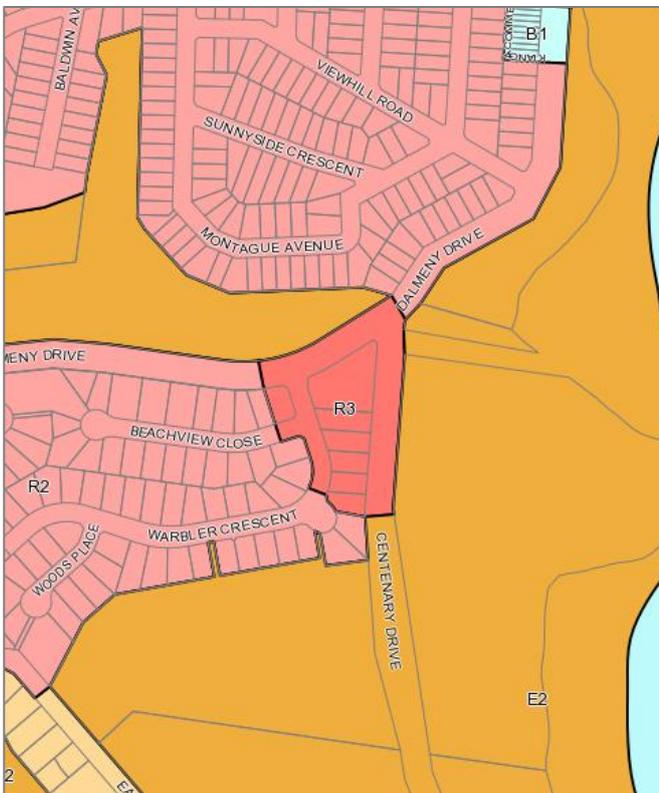


Map 4 - Native Way R3 – Moruya Heads

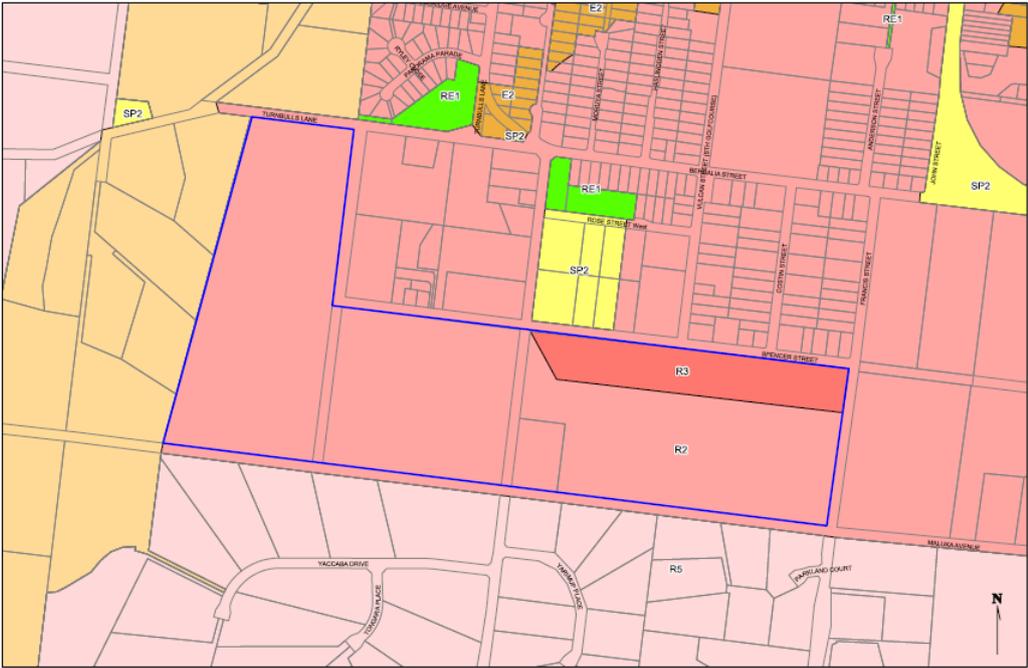
RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN



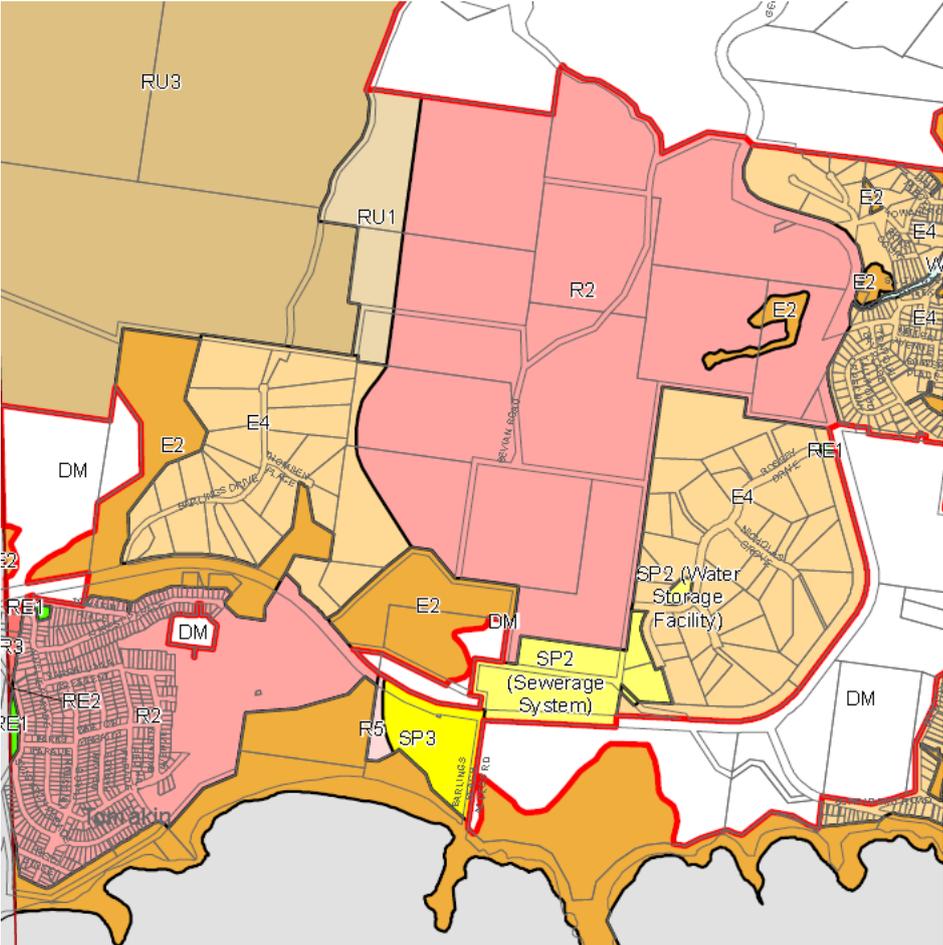
Map 5 - River St R3 – Moruya near Moruya Hospital



Map 6 - Warbler Crescent R3 – Kianga

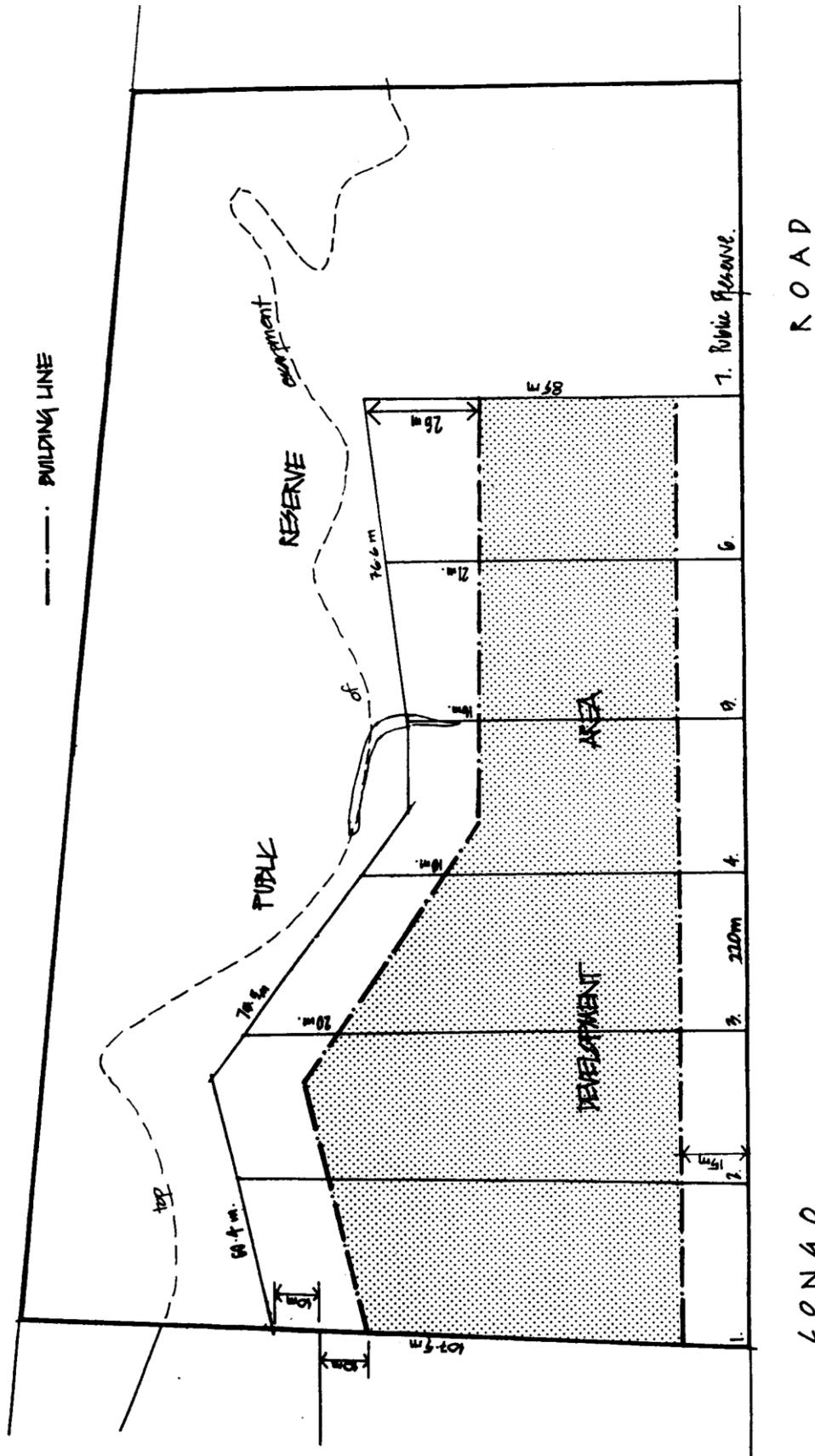


Map 7 - The Brae

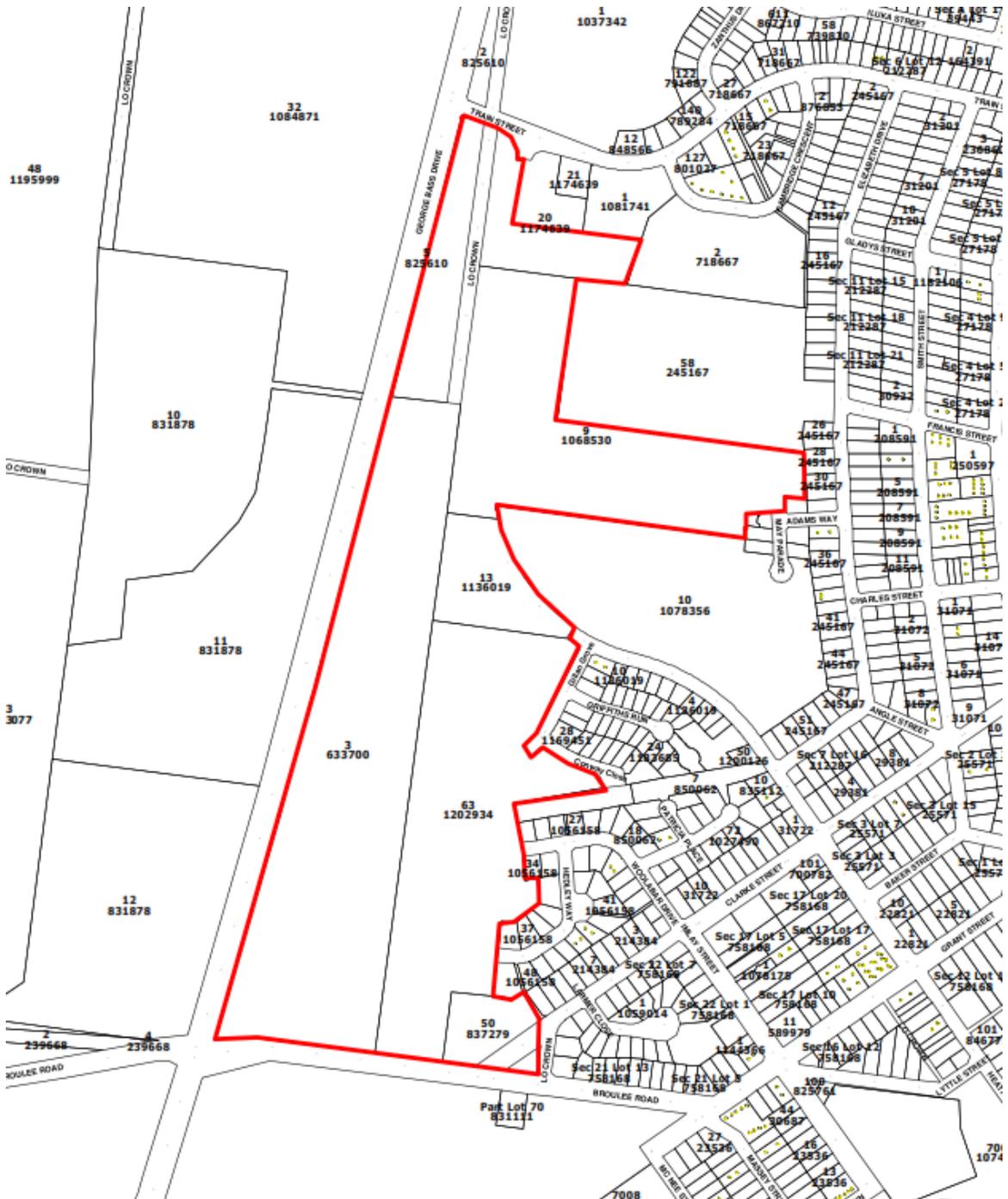


Map 8 – Tomakin, Barlings Beach, Rosedale, Marsim

RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN



Map 9. Congo Setbacks

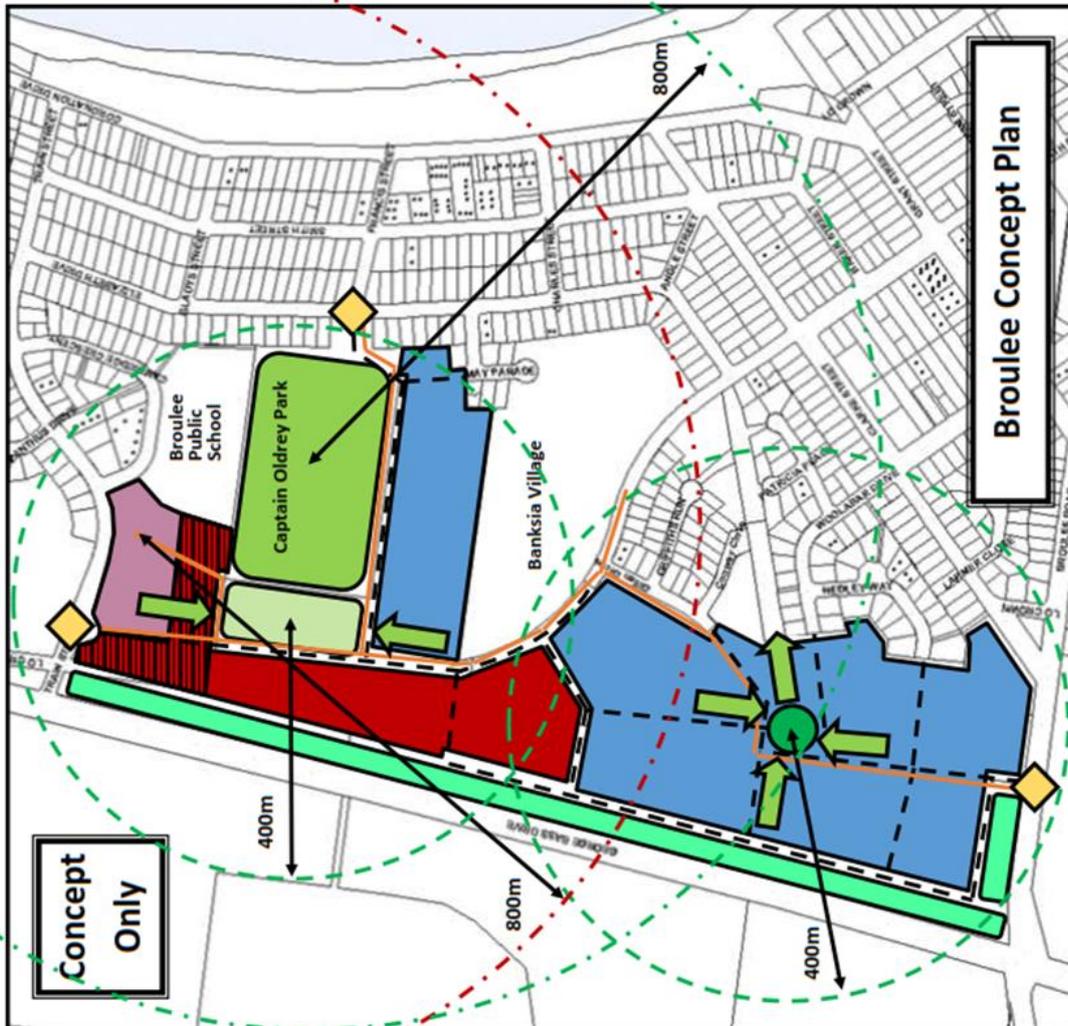


Map 10. Broulee Development Area

4. Broulee Concept Plan

LEGEND

- Road Network
- Pedestrian/Cycle/Bus network
- Existing Low Density (R2 Zone)
- Existing Medium Density (R3 Zone)
- Proposed Medium Density (R3 Zone)
- Existing Commercial Area (B2 Zone)
- Existing Regional Open Space
- Local Open Space / Stormwater Detention
- Expansion of Captain Oldrey Park / Stormwater Detention
- Biodiversity Conservation Area
- Conceptual Stormwater Drainage
- Key Intersections



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