# Mogo Village Commercial Centre



## DEVELOPMENT CONTROL PLAN

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# Contents

# 1 INTRODUCTION

## 1.1 Name

This Plan is called Mogo Village Commercial Centre 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 [DATE] and came into operation on [DATE].

## 1.3 Aim

This Plan supports the aims of the *Eurobodalla Local Environmental Plan 2012* (ELEP 2012) and the objectives for the B2 zones as stated in the ELEP 2012.

This Plan also aims to achieve the following in relation to the Mogo Village Commercial Centre:

a) Support the economic development of Mogo
b) Encourage Mogo as a unique tourist and commercial centre
c) Encourage development that respects the historic character of the village
d) Improve pedestrian safety and access
e) Minimise risk to life and property damage by flooding

This Plan also aims to further the objectives for Neighbourhood Centres identified in the Eurobodalla Settlement Strategy.

Objectives for the Neighbourhood Centres are to:

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

## 1.4 Land to which this Plan applies

The Plan applies to land in Mogo as shown edged heavy black and hatched as shown in Map No. 1 in Schedule 1 – Maps in this Plan. This land is zoned B2 Local Centre by the *Eurobodalla Local Environmental Plan 2012*.

## 1.5 Relationship to Other Plans and Legislation

This Plan supports the ELEP 2012 and provides guidance for applicants to achieve the aims and objectives of the ELEP 2012 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 4.13 of the EP&A Act.

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

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

## 1.6 How to Use This Plan

This Plan is to be read in conjunction with the ELEP 2012, and other relevant environmental planning instruments made under the *Environmental Planning and Assessment Act 1979*. This Plan provides detailed guidance for developers to achieve the aims and objectives of the ELEP 2012 in relation to development within the Mogo Village Commercial Centre.

The ELEP 2012 provides the legal framework by which Council's decisions are made and sets out Council's objectives for development within the shire. It lists objectives, permissible uses and development standards for each zone, accompanied by maps to define areas where the controls apply. In addition, the Eurobodalla Settlement Strategy and the various structure plans also provide a broader vision for the future of the Eurobodalla.

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

### The Development Controls

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

The controls are generally expressed as Acceptable Solutions and/or Performance Criteria. The acceptable solutions provide a simple measure by which a development may achieve the intent of a particular element of development control (deemed to comply). The

performance criteria allow for flexibility and innovation for developers and designers who wish to depart from the listed acceptable solutions (merit assessment). The intent of the control and the aims of 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.

## 1.7 Heritage Advisory Service

People planning development within the Mogo Village Commercial Centre are encouraged to consult with Council's Heritage Advisor prior to developing and submitting their plans. This is a free service and an appointment may be made by contacting Council on 02 4474 1226.

## 1.8 Definitions

Other than those listed below, terms in this Plan have meanings found in the ELEP 2012 that applies to the subject land.

**This Plan** means Mogo Village Commercial Centre Development Control Plan.

**Australian Height Datum (AHD)** means the common national surface level datum approximately corresponding to mean sea level.

**Annual Exceedance Probability (AEP)** means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage eg if a peak flood discharge of 500$m^3$/s has an AEP of 5%, it means that there is a 5% chance (that is a one-in-20 chance) of a 500$m^3$/s or larger events occurring in any one year.

**Flood planning level** means the combinations of flood levels and freeboards selected for floodplain risk management purposes.

## 1.9 Desired Outcomes and Area Characteristics

The appeal and attraction of Mogo as a tourist destination is underpinned by:

- The historic nature of some buildings that provide good examples of the original 19th Century vernacular on the Princes Highway.
- The variety of commercial premises including local arts and crafts, refreshment rooms, bric-a-brac, nurseries, galleries and other retail businesses.
- The interesting and distinctive character of the commercial centre.

Development will contribute to the diversity of commercial premises, the historic, interesting and distinctive character of Mogo and provide a safe and pleasant pedestrian environment for residents and visitors to explore the village.

Existing heritage buildings will be maintained and restored. Good examples of the original 19th Century vernacular are listed in Table 1 and are heritage items in the ELEP 2012. Buildings are single storey, simple or compound box forms with hip or gable roofs. External

materials are roughsawn weatherboard and corrugated iron. Windows are double-hung and of vertical orientation. Buildings have a verandah lean-to along the street façade supported by evenly spaced timber columns with minimal setback from the footpath.

Some new buildings closely resemble the original building stock, while others that are more loosely modelled on historic buildings are nevertheless sympathetic to the historic character (refer to examples in Table 2). This historic style contributes to Mogo's charm and strengthens the appeal and attraction of Mogo as a tourist destination.

Larger setbacks for new development encourages the prominence of adjacent heritage listed buildings that have minimal setbacks. The setback of new buildings is generally used for on-site parking however if sufficient parking was provided elsewhere in the future (eg on street and in Charles Street carpark) the existing on-site parking areas in front of buildings could be made into informal gardens, courtyards and seating which would further enhance the historic character of the village.

Important attributes of the Mogo Village Commercial Centre include:

- Buildings and structures of individual heritage significance.
- The Mogo Village Commercial Centre as a whole, to ensure the character and prominence of heritage buildings is enhanced.
- Built form elements that contribute to historic character.
- Landscaping that enhances the historic character and provides a uniquely vegetated commercial centre streetscape.

**Table 1: Examples of original building stock.**

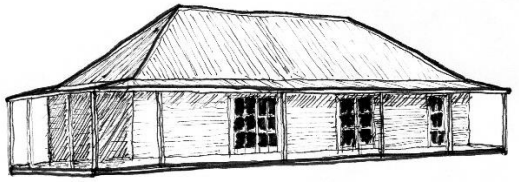
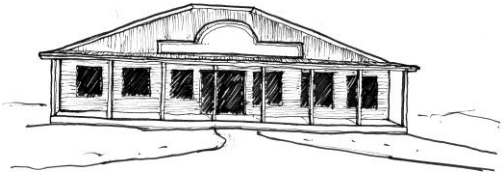
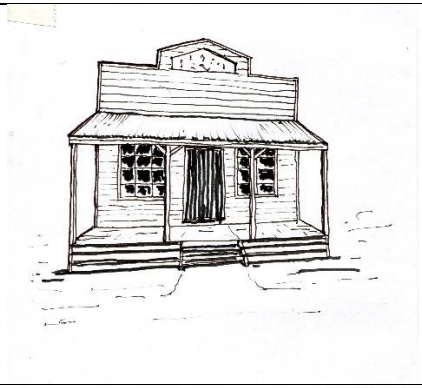
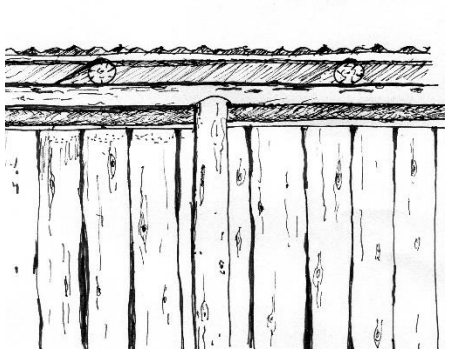
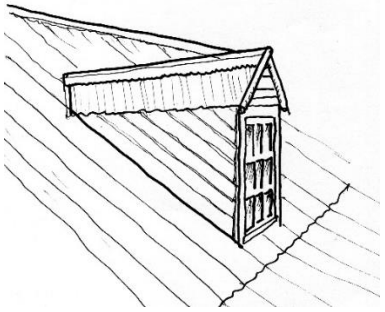
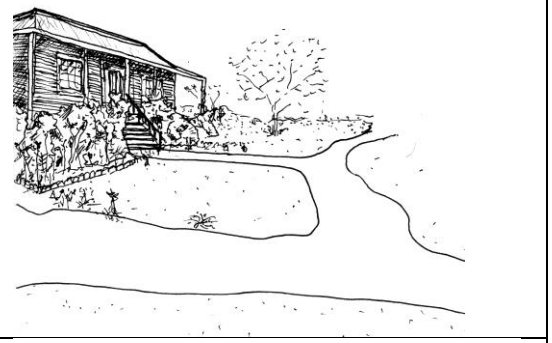
| Lot/DP | Street address | Description | Figure |
|---|---|---|---|
| Lot 45 DP 771699 | 25 Sydney Street | Residence and Shop<br>Compound box form with roof gable facing street |  |
| Lot 581 DP 740411 | 37 Sydney Street | Cottage<br>Simple box form with hip roof |  |
| Lot 761 DP 807011 | 34-36 Sydney Street | Former Inn, Residence and Post Office<br>Compound box form |  |
| Lot 1 Section 6 DP 758688 | 42 Sydney Street | Former Digger's Store<br>Simple box form |  |
| Lot 2 Section 6 DP 758688 | 44 Sydney Street | Former Inn and Post Office<br>Simple and compound box form |  |

**Table 2: Examples of recent building stock that is modelled on original building stock or sympathetic to the historic character**

| Feature that is sympathetic to historic character | Example of recent building stock with feature | | |
|---|---|---|---|
| | Lot/DP | Street address | Figure |
| Hip roof | Lot 6 Sec 4 DP7588688 | 29 Sydney Street |  |
| Skillion- roofed verandah along the street façade supported by evenly spaced timber columns | Lot 45 DP771699 | 25 Sydney Street |  |
| Compound box form with gable roof. Gable ends facing the street. | SP58411 | 1/21 Sydney Street |  |

| Feature that is sympathetic to historic character | Example of recent building stock with feature | | |
|---|---|---|---|
| | Lot/DP | Street address | Figure |
| Windows are vertical orientation | SP58411 | 1/21 Sydney Street |  |
| External materials visible from front façade include rough sawn timber and corrugated iron | Lot 1 DP124926 | 17-19 Sydney Street |  |
| Mezzanine space under roof pitch with traditional style dormer windows | Lot 8 Sec 1 DP758688 | 15 Sydney Street |  |

| Feature that is sympathetic to historic character | Example of recent building stock with feature | | |
|---|---|---|---|
| | Lot/DP | Street address | Figure |
| Landscaping creates pleasant and useful spaces. Semi-domestic style landscaping eg lawns | Lot 4 Sec 10 DP758688 | 41 Sydney Street |  |
| Simple box form with gable ended roof. | Lot 85 DP708101 | 48 Sydney Street |  |

# 2 SITE PLANNING

## 2.1 Siting of development

**Intent:**

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

**Development Control:**

**P1** All building are sited to minimise risk to human life and damage to property.

## 2.2 Setbacks

**Intent:**

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

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Setbacks create a varied and interesting streetscape which provides opportunities for the integration of commercial and pedestrian activities<br><br>Setbacks respect the existing setbacks on adjoining properties and the street alignment and do not detract from the prominence of heritage buildings. | **A1.1** Setbacks from the street frontage are at least 5 metres to:<br>– give a softer, more open feel to the streetscape of the Village<br>– encourage a relaxed atmosphere<br>– allow street furniture, outdoor eating, landscaping and advertising to become an integral part of the Village<br>– ensure that development is conducive to pedestrian movement and access<br>– facilitate disabled access<br><br>**A1.2** In the interests of creating a "Village Square" atmosphere setbacks fronting Charles Street are zero, except where the design incorporates landscaping or outdoor eating areas.<br><br>**A1.3** Setbacks must consider future road widening for lots identified on Map 2. |

| Performance Criteria | Acceptable Solution |
|---|---|
| **P2** Side and rear boundary setbacks provide for development that is scaled to support the desired future character of the village with appropriate massing and spaces between buildings.<br><br>Setbacks do not compromise or prevent future maintenance of heritage buildings. | **A2.1** The minimum setback to a side boundary is 1 metre.<br><br>**A2.2** The minimum setback to a rear boundary is 900mm. |

## 2.3 Garages, Carports and Sheds

**Intent:**

- To ensure that garages, sheds and carports are of a suitable scale and historic character that is appropriate in the locality
- To ensure that garages, sheds and carports do not dominate the streetscape.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Carports and garages:<br>- are not a prominent feature of the development when viewed from the street<br>- are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and<br>- do not dominate the streetscape. | **A1.1** Carports and garages must be behind the main building and the visible portion from the street no more than 30% of the façade of the main building.<br><br>**A1.2** Corrugated galvanized iron must only be used if in combination with other materials e.g. timber cladding |
| **P2** Carports and garages:<br>- are compatible with the design of the main building in terms of building bulk and scale.<br>- do not have an unreasonably adverse impact on the amenity of adjoining properties nor dominate the streetscape. | **A2.1** The aggregated site coverage of<br>– sheds;<br>– carports;<br>– detached garages; and<br>– other detached non-habitable ancillary buildings,<br>is not greater than 60m². |

## 2.4 Private Open Space

**Intent:**

- To provide year round adequate open space for the private recreational use of occupants of shop-top housing.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** 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. | **A1** Private open space is to be provided in the form of a balcony and communal open space. The following requirements must be met in this regard:<br>– contain a balcony with a minimum area of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical);<br>– locate the balcony with direct access to the main living rooms of the dwelling;<br>– be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings;<br>– serve as an extension of the dwelling for relaxation and recreation purposes by being accessible to the living areas;<br>– be located behind the building line.<br>– 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;<br>For example 8 units each with balconies of 10m². The communal open space requirement is:<br>8 x (24 – 10)<br>=8 x 14<br>= 112m²<br>– 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.<br>– 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:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity and reduce stormwater run-off. | **A1.1** All applicable development must comply with the Eurobodalla Landscaping Code.<br><br>**A1.2** Landscaping must not include environmental or noxious weeds as defined in the Eurobodalla Tree Preservation Code.<br><br>**A1.3** A Landscaping Plan is submitted with all development applications where new buildings will be established. |
| **P2** Landscaping creates pleasant and useful spaces that preserve and enhance the historic character of the streetscape.<br><br>Development incorporates opportunity for landscaping to provide an attractive facade to all road frontages. | **A2.1** Landscaping is informal and of organic form including grass lawns, cottage gardens and a semi-domestic style landscaping.<br><br>**A2.2** On-site parking must be screened by a 1 metre wide strip of landscaping along the frontage of the site, excluding crossovers and pedestrian access points. |
| **P3** Landscaping achieves a holistic appearance and is compatible with adjoining development and the streetscape.<br><br>Street trees are consistent with the existing vegetation character and have appropriate growth form and minimal maintenance requirements.<br><br>Any tree species chosen for landscaping must not pose a safety problem in terms of limb drop, or a maintenance problem in terms of fruit, seed or sap damage to vehicles or damage to utilities. | **A3.1** Street tree species must be chosen from the following species:<br>- *Corymbia ficifolia*<br><br>**A3.2** To ensure success, street trees must be at least 35 litre or advanced size at planting.<br><br>**A3.4** Street trees must be planted in grassed verges or within a defined tree pit, grate or planting bed within the footpath or blister islands on the road. |

## 2.6 Parking and Access

**Intent:**

- To ensure development provides safe and adequate access and on-site parking that is appropriate for the level of demand generated by new development.
- To improve pedestrian safety and access within the Mogo Village commercial centre.
- To reduce pedestrian and vehicular conflict in the commercial centre.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council. | **A1** All development must comply with the Eurobodalla Parking and Access Code. |
| **P2** Car parking is located and designed to allow for safe evacuation in the event of flooding. | **A2.1** Parking is not located in behind buildings to avoid high flood hazard areas. |
| **P3** Car parking is designed so that it does not have a significant visual impact on the streetscape, historic character or adjoining land owners. | **A3.1** Loading docks, service areas and garbage storage are behind buildings, not visible from any public place and suitably screened from adjacent properties, pedestrian thoroughfares, parking areas and the roadway. |
| **P4** Pedestrian access to and around the village is facilitated by pathways. | **A4.1** A kerb, road pavement and 1.5 metre hotmix pathway must be provided along the full road frontage for properties fronting the Princes Highway.<br><br>**A4.2** A 1.5 metre reinforced concrete pathway must be provided along the full road frontage for development fronting Charles Street.<br><br>**A4.3** Landscaping must be provided between the path and kerb to support the informal historic village atmosphere and limits ongoing maintenance eg turf.<br><br>**A4.4** New pathways must connect with a safe transition in level and width to any existing pathway. |

| Performance Criteria | Acceptable Solution |
|---|---|
| **P5** Pedestrian access facilitates movement along desire lines that are not associated with streets.<br><br>Where existing pedestrian connections have been allowed for or approved on a neighbouring or nearby site, proposed development shall ensure they are retained to facilitate safe and convenient pedestrian movement and that the development is compatible with these connections. | **A5.1** Any new pedestrian linkages or thoroughfares from the street to car parking and retail areas behind the building must not be enclosed and contribute to the function and character of the street. |

## 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. | **A1** All development must comply with the Eurobodalla Safer By Design Code. |

## 2.8 Signage

**Intent:**

- To provide opportunities for businesses to clearly promote themselves.
- To promote a high standard of and prevent excessive signage.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Advertising is sympathetic to the historic theme of the village and in keeping with the streetscape environment | **A1** All development must comply with the Eurobodalla Signage Code. |

## 2.9 Footpath Trading

**Intent:**

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

**Development Controls:**

- All development must comply with the Eurobodalla Footpath Trading Code.

# 3 SUBDIVISION

## 3.1 Subdivision Pattern and 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:**

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

# 4 BUILT FORM

## 4.1 Building Bulk and Scale

**Intent:**

- To provide an opportunity for a variety of designs while ensuring development is of a scale and nature that is compatible with the existing built form and historic character of the Mogo Village Commercial Centre.
- To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape, and are designed with maximum flexibility to suit changing needs over time.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** The development is not of a bulk or scale that is out of character with the local area or heritage buildings. | **A1.1** New developments maintain the simple box or compound box forms currently found in good examples of historic character in the village (see Table 1 in this Plan).<br><br>**A1.2** Where two storeys are proposed, a mezzanine space under the roof pitch is provided and the second storey set back to avoid dominating the building or streetscape. |

## 4.2 Street Frontage and Façade Treatment

**Intent:**

- To provide attractive, interesting street frontages that make a positive contribution to the character of the area.
- To maintain verandah forms which contribute to village character.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1.1** Building design enhances the streetscape through façade articulation, detailing and window and door proportions. Materials and finishes are to complement surrounding buildings.<br><br>**P1.2** Large floor space buildings shall appear as a series of smaller shops.<br><br>**P1.3** New buildings are sympathetic to the architectural features of existing buildings and landscaping.<br><br>**P1.4** The size, location and proportion of windows and doors must be in proportion with examples of historic buildings (Table 1). Where deep shade is provided by verandahs, fenestration may be more flexible, as the verandah becomes the dominant visual element. | **A1.1** Large wall areas facing public streets must not be present as blank monotone walls.<br><br>**A1.2** At least 75% of the front façade to be articulated by verandahs, balconies or decks. Secondary frontage or side facades must include windows, indentations, wall offsets or variations in materials and textures.<br><br>**A1.4** Large areas of glass such as sliding glass doors or floor to ceiling windows must not face street frontages. |

| Performance Criteria | Acceptable Solution |
|---|---|
| **P2** Active street frontages are provided at ground level along the length of the street frontage ie shops, entry doors, foyers, cafes, restaurants.<br><br>Ground floor:<br>– Buildings contribute to the liveliness and vitality of streets by:<br>• providing visual interest;<br>• providing well designed and attractive entrances, lobbies and commercial uses at ground level;<br>• incorporating, where practicable, either open or enclosed shopfronts with window displays of merchandise or services within, and/or artworks; and<br>• providing enclosure on corner sites to define the corner.<br>– Enclosed shopfronts are preferred to open shopfronts, except for restaurants.<br><br>Above ground floor:<br>Building facades:<br>- are modulated both in plan and elevation;<br>- articulated to express the building's distinct elements and functions;<br>- recognise and architecturally respond to unique streetscape characteristics; and<br>- pick up the horizontal and vertical control lines of adjoining buildings. | **A2.1** Buildings must address all street frontages with the main entrance visible from the main street frontage.<br><br>**A2.2** Shop front windows are not obscured by excessive signs and storage areas. Window displays are illuminated at night for security and pedestrian amenity.<br><br>**A2.3** Security grilles/roller shutter doors to be fitted only within the shopfront. Such grilles are to be transparent.<br><br>**A2.4** New residential accommodation must not be at ground level along street frontages. |
| **P3** Shop top housing and pedestrian connections are designed to provide safety for residents and pedestrian, and to contribute to an active street frontage. | **A3** Developments containing shop top housing must provide a clear street address and direct pedestrian access from street frontages and associated car parking areas The access must be separate from the entry areas for other building uses. |

| Performance Criteria | Acceptable Solution |
|---|---|
| **P4** Verandah design and materials enhance the historic character.<br><br>Awnings over the footpath can provide an appropriate alternative to verandahs.<br><br>Refer to Figure 2. | **A4.1** Verandahs run parallel to the street.<br><br>**A4.2** Verandahs must have:<br>- skillion roofs;<br>- corrugated iron roofs;<br>- posts at approximately 2.5 to 3.5 metre intervals to support them. |

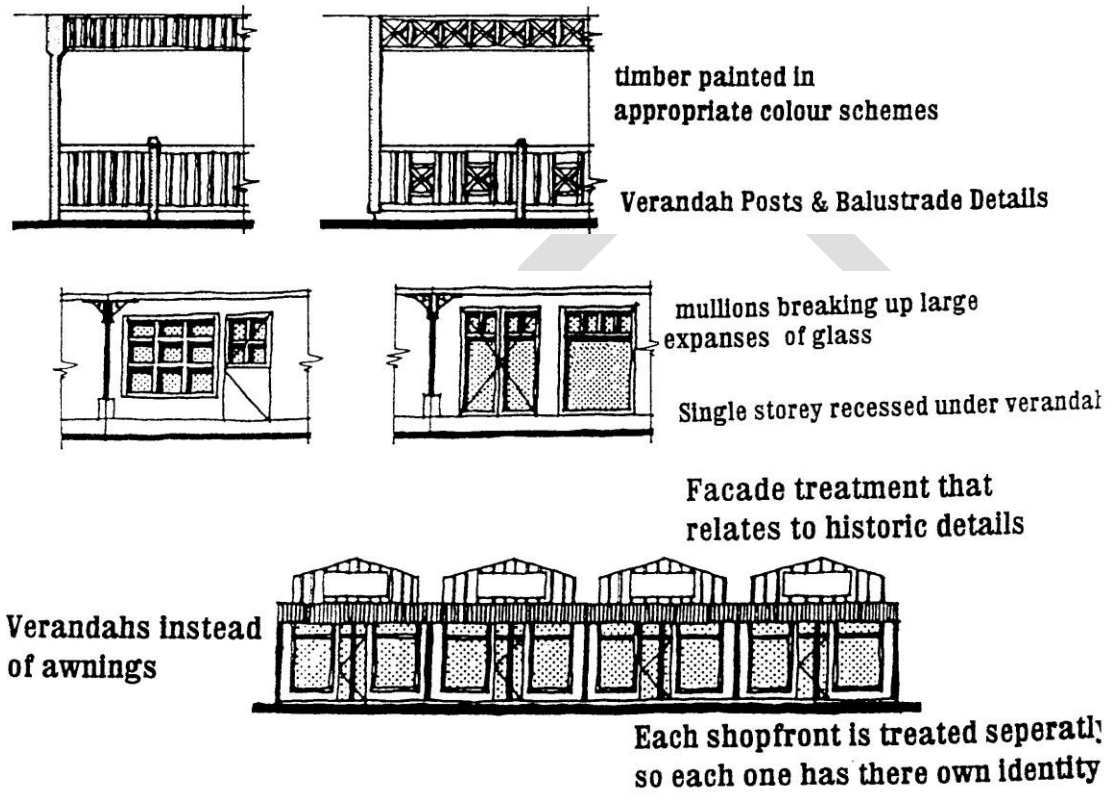



**Figure 2: Examples of design and façade articulation which enhances the historic theme**

## 4.3 Style and Visual Amenity

**Intent:**

- To encourage the creation of an effective and attractive commercial area which reinforces the historic theme of the Mogo Village Commercial Centre.
- To maintain the building and roof form which contributes to the historic village theme of the area.
- To ensure development contributes positively to the local area.
- To ensure appropriate colour schemes are used for existing and new development that is complimentary to the historic theme of the village.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Shipping containers are located so that they are not visible from any road and adjoining public space. | **A1** Shipping containers are not exempt development. Any shipping 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 public space.<br><br>Controls for the provision of minimum boundary setbacks, private open space and landscaped area are still applicable. |
| **P2.1** External building design when viewed from the street and public places preserves and enhances the historic character of Mogo and is visually compatible with the desired streetscape and environment.<br><br>**P2.2** New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment. | **A2.1** Construction methods and materials can be modern while the external appearance of buildings reflects the historic theme.<br><br>**A2.2** Contemporary design draws inspiration from historic buildings and is sympathetic to other buildings in the street, particularly heritage buildings. |
| **P3** New roofs on existing or new structures are modelled on examples of existing roofs with historic character.<br><br>Refer to Figure 3 | **A3** Suitable roof forms include:<br>- Gable ended or hipped and having a roof span of approximately 3.6 metres to 6 metres<br>- Ridge line parallel or at right angles to the road<br>- Gable or parapet facing road thereby taking advantage of the potential advertising space<br>- Roof pitches are at least 25 degrees<br>- Skillion style roofs to extensions and verandahs may be of a lower pitch |
| **P4** Roof fixtures are located so as not to detract from the visual amenity from the street. | **A4** Roof fixtures, including skylights, air vents, television antennas, satellite receiving dish, solar panels etc are located to minimise visual impact (eg flush to the roof-line, painted to blend in with the building). |
| **P6** Modern interpretation of period colour schemes blend with the local historic character | **A6.1** Paint schemes must be consistent with the colour list shown in Table 3 of this Plan.<br><br>**A6.2** Previously unpainted surfaces must not be painted.<br><br>**A6.3** Masonry must not be painted. |

| Performance Criteria | Acceptable Solution |
|---|---|
| | **A5** Buildings must not be painted in corporate colours. Overly bright colours or colour schemes are also not appropriate in the village. |

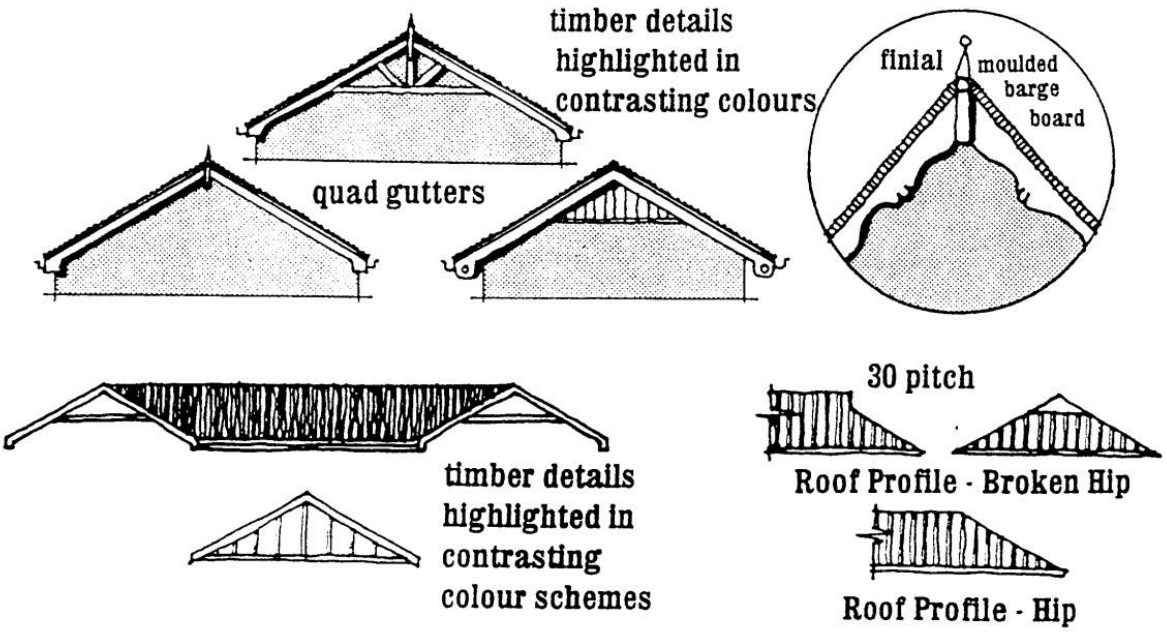



**Figure 3: Examples of acceptable roof forms**

**Table 3: Colour Scheme**

| Weatherboards | Brick or Stone | Roofs | Trim (including door and window joinery, verandah posts, valances and ornamental) |
|---|---|---|---|
| Cream<br>Stone<br>Tan<br>Ochre | Cream<br>Stone<br>Tan<br>Ochre<br>Indian Red | Natural<br>Light to Slate grey<br>Light Stone<br>Ferric Red<br>Mid Green | Cream<br>Light Stone<br>Light Brown<br>Rich Brown<br>Indian Red<br>Off White<br>Purple<br>Brown<br>Prussian Blue<br>Dark Green<br>Black |

## 4.4 Building Materials

**Intent:**

- To promote the usage of traditional building materials to enhance and continue the historic theme of the area.
- To encourage the use of materials that do not have an adverse impact on the amenity of the area.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** External materials and detailing are consistent with existing buildings with historic character.<br><br>Contemporary materials are acceptable where they do not dominate the streetscape. | **A1.1** Wall cladding uses traditional weather-board and roughsawn local hardwood or alternative lightweight cladding materials.<br><br>**A1.2** Face brickwork and unfinished blockwork is not considered suitable. Large areas of masonry is avoided and must be combined with other materials.<br><br>**A1.3** 'Colourbond' and other metal sheeting is avoided or minimised for wall cladding.<br><br>**A1.4** 'Zincalume' or other reflective materials must not be used as an external building material.<br><br>**A1.5** Building materials that have a BCA colour rating of Very Light must not be used as an external roofing material. However, unpainted galvanized iron is an acceptable roofing material.<br><br>**A1.6** Timber must be used for doors and window frames and mullions.<br><br>**A1.7** Roofing material must be corrugated iron. |
| **P3** Building design addresses fire resistance whilst not undermining the historic theme of the village building stock.<br><br>Fire-resistant building materials are used that enhance the historic theme. | **A3** No acceptable solution. |

## 4.5 Fences

**Intent:**

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

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Fences do not have an adverse visual impact on the place and are sympathetic with the village's historic character. | **A1.1** Fencing is avoided except where a boundary is adjacent to residential land.<br><br>**A1.2** Hardwood picket fencing or post and rail fencing is acceptable where it enhances the historic character of the development. |
| **P2** The form, extent and materials of fencing are designed to minimise visual impact | **A2** Where unmodulated fencing is proposed, it must incorporate a combination of visually contrasting materials that are consistent with the historic character of the village. This could include plantings that have a mature height at least that of the fence height. |

## 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** Shop top housing of 4 units or more must ensure that 25% of the dwellings are adaptable housing. The applicable dwellings must comply with Australian Standard *AS4299 – Adaptable Housing.* |

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

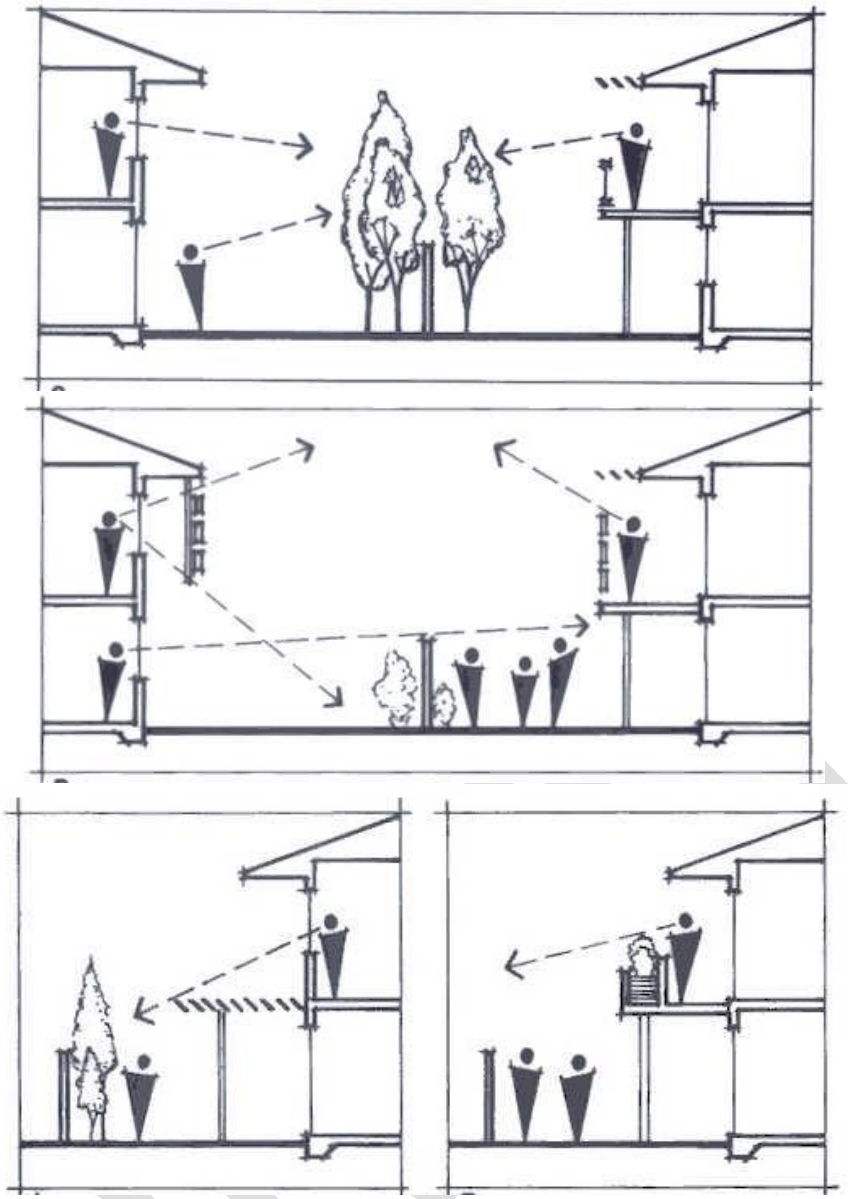


**Figure 4: Acceptable Privacy Measures**

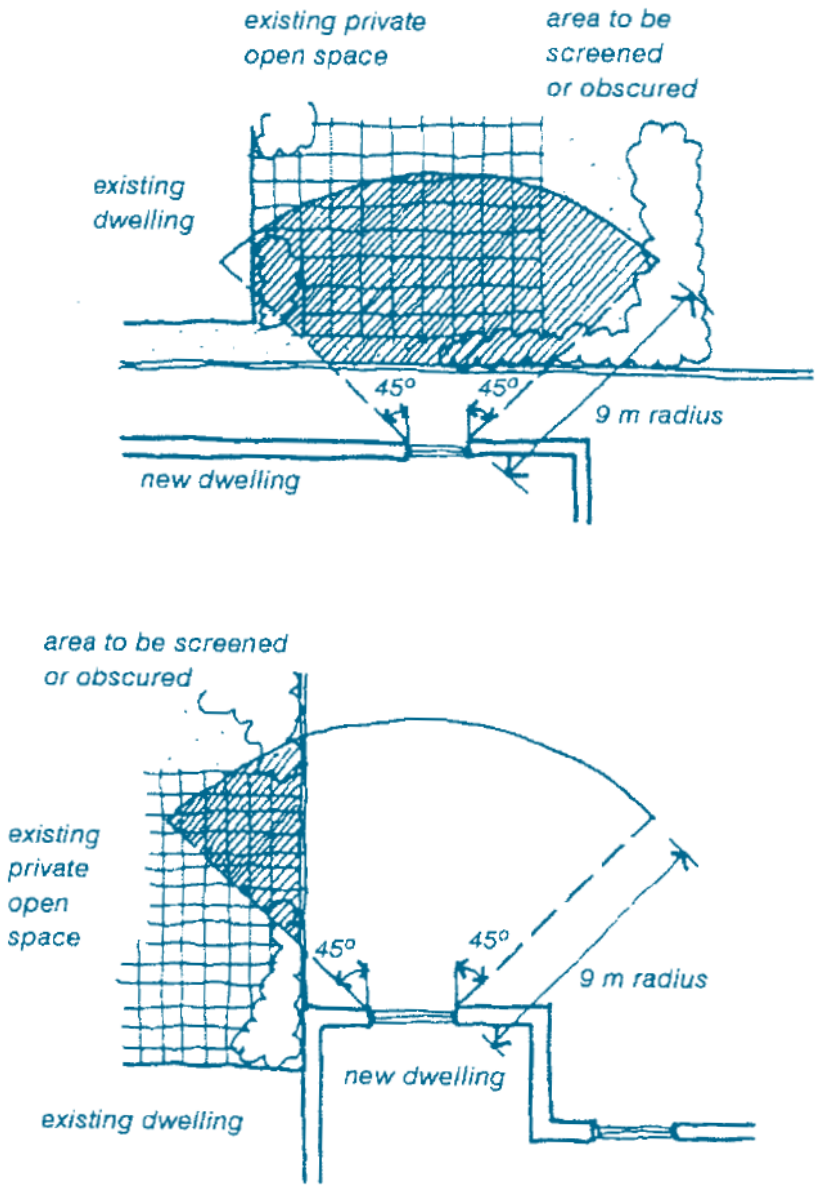



**Figure 5: Screening Views to Adjacent Private Open Spaces**

## 5.2 Solar Access

**Intent:**

- To maximise solar access to adjacent residential development.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **Solar Access to Adjacent Development** | |
| **P1.1** The use of natural light is maximised and the need for artificial lighting is reduced.<br><br>**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. | **A1** Maintain solar access to adjoining residential development as follows:<br><br>• For all development except where an existing adjacent building has an east-west orientation:<br>- 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<br>- 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.<br><br>• Where an existing adjacent building has an east - west orientation:<br>- 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<br>- 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. |

| Performance Criteria | Acceptable Solution |
|---|---|
| **Solar panels** | |
| **P2** The total energy use in residential buildings is reduced. | **A2.1** Maintain solar access to existing solar panels throughout the day at all times of the year.<br><br>**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 10m$^2$, capable of accommodating solar panels. |

# 6 SITE CONSIDERATIONS

## 6.1 Flood and Climate Change

**Intent:**

- To further the objectives of clause 6.5 of the ELEP 2012.
- To reduce unnecessary risk to life, emergency services or unwarranted public cost.
- To safely channel flood waters through Mogo Village Commercial Centre by using and upgrading the existing natural drainage system.

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Flood risks to life and property are minimised. | **A1.1** All development must be designed to the 1% AEP flood event:<br>• The flood planning level (eg floor level) must be 500mm above the 1% AEP for all residential properties.<br>• The flood planning level (eg floor level) must be 300mm above the 1% AEP for all commercial properties.<br><br>Flood planning levels can be calculated using the flood levels for a 1%AEP flood event shown on Map 3 in Schedule 1 of this Plan and/or confirmed by contacting Council's Development Helpdesk.<br><br>**A1.2** Where fill is to be applied it will be at a maximum 5% grade from the front boundary. No fill is to be applied closer to Cabbage Tree Creek than the rear fill line shown on Map 3 in |

| | |
|---|---|
| | Schedule 1 of this Plan. Example fill options are shown in Figure 6.<br><br>**A1.3** Fill within the proposed drainage easement shown on Map 2 in Schedule 1 of this Plan is not an acceptable solution.<br><br>**A1.4** Upon (re)development/subdivision land is dedicated for a 15 metre drainage easement on the lots indicated by Map 2 in schedule 1 on this Plan. Council can provide the exact location and area required for the easement. |

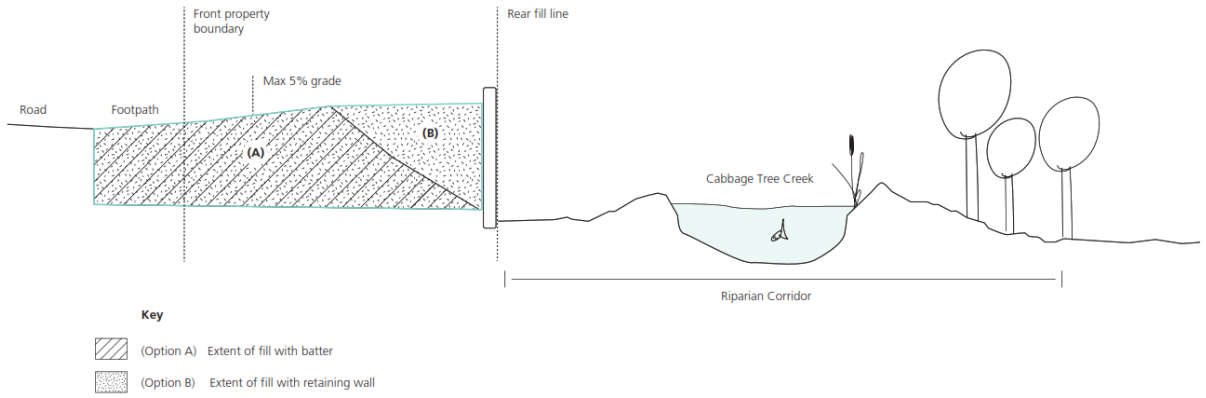



**FIGURE 6: Example fill options diagram (not to scale)**

## 6.2 Tree Preservation

**Intent:**

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

**Development Controls:**

| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** No performance criteria | **A1** All impacts to vegetation on land to which the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies must comply with the provisions of that State Environmental Planning Policy and the Eurobodalla Tree Preservation Code.<br><br>**A1.2** The provisions of Australian Standard 4970 – 2009 Protection of trees on development sites must be fully complied with on all development sites upon which trees are located. |

# 7 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 by choosing building materials, insulation, ventilation, window placement and size, building orientation, site slope and landscaping design maximise energy efficiency. | **A1** No acceptable solution |
| **P2** No Performance Criteria | **A2** A separate water meter is provided 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 1 metre and the maximum fill is to be 1 metre. |

## 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 |
|---|---|
| **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:<br>– minimise flooding;<br>– protect and enhance environmental values of receiving waters;<br>– maximise the use of water sensitive urban design principles;<br>– maximise the use of natural waterway corridors and natural channel design principles;<br>– maximise community benefit; and<br>– minimise public safety risk.<br><br>**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.<br><br>**P1.3** The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants. | **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.<br><br>**A1.2** Development must comply with the following where relevant:<br>– AS3500 – Plumbing and Drainage Code;<br>– Eurobodalla Shire Council's Infrastructure Design Standard (IDS); and<br>– the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists. |

## 7.4 Waste Management

**Intent:**

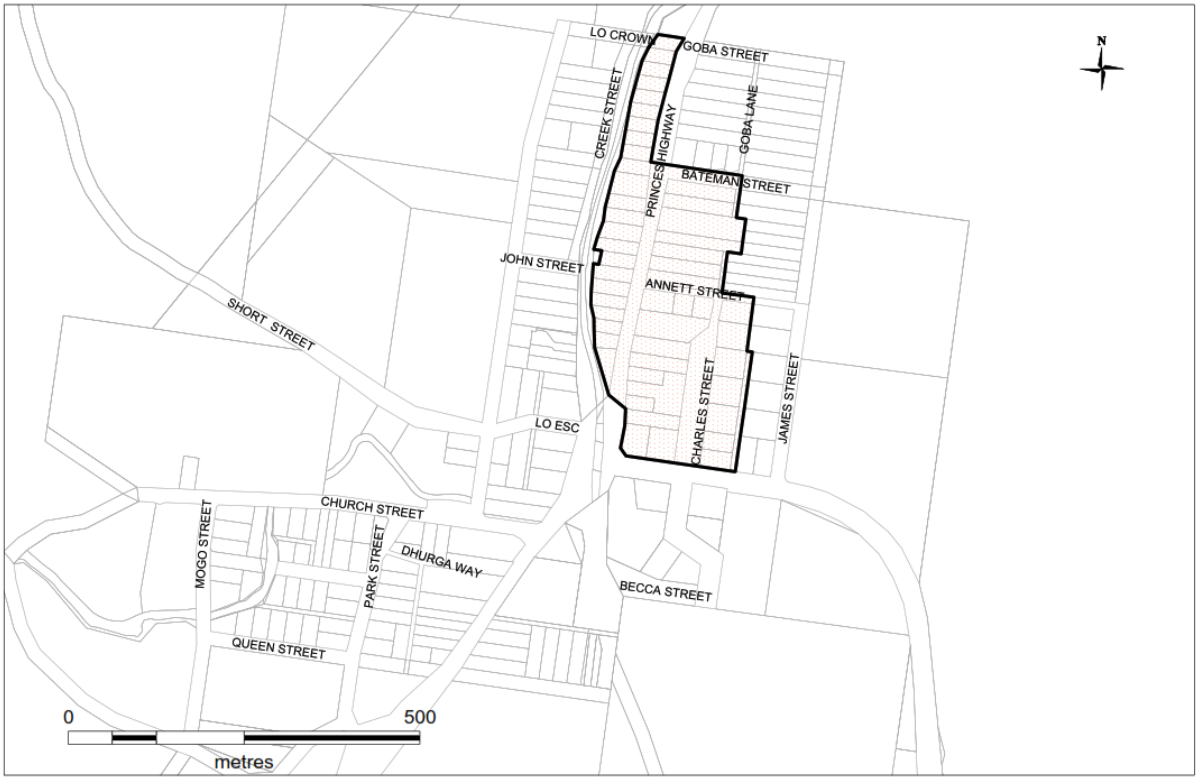
- To further the objectives of the Site Waste Minimisation and Management Code.

**Development Controls:**

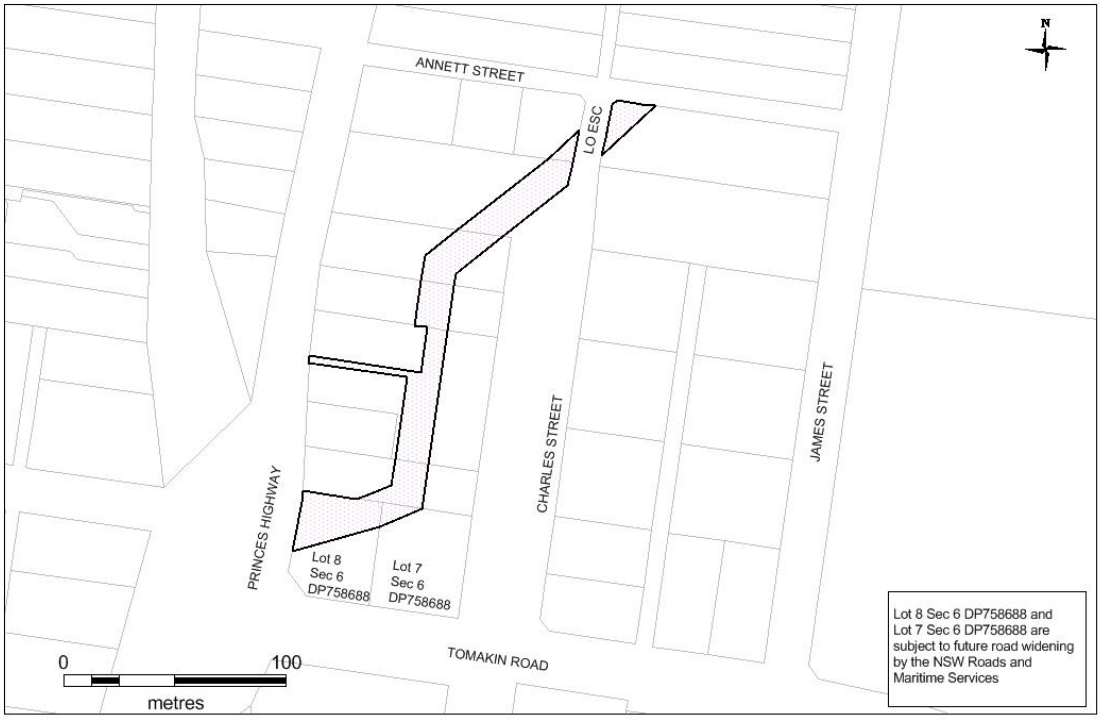
| Performance Criteria | Acceptable Solution |
|---|---|
| **P1** Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Site Waste Minimisation and Management Code. | **A1** All development must comply with the Site Waste Minimisation and Management Code. |

# SCHEDULES

## 1. MAPS




**MAP 1** – Land to which this Plan applies




**MAP 2** – Drainage easement and lots subject to future road widening by Roads and Maritime Services


**MAP 3** – Flood levels for a 1% AEP flood event. The flood planning level, in metres above the Australian Height Datum (AHD), is calculated by adding together the flood level shown in this map and the appropriate freeboard from part 6 of this Plan.

## 2. LIST OF AMENDMENTS

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## 3. CODES APPLICABLE TO THIS PLAN

I. SAFER BY DESIGN CODE

II. LANDSCAPING CODE

III. INTERIM SEA LEVEL RISE ADAPTION POLICY

IV. TREE PRESERVATION CODE

V. FOOTPATH TRADING CODE

VI. SIGNAGE CODE

VII. SITE WASTE MINIMISATION & MANAGEMENT CODE

VIII. SOIL AND WATER MANAGEMENT CODE

IX. PARKING AND ACCESS CODE

X. ADVERTISEMENT AND NOTIFICATION CODE