

Development Committee

Meeting Date: Tuesday, 13 March, 2018

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

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NOWRA CBD FRINGE MEDIUM DENSITY STUDY

Recommendations Report

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Prepared for Shoalhaven City Council
by Studio GL

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NOTE: The location and height of existing built form and trees has been approximated from high resolution aerial photography (neamap.com) site visits and Google Streetview. The cadastre boundaries are based on Council's LEP mapping. The information in this document has been provided for context purposes and is indicative only. This document takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

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CHAPTER 1 INTRODUCTION

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01 INTRODUCTION

1-1 Overview

Purpose of this study

In 2016 Council recognised that a large area to the west and south of the Nowra CBD was starting to experience significant change. The area contained a mix of dwelling types of different ages and had been zoned to allow a wide variety of dwelling types.

The purpose of this study is to assist Council in identifying answers to three key questions:

1. *Are recent development applications typical of what can be expected under the current controls and what is the likely impact of leaving the current controls unchanged?*
2. *How have other Councils addressed similar challenges in encouraging greater variety and increased medium density housing without fundamentally damaging the existing character of an area?*
3. *What controls are needed to encourage an appropriate mix of density and high quality housing in the study area going forward?*

Background

The character of the study area has been identified by local community members as one that is worth saving, however, given the existing planning controls and the expected pressure for more development in the future, there is a real and perceived risk that the “existing character” of these areas will be fundamentally changed.

As the majority of the study area is not identified as a heritage conservation zone, and well located close to the Nowra CBD, the Shoalhaven District Memorial Hospital and large amounts of open space, it is also a logical and desirable area for increased density.

The overarching aim is to encourage appropriate, well designed and well integrated development that enhances and supports the character of the study area, whilst also recognising the benefits that can be gained by providing attractive medium density dwellings in this location.

Process

The process began with a wide ranging and comprehensive review of the current Local Environmental Plan (LEP) and Development Control Plan (DCP) planning documents and relevant case studies from other Local Government Area DCPs. The review highlighted key issues on development that was occurring in the Local Government Area (LGA) and the impact on local character.

A photographic study of the study area was also undertaken which has helped to identify the character of the area (i.e. building heights, setbacks, driveways, fences and materials) and provided insights into potential applicable development controls for the area.

This study was supported by a spatial analysis of the study area which identified existing urban design qualities such as the street and block structure, built form patterns, street proportions (width and height), heritage character, built form age and use, and the topography, landform and intersection density.

A series of workshops were held with Councillors, Council staff, local community members, landowners and developers. These workshops allowed the findings and preferred direction to be discussed and tested.

Structure of this document

This document is structured into four parts:

- Chapter 1 provides an introduction to the report.
- Chapter 2 is a review of key issues related to neighbourhood character, both generally and specifically as they relate to the study area.
- Chapter 3 identifies recommended changes to LEP controls.
- Chapter 4 identifies recommended changes to DCP controls.

This report is supported by a *Background Report* that summarises the analysis and process undertaken to identify the recommendations.



CHAPTER 2
LOCAL CHARACTER

DE18.16 - Attachment 1

02 LOCAL CHARACTER

2-1 Defining local character

The Contributing Elements

In order to understand and define neighbourhood or local character, it is necessary to understand that character is influenced by more than just built form. Character is comprised of a number of different elements which can be grouped into three domains:

1. The underlying land form
2. The urban structure
3. The buildings

1. The underlying land form

The character of any place starts with the underlying quality of the land. The geology defines what can be built, the character of the vegetation and the maximum height of any trees. The topography determines the areas of steep and flat land, where the water flows along natural drainage lines and where it collects, the views from the high points and up to local features. The location of the land influences the climate of the area, the natural ecology and what will grow where.

2. The urban structure

The next layer is the urban structure of streets, blocks and lots that is overlaid over the land. The streets can be laid in a gridded and regular pattern - or organic and curving, often following the topography. Streets can be narrow or wide, generally equal in size or hierarchical with wide main roads and narrower minor roads and lanes. The blocks of land created by the pattern of streets can be square, rectangular or highly irregular. Lots within the blocks can be wide and shallow or deep and narrow or a wide combination of sizes.

Areas that have developed over time, like Nowra, often have a wide mix of lot sizes. The urban structure also defines where the retail and commercial centres are located and the community infrastructure of open spaces, public transport, education facilities and community facilities.



3. The buildings

The buildings form the final element. The type of building use (i.e. residential, commercial), the type of dwelling (detached, attached, villa, townhouse or apartment) and the style and age of the building all play a role in defining the character of a place. The height of a building, the roof form and the materials all play their part.

Where the building is located on the site, the front, rear and side setbacks and the quality and character of public private interfaces (materials, style, fence, height) also contribute. In suburban areas that rely on private cars, the location of car parking and its arrangement are also critical.

"Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character."

Understanding Neighbourhood Character. Planning Practice Note 43 (Vic)

02 LOCAL CHARACTER

2-2 The study area

The neighbourhood character of the study area can be described as 'mixed traditional garden residential' with a predominance of small houses in a garden/landscape setting.

At the start of the review it was expected that the study area would contain a number of clearly identifiable and separate character areas. What the analysis revealed instead is that there is a wide diversity of characteristic features which are scattered across the area, making it difficult to clearly separate sections into different character areas.

In effect the area has one character - however, certain areas have different concentrations of certain features such as older buildings or dwellings of fibro construction.



1. The underlying land form

The physical characteristics that define the neighbourhood.

The study area is undulating, falling predominantly from the west to the north and east. High points have views to the mountains to the north. Key streets including Junction Street, North Street, sections of Shoalhaven Street, Douglas Street and Berry Street are tree-lined.

2. The urban structure

The underlying structure of streets, blocks, open space and infrastructure.

The area has a dominant grid-based structure based on a 200m x 200m north/south, east/west grid with 20m wide road reserves. Most blocks are further divided with a mid block road (15m or 20m wide). While the majority of lots are narrow (15m-20m wide) and deep (35m-45m) there is a large variety in lot size and shape. Streets have upright kerbs, wide grassed verges and some have concrete footpaths. Public parks and open spaces tend to lie on the edges of the study area and open space has an informal, bushland character.

3. The buildings

The built environment including the buildings and the spaces between the buildings

Dwelling styles are diverse, ranging from timber Victorian houses, brick and timber Californian Bungalows, and simple mid century fibro houses to latter 70's, 80's and 90's dwellings. The vast majority of dwellings are detached single storey dwellings although more recent developments include slab on ground, brick veneer villas and townhouses. Front fences, when they occur, are predominantly low and partially open.

Dwellings have a variable front setback. Side setbacks are often small, although they can be wider on one side. Generous rear setbacks often contain large trees. Parking is generally to the side or the rear.

02 LOCAL CHARACTER



02 LOCAL CHARACTER

Topography and views

- The area is gently sloping with streets overlaid in a grid pattern revealing the topography.
- Local views down streets and towards the mountains to the north.

Geology and natural features

- High land with few natural watercourses.
- Topography creates different catchment areas i.e. north of Plunkett Street, south of Jervis/ west of Osborne Street.
- The area has an underlying sandstone geology.
- Mix of exotic and native trees but trees can grow to significant height.

Street pattern

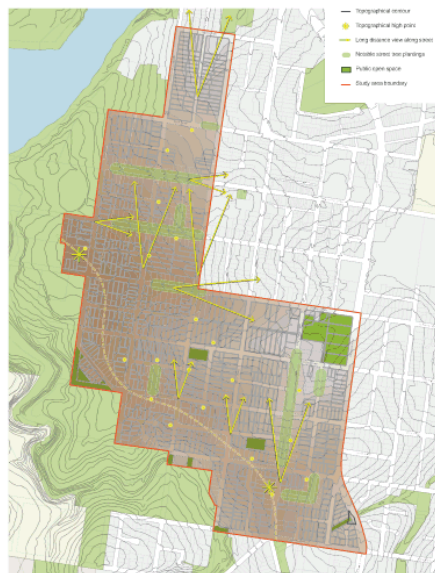
- Regular connected grid street structure with few laneways.

Street character

- Street widths typically 20m with some 15m wide.
- Wide carriageways with parking lanes on both sides of the street and upright kerb.
- Wide grassed verge some with footpaths. Some street trees.
- Open, suburban street proportion (i.e. width of street to height of buildings).
- Heritage buildings with large setbacks on a number of corner sites. Few terminating views (grid street structure).

Street hierarchy

- No major roads through the area with a network of streets and multiple optional routes.



Topography and landform analysis map
(Source: Background Report)



Street width analysis map
(Source: Background Report)

02 LOCAL CHARACTER

Block pattern

- Rectangular street blocks (long and narrow) with mid-range intersection density (i.e. large blocks).

Lot pattern

- Typical lot is narrow and deep, but wide range of sizes and shapes.
- High number of narrow E/W lots which can create overshadowing issues.

Open space

- Extensive network of open spaces on the edges of the area (i.e. Showgrounds). Open space has an informal, bushland character.
- Marriott Park has a more formal character with facilities.

Community facilities

- Community and civic facilities within the study area include two schools, several churches, a bowling club, local court, police station, museum and a youth centre.
- The focus of the neighbourhood, which is the Nowra CBD, lies outside the study area.

Dwelling type

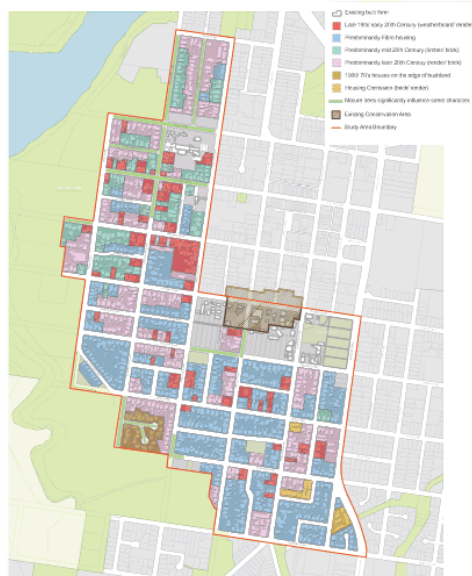
- Predominantly, detached dwelling (traditional) with increasing numbers of villa, dual occupancy and townhouse developments more recently.

Architectural style

- Wide range of ages and architectural styles (Victorian, Federation, Californian Bungalow, PreWar, Interwar, 1970's, contemporary).



Building footprint analysis map
(Source: Background Report)



Built form age and materials analysis map
(Source: Background Report)

02 LOCAL CHARACTER

Materials

- Predominant materials in older buildings are light weight (weatherboard / fibro) with raised ground floor level. Some brick buildings, often rendered and/or painted.
- Recent development is typically slab on ground, brick veneer.

Roof

- Most dwellings have a pitch roof of between 20-30 degrees.
- Light coloured metal roofs are popular with a few tiled roofs.

Height

- Predominant building height is 1 storey.

Setbacks

- Front setbacks generally range between 3-6m.
- Narrow side setback often wider on one side.
- Generous rear setbacks with established gardens and large trees.



02 LOCAL CHARACTER

Front fencing

- Older areas tend to have low front fences (timber picket, low brick walls). Higher colorbond fences are present in more recent developments.

Garden style

- Traditional established front gardens. Lawns with limited planting is also popular.

Car Parking

- Majority of parking at rear or side of property.
- Wide concrete driveways and double garages facing the street and parking spaces in front setback occur in some recent developments.





CHAPTER 3 LEP RECOMMENDATIONS

DE18.16 - Attachment 1

03 LEP RECOMMENDATIONS

3-1 Review of planning controls

Planning controls establish the scale, intensity and use of future buildings, and outline where a particular type of development is encouraged and seen as desirable, for example by defining land use zones and maximum building heights. In NSW each LGA has a LEP that guides development. LEPs are prepared by local Councils and the current Shoalhaven LEP 2014 commenced on 22 April 2014.

The DCP supports the LEP and identifies additional development controls and standards for addressing development issues at a more detailed level. Development controls build on the overarching LEP planning controls and go into more detail, aiming to ensure that buildings are designed in such a way that their location, size and appearance all help to improve the character of a street or entire area. For example, they may identify minimum setbacks, upper level setbacks, the location of car parking or the minimum landscaped area of a site.

Unlike a master plan or structure plan, which establishes the strategic direction for an area, DCPs are primarily concerned with private land and set the rules within which new development can occur.

In order to define the future development controls for the study area, the following LEP level planning controls have been reviewed as part of this study:

- Heritage and conservation area(s)
- Building heights
- Land use zoning

As local character is important for this area, heritage



and conservation area controls are likely to have the greatest impact, as they require developments to thoroughly consider the local context. Building height controls affect the visual impact of buildings when viewed from the street and also influence future character.

Land Use Zones are likely to have a lesser impact in controlling the future character of the study area if permitted building types are required to respond to heritage, height and DCP controls.

Outcomes of the review of selected LEP controls are summarised on the following pages.

03 LEP RECOMMENDATIONS

3-2 Heritage and conservation

Heritage in the study area

The study area contains a high number of late 19th and early 20th Century houses (weatherboard/ render/ brick), particularly in the area to the west of the CBD. During the workshops it was noted that these buildings and areas with substantially intact streetscapes have an attractive character that was highly valued.

The Nowra CBD and this study area have few listed heritage items and the conservation areas are relatively small in comparison with other centres (see *Figure 2* map of Bathurst CBD). The analysis phase revealed that a number of lots proposed in the Local Plan (LP)264 as having heritage value (following a heritage study in 1998 by Peter Freeman) did not become listed heritage items in Amendment No. 212 to LEP 1985 nor are they identified as heritage items in the current LEP 2014. A similar situation occurred for some of the Conservation Areas identified in the (LP)264.

Defining heritage

The Environmental Planning and Assessment Act 1979 identifies that the responsibility for heritage is shared by state and local government agencies. The Act provides local government with the power to protect items and places of heritage significance in the local area through Local Environmental Plans and Development Control Plans.

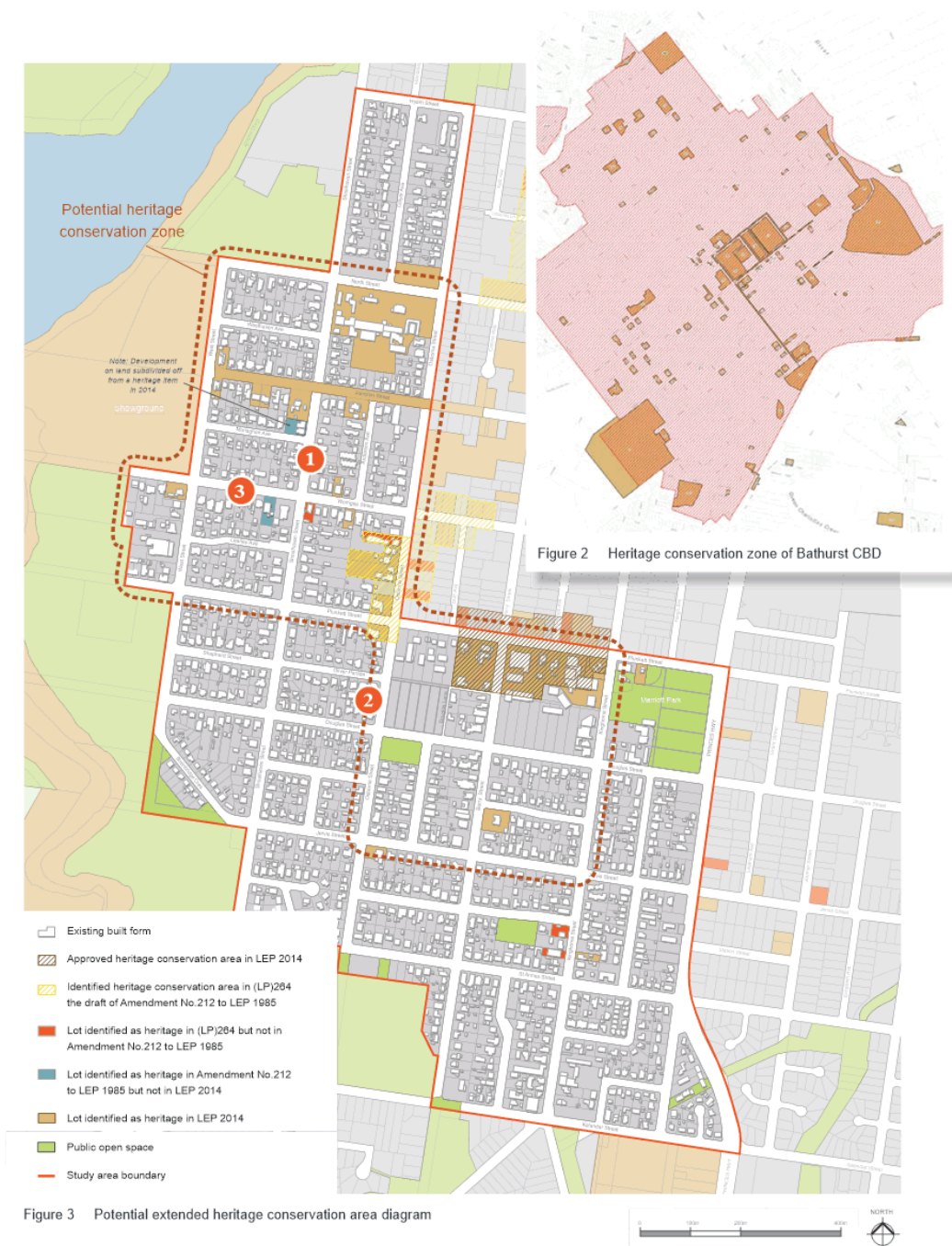
To identify a heritage conservation area, historical research is undertaken that assesses an area's heritage significance and the collective nature of buildings and components which contribute to the quality of the area and streetscape. These may include the historical subdivision pattern, consistency in building form, siting and scale, materials or common age of building stock which reflect a particular period or periods in the history and growth of the area.

Recommendation

The study area has a number of historic buildings and intact streetscapes that are currently not identified as heritage items and/or located within a conservation area, therefore it may be advisable to:

- 1 Undertake an assessment of the area's heritage significance and, if justified, extend the number of properties listed and/or expand the amount of land that is within a conservation area. Areas immediately to the west and south of the study area have the highest concentration of older dwellings. The potential extent of an extended heritage conservation zone is shown in the adjacent *Figure 3* but this may alter following heritage advice.
- 2 Consider whether boundaries to any future conservation zone(s) should run to the rear of properties or along streets. Locating the boundary to the rear of properties ensures both sides of a street are encompassed within the zone(s), but may have additional impacts on adjoining properties to the rear. It is also noted that properties across the street from a conservation zone may be required to produce a heritage assessment under clause 5.1 of the Shoalhaven LEP 2014.
- 3 Identify items of heritage value as well as contributory and non-contributory items within any future conservation zone, to help future development respect the character of the zone.

03 LEP RECOMMENDATIONS



03 LEP RECOMMENDATIONS

3-3 Building heights

Under the current LEP the majority of the study area has a default maximum building height of 11m. Areas within the study area that are zoned R2 Low Density Residential typically have a maximum building height of 8.5m. Lots along Worrigee Street and West Street facing the Nowra Showground, and along North Street and Shoalhaven Street facing public open space, have a maximum building height of 7.5m.

Residential buildings typically have ceilings between 2.4m-2.7m high which creates a floor to floor height of between 2.8-3.1m. A maximum building height of 7.5-8.5m accommodates a two storey building with a pitch roof while a maximum height of 11m can accommodate a 3 storey building, including a three storey apartment building.

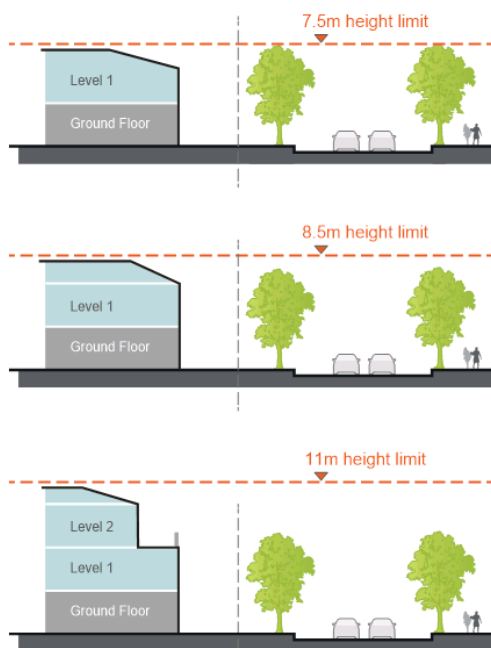


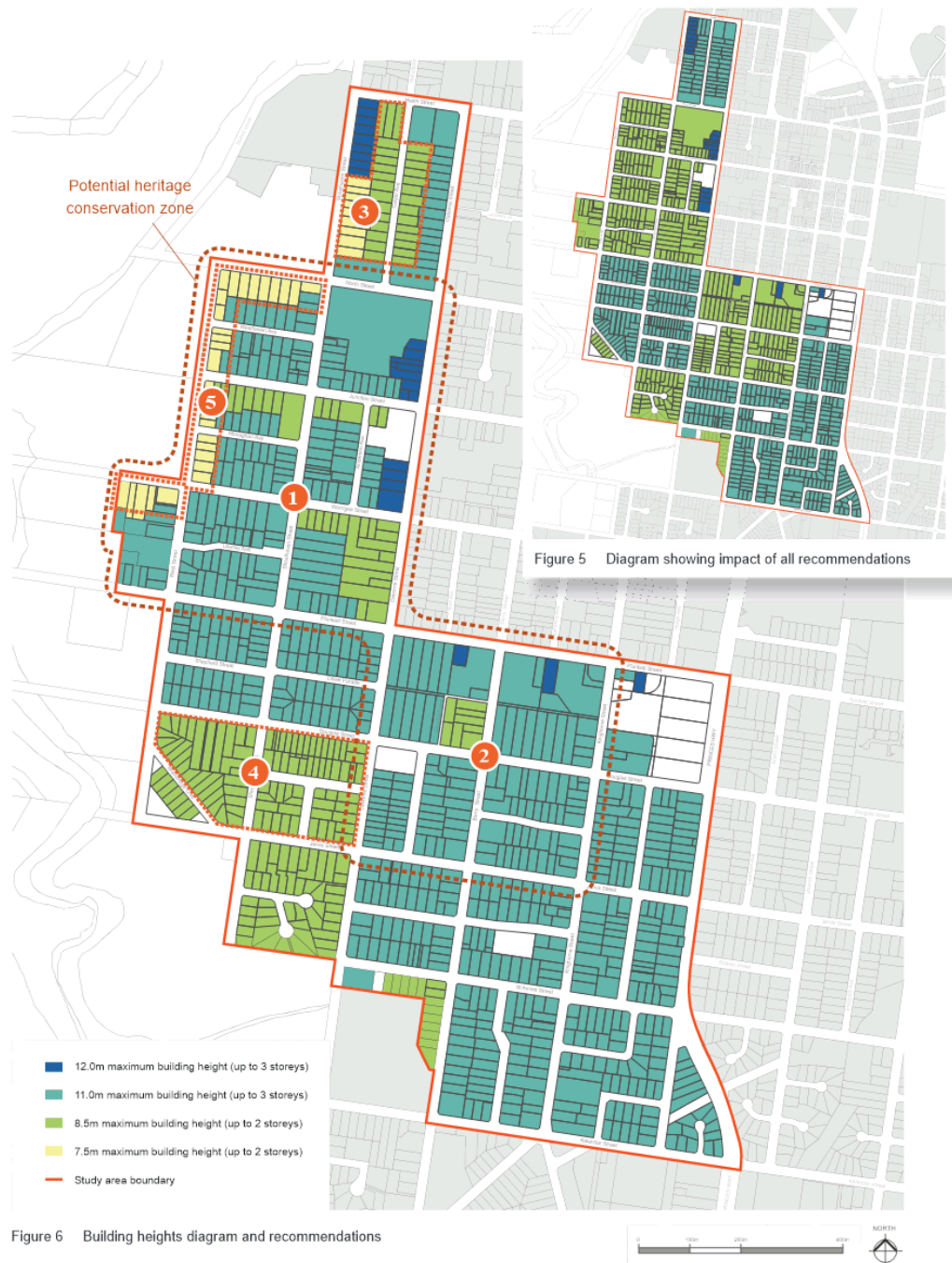
Figure 4 Indicative built form within height limits

Recommendation

Depending on the findings of the heritage study it may be advisable to:

- 1 Reduce the maximum building height to the west of the CBD between North Street and Plunkett Street to a maximum of 8.5m. As noted previously this area has the highest concentration of older dwellings
- 2 Reduce the maximum building height to the south of the CBD between Plunkett Street, Jervis Street, Osbourne and Kinghorne Street to 8.5m. This area also has a concentration of older dwellings.
- 3 Increase the maximum building height along Shoalhaven Street and along Colyer Street north of North St and south of Hyam St to 11m to be closer to the 12m height limit of the adjoining mixed use area to the north.
- 4 Increase the height of the blocks bounded by Bainbridge Crescent, Douglas Street, Osborne Street, and Jervis Street, to 11m.
- 5 Increase the maximum building height of the plots with a current height limit of 7.5m along the north west edge of the study area to 8.5m.

03 LEP RECOMMENDATIONS



03 LEP RECOMMENDATIONS

3-4 Land use zoning

Under the current LEP the three predominant land use zones within the study area are R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential. There are also areas of SP2 Infrastructure (mainly civic uses such as schools), RE1 Public Recreation and B4 Mixed Use.

The majority of the study area is zoned R1 General Residential which is a flexible zoning with a wide range of potential uses permitted with consent (see table below) from Dwelling Houses to Residential Flat Buildings. The key difference between R1 General Residential and R3 Medium Density is that Dwelling Houses and Semi-Detached Dwelling houses are not permissible in R3 Medium Density.

Relevant Uses - permitted with consent	Land Use Zones		
	R1	R2	R3
Dwelling Houses	X	X	
Dual occupancies	X	X	X
Attached Dwellings	X		X
Semi-Detached Dwelling	X		
Multi Dwelling Housing	X		X
Residential Flat Buildings	X		X

One option considered to help protect areas with a higher concentration of older properties was to expand the area of R2 Low Density Residential to the west of the CBD between North Street and Plunkett Street and between Douglas St and Jarvis Street. However it was decided that the combination of a future conservation zone, reduced building heights and new DCP controls should be sufficient to ensure new development considers and respects existing local character whilst still enabling additional development in these well located areas.

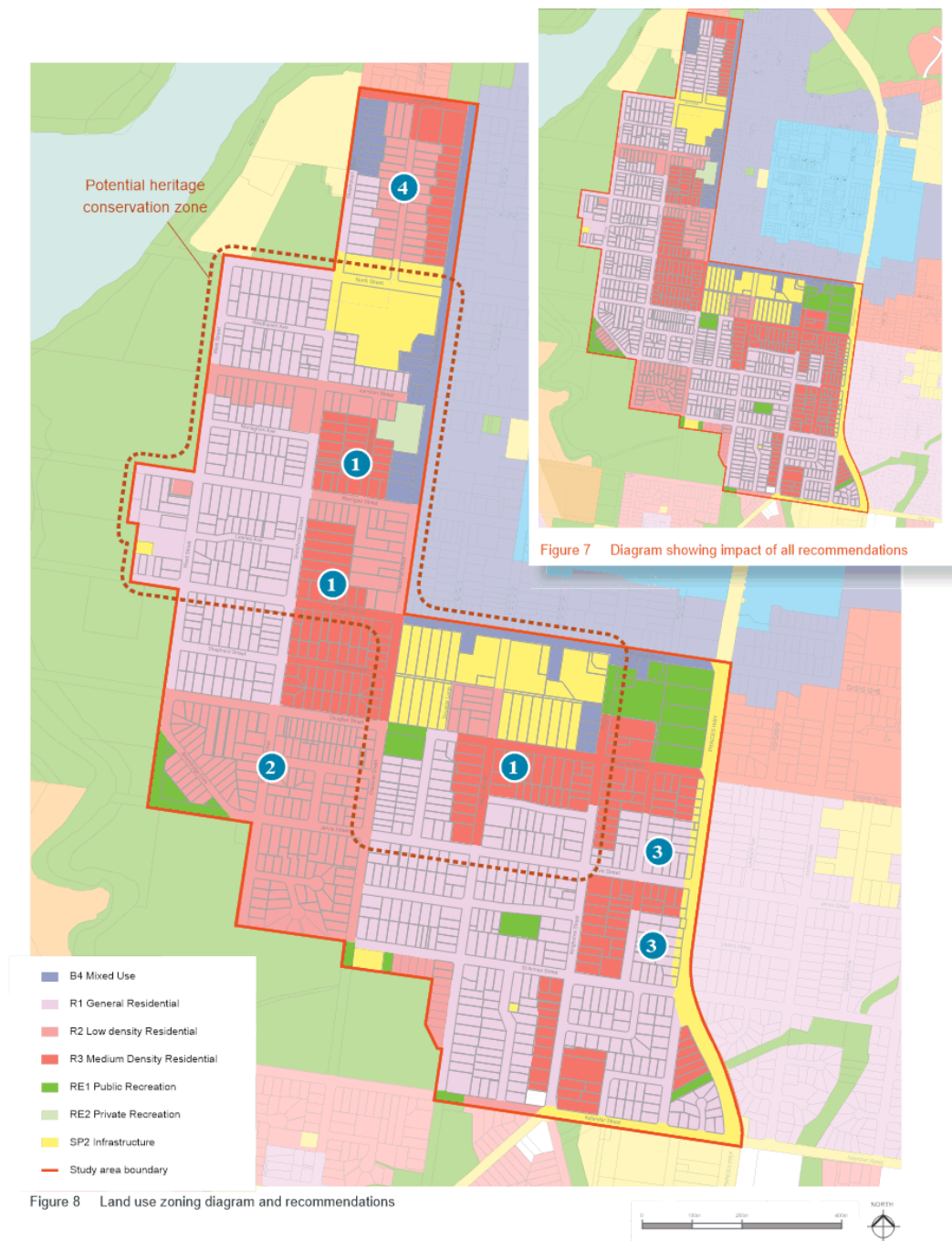
Recommendation

Depending on the findings of the heritage study it may be advisable to:

- 1 Retain the area of R3 Medium Density as this is well located land in close proximity to the town centre. Increase consideration of the local character by locating these areas within a Conservation Area, reduce building height and create new DCP controls.
- 2 Change the zone of the blocks bound by Bainbridge Crescent, Douglas Street, Osborne Street, and Jervis Street to R1 General Residential. This area has fewer older dwellings, some very large lots and a concentration of fibro dwellings. This change would need to be subject to bushfire advice and will need additional requirements before a change is allowed (i.e. minimum lot size, frontage) due to some unusual lot shapes and sizes.
- 3 Change the zoning of the block to the west of the Princes Highway from R1 General Residential to R3 Medium Density. Changing the zoning of areas with fewer heritage items that are outside the conservation zones should provide the incentive to replace individual dwelling houses with purpose built development that can create a buffer to the highway. Rezoning of this area would be subject to RMS advice regarding vehicle access from Princes Highway.
- 4 Change the zoning of the block to the north of North St, south of Hyam St and west of the hospital to either R1 or B4 to enable greater development in this well located area close to the hospital. A B4 Mixed Use zoning could be appropriate if future medical uses are envisioned for the area. A R1 General Residential zoning is more appropriate if purely residential uses are preferred. Consider an incentive to create through site links as this area has a very large block sizes (over 300m long).

The option to up-zone will change the existing character of Colyer Avenue, which is defined by wide front setbacks and 1960/70's houses, however the wide front setbacks are an inefficient use of land.

03 LEP RECOMMENDATIONS





CHAPTER 4 DCP RECOMMENDATIONS

- 4-1 Building and floor heights
- 4-2 Street setbacks
- 4-3 Side setbacks
- 4-4 Rear setbacks
- 4-5 Landscaped area
- 4-6 Private open space
- 4-7 Streetscape interface
- 4-8 Access and parking
- 4-9 Architectural appearance

04 DCP RECOMMENDATIONS

4-1 Building and floor heights

Potential additional controls/ wording

Building heights shape the desired future character of neighbourhoods and define the level of enclosure and the scale and proportions of streets and public spaces. In conjunction with setbacks and site coverage requirements, they are the key control that sets up the basic building envelope within which development can occur and provide certainty around the intensity of future built form to the community, landowners and developers.

Objectives

- To ensure the height of buildings is appropriate to the residential scale and character of the street and the local area.
- To facilitate adequate daylight access to neighbouring properties, streets and public places.
- To minimise impacts of new development on privacy, solar access and views to or from the dwelling or adjoining dwellings.

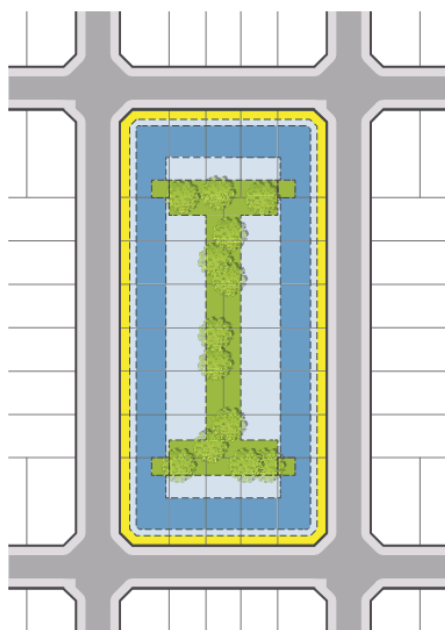


Figure 9 Indicative height limit and front and rear setback zones shown at a neighbourhood block level

Performance Criteria	
01	<i>Development responds sensitively to the context and supports the desired future character (residential 1-2 storey scale) of the street and local area.</i>
Acceptable Solutions	
a)	Development is to conform with the maximum building heights as outlined in the <i>Shoalhaven Local Environmental Plan (SLEP 2014)</i> .
b)	Where a third storey is permissible, it must sit within a 45 degree plane projected from 7.5m (two storeys) height above existing ground level at the minimum primary street setback.
c)	Where a third storey is permissible it must not extend further than 22.0m in depth measured from the street boundary. (refer to Figure 9 and Figure 10 Section 4-2 Street setbacks).
d)	Development in a heritage conservation zone, or in close proximity to a heritage item, should respect the local character and respond appropriately to the visual curtilage of heritage items. Development may be required to have lower heights and increased setbacks and/or landscaping.

Performance Criteria	
02	<i>Development supports internal residential amenity such as solar access and ventilation.</i>
Acceptable Solutions	
a)	Compliance with the ADG for residential flat buildings. For other residential buildings, a floor to ceiling height of 2.7m and shallower building depths of less than 16m are encouraged.

Legend

- Front setback zone (can vary)
- Rear setback zone (can vary)
- 2-storey built form zone
- 3-storey built form zone (where permissible)

04 DCP RECOMMENDATIONS

4-2 Street setbacks

Selected existing controls for consideration

Minimum primary street setback	Current DCP control	Recommended control
Standard dwelling	5.0m	4.5m
Dual occupancy	6.0m for lot depth < 30.5m 7.5m for lot depth > 35m	
Other residential (med dens)	5.5m for single storey 9.0m for over one storey	

Minimum secondary street setback	Current DCP control	Recommended control
Standard dwelling	3.5m	3.0m for the side of buildings facing the secondary street, and where the building fronts the principle road. For a building fronting a secondary street the setback from the street should be 4.5m. See 'Figure 12 Secondary street setback requirements'.
Dual occupancy	3.5m	
Other residential (medium density)	3.0m	

Additional 45 degree plane	Current DCP control	Recommended control
Standard dwelling	45 degrees projected plane from 5m height above existing ground level at boundary	45 degrees projected plane from 7.5m (two storeys) height above existing ground level at the minimum primary street setback. See 'Figure 10 Front setback requirements'.
Dual occupancy	45 degrees projected plane from 5m height above existing ground level at boundary	
Other residential accommodation	n/a	
Conservation area(s)	n/a	45 degrees projected plane from 4.5m (one storey) height above existing ground level at the minimum primary street setback. See 'Figure 11 Front setback requirements in heritage conservation zones'.

04 DCP RECOMMENDATIONS

Rationale:

It is recommended that the minimum street setback distances to primary and secondary streets is consistent across **all** permissible residential development in the study area (i.e. standard, dual occupancy and medium density residential). This will support a unified streetscape character and not distinguish between single detached dwellings or medium density typologies.

Smaller setbacks tend to enhance the streetscape because the built form is located closer to the street which creates spatial enclosure and offers interest and passive surveillance. Smaller setbacks are also more typical in older areas like this part of Nowra.

'Pulling the buildings forward' also allows space for more flexible layouts within the site and greater rear (landscaped) setbacks.

Setbacks for new buildings fronting secondary streets on corner sites should be consistent with minimum street setbacks for adjoining properties. This will help to tie the development in to neighbouring developments and provide adequate space for landscaping and building articulation such as porches and verandahs associated with dwelling entrances.

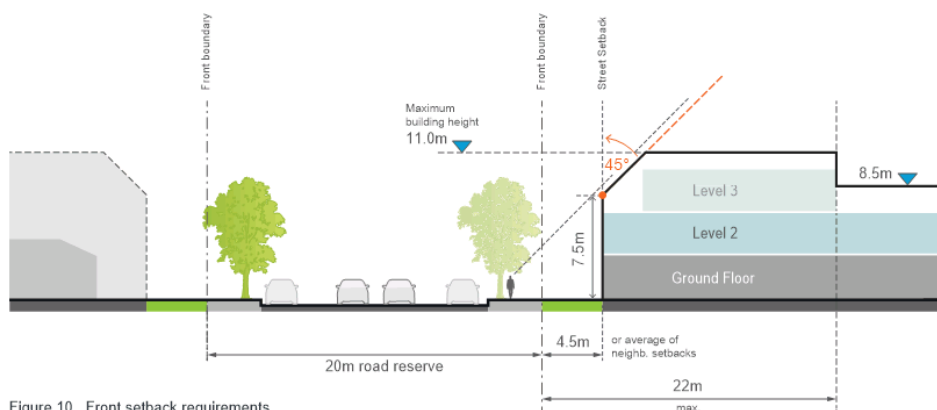


Figure 10 Front setback requirements

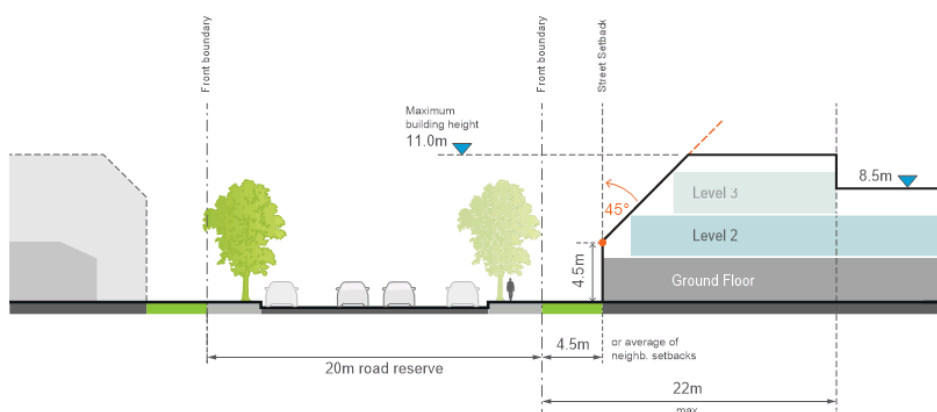


Figure 11 Front setback requirements in heritage conservation areas

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

Street setback areas are an integral part of the streetscape and their treatment is fundamental to the amenity and character of a neighbourhood. Combined with building height and road reserve width, they define the proportion, scale and visual enclosure of the street.

Street setbacks not only establish the alignment of buildings along the street, they also provide for landscaping, entries to dwellings and deep soil areas, enhance the setting of the dwelling(s), are free from buildings and structures to enable views from the building to and from the street, and provide a transition between public and private space (the treatment of the front setback is further outlined in "4-7 Streetscape interface").

Objective

- To ensure new development reinforces the desired streetscape character.
- To create a transition between public and private space which balances passive surveillance of the street and residential privacy.
- To create a landscape setting for residential buildings and ensure compatibility with other buildings in the street.

Requiring new development to be setback to the average of neighbouring development or 4.5m, whichever is the **lesser** will change the character of some streets with generous existing setbacks by bringing the buildings forward. However this control will help establish the future desired character, outside of any future conservation zone(s), within the study area.

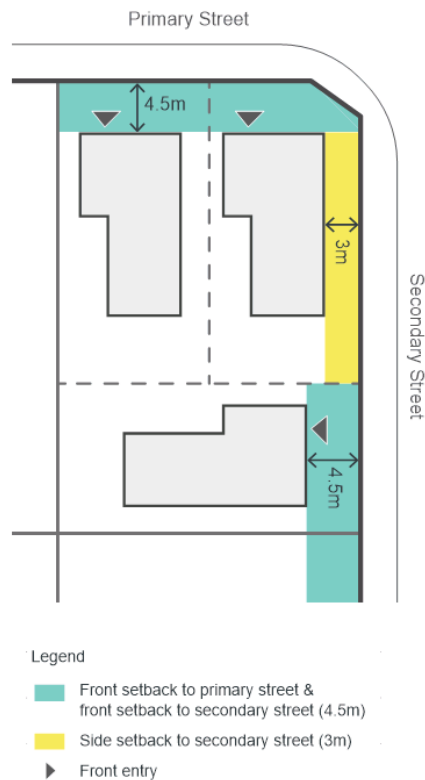


Figure 12 Secondary street setback requirements

04 DCP RECOMMENDATIONS

Performance Criteria	
03	<i>New development establishes the desired spatial proportions of the street and defines the street edge.</i>
Acceptable Solutions	
a)	Setbacks are to be the average of neighbouring built form on each side or a minimum of 4.5m whichever is the lesser .
b)	Within conservation area(s) setbacks are to closely relate to the neighbouring built form, and character of the street.
c)	For corner lots, the primary front boundary is determined by the postal address. The front setback to the secondary street is a minimum of 4.5m. The side of buildings facing the secondary street can be set back a minimum of 3.0m, where the building fronts the primary road. See "Figure 11 Secondary street setback requirements".
d)	Where a third storey is permissible, it must sit within a 45 degree plane projected from 7.5m (two storeys) height above existing ground level at the minimum primary street setback. (see also "4-1 Building and floor heights")
e)	Garages and carports are located a minimum of 1.0m behind the front building line and a minimum of 6.5m behind the front boundary.
f)	Basements may not protrude into a front setback area.
g)	If located adjacent to heritage item, the front setback is to respect and respond appropriately to the visual curtilage of this item and the local character.

04 DCP RECOMMENDATIONS

4-3 Side setbacks

Selected existing controls for consideration

Minimum side setbacks	Current DCP control	Recommended control
Standard dwelling	0.9m	Increase to 1.2m for wall lengths of less than 50% of side boundary. Maintain a 2.0m setback for wall lengths greater than 50% of side boundary. 4.0m to primary living room windows/ doors.
Dual occupancy	0.9m	
Other residential accommodation	1.0m (wall length <50% of side bndry) 1.5m to habitable room windows 2.0m (wall length >50% of side bndry)	
Additional 45 degree plane	Current DCP control	Recommended control
Standard dwelling	45 degrees projected plane from 5m height above existing ground level at boundary	45 degrees projected plane from 5m height for first portion of the lot <22m from street 45 degrees projected plane from 3.6m height for remainder of the lot >22m from street
Dual occupancy	45 degrees projected plane from 5m height above existing ground level at boundary	
Other residential accommodation	45 degrees projected plane from 5m height above existing ground level at boundary	

Side setbacks are recommended to be consistent for all residential development and slightly increased compared to the current requirement to allow for more functional side passages and greater access to light and air. Towards the rear of the lot, side setbacks for upper levels should increase compared with the part of the lot that is closer to the street frontage.

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

Side setbacks are particularly important in residential neighbourhoods that experience an increase in density as they facilitate appropriate separation to neighbouring sites to allow for sunlight access, and visual and acoustic privacy.

Objectives

- To support the desired streetscape character with appropriate massing and space between buildings.
- To provide adequate privacy and access to daylight, ventilation and outlook for residential dwellings on the site and adjoining properties.
- To create landscaped areas that are able to support mature vegetation and water infiltration.

Performance Criteria

04 Side setbacks allow adequate daylight, ventilation and privacy to neighbouring properties.

Acceptable Solutions

- The minimum setback from the side boundary for all development is 1.2m. In addition, built form including roofs must be within the 45 degree angular plane as illustrated in Figures 10 and 11.
- Primary living room windows on the ground floor can face the side boundary only if set back by a minimum of 4.0m.
- Primary living room windows on the first floor or higher can face the side boundary only if set back by a minimum of 6.0m, to maintain visual privacy from neighbouring developments.

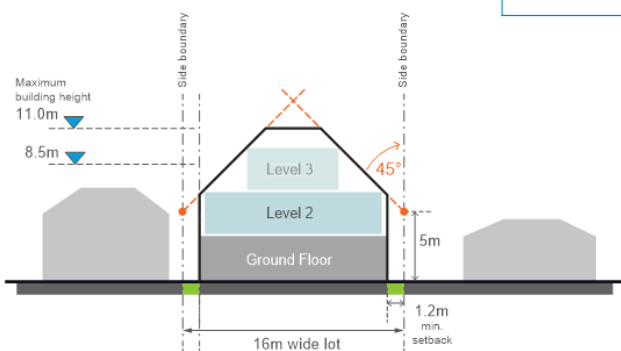


Figure 13 Side setbacks for portion of the lot <22m from front boundary

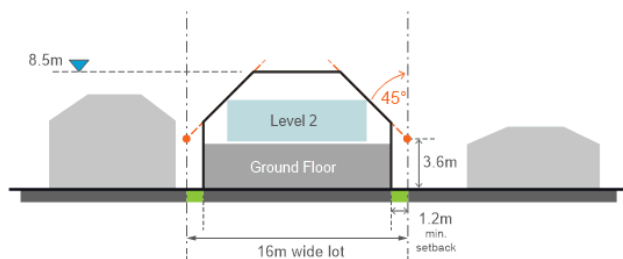


Figure 14 Side setbacks for portion on the lot >22m from front boundary

04 DCP RECOMMENDATIONS

4-4 Rear setbacks

Selected existing controls for consideration

Minimum rear setbacks	Current DCP control	Recommended control
Standard dwelling	3.0m	4.0m
Dual occupancy		
Other residential accommodation		

Additional 45 degree plane	Current DCP control	Recommended control
Standard dwelling	45 degrees projected plane from 5m height above existing ground level at boundary	45 degrees projected plane from existing ground level at rear boundary
Dual occupancy	45 degrees projected plane from 5m height above existing ground level at boundary	
Other residential accommodation	n/a	

Rear setbacks are recommended to be consistent for all residential development and increased compared to the current requirement to allow the opportunity to locate landscaped and deep soil areas. This will create landscaped corridors to the rear of properties in conjunction with neighbouring sites.

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

In addition to achieving adequate building separation and privacy, rear setbacks offer the opportunity for deep soil zones that are able to establish landscaped corridors in conjunction with rear areas of adjoining properties.

Connected areas of deep soil enable mature trees and habitat corridors which increase biodiversity, residential amenity and improve the local micro climate. Often these mature trees can be seen from the street which adds to the desired 'garden suburb' neighbourhood character.

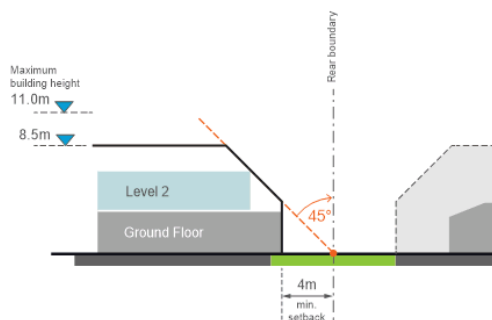


Figure 15 Minimum rear setback requirements

Performance Criteria

05 Development allows for adequate amenity to neighbouring properties and future buildings and creates consolidated landscaped corridors.

Acceptable Solutions

a) The minimum setback from the rear boundary for all development is 4.0m. In addition, built form including roofs must be within the 45 degree angular plane as illustrated in **Figures 12 and 13**.

Note: setbacks may need to be greater to achieve residential amenity, retain significant vegetation and/or protect the visual curtilage of a heritage item.

Note: Minimum rear boundary setbacks may be reduced for single storey ancillary structures, such as carports, garages or sheds (subject to Council approval).

b) Rear setbacks are landscaped with a preference for native planting species, refer to the Shoalhaven Plant Species List for the relevant area.

c) Deep soil zones are located next to other deep soil zones of adjoining properties to create consolidated landscaped corridors (refer to "4-5 Landscaped area" for further requirements).

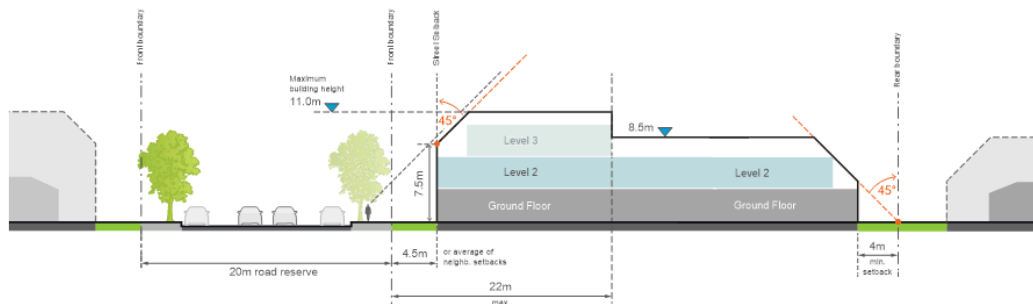


Figure 16 Section showing the maximum building envelope on a typical site

04 DCP RECOMMENDATIONS

Illustrative comparison of current and proposed controls

Side setbacks

For illustrative purposes and testing, the sections on the following four pages show the current DCP controls and recommended future controls for easy comparison.

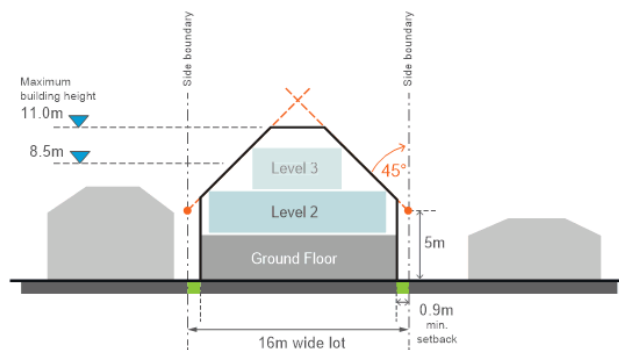


Figure 17 Existing DCP controls (dual occupancy, infill) - standard lot width

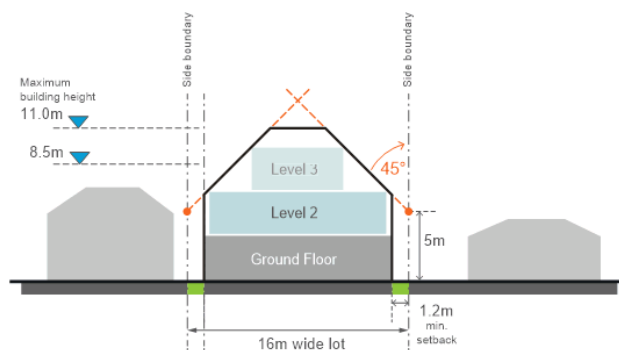


Figure 18 Proposed DCP controls - standard lot width
applies to portion of the lot <22m from front boundary

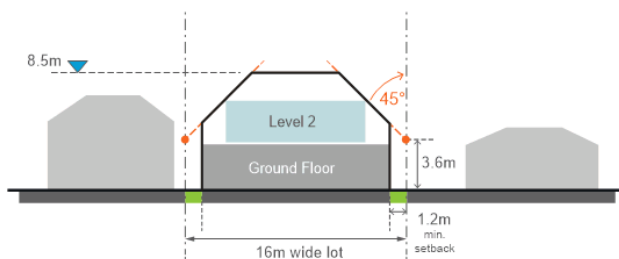


Figure 19 Proposed DCP controls - standard lot width
applies to portion of the lot >22m from front boundary

04 DCP RECOMMENDATIONS

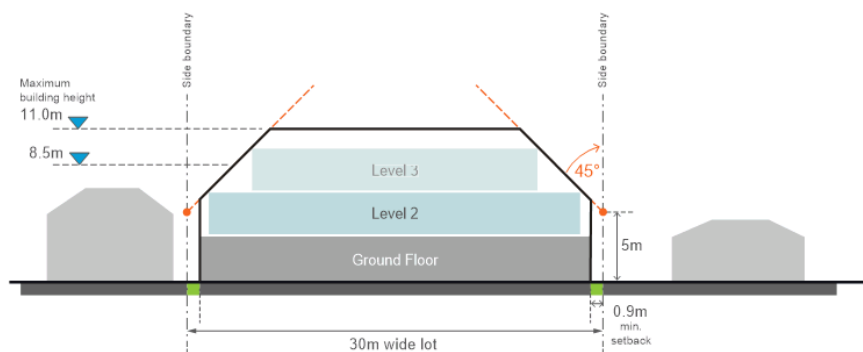


Figure 20 Existing DCP controls (dual occupancy, infill) - wide (amalgamated) lot

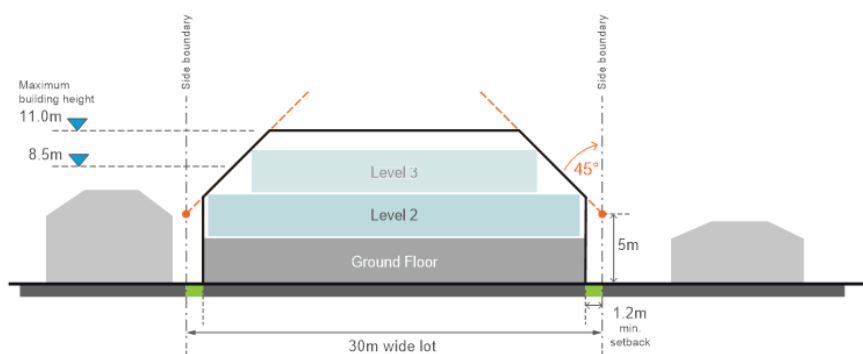


Figure 21 Proposed DCP controls - wide (amalgamated) lot
applies to portion of the lot <22m from front boundary

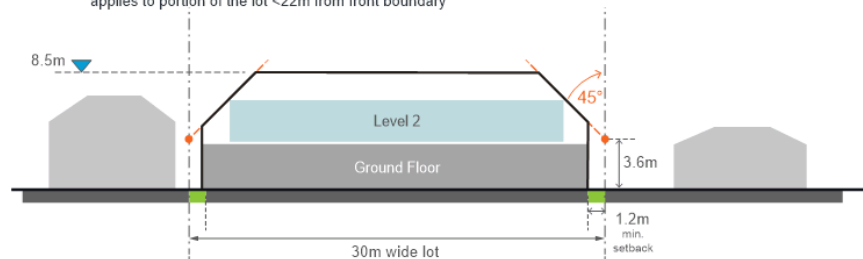


Figure 22 Proposed DCP controls - wide (amalgamated) lot
applies to portion of the lot >22m from front boundary

04 DCP RECOMMENDATIONS

Illustrative comparison of current and proposed controls

Front setbacks



Figure 23 Existing DCP controls for dual occupancy development

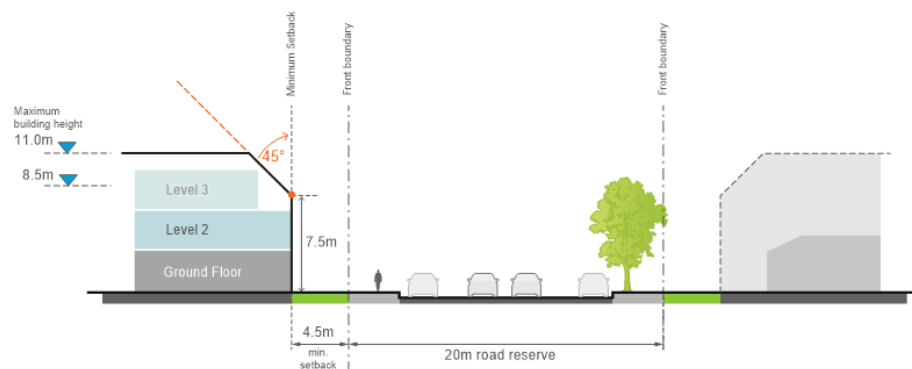


Figure 24 Proposed DCP controls



Figure 25 Proposed DCP controls within conservation zone(s)

04 DCP RECOMMENDATIONS

Illustrative comparison of current and proposed controls

Rear setbacks

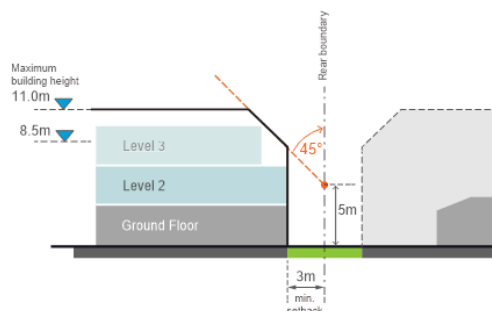


Figure 26 Existing DCP controls

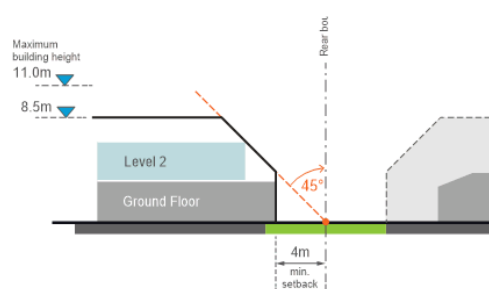


Figure 27 Proposed DCP controls

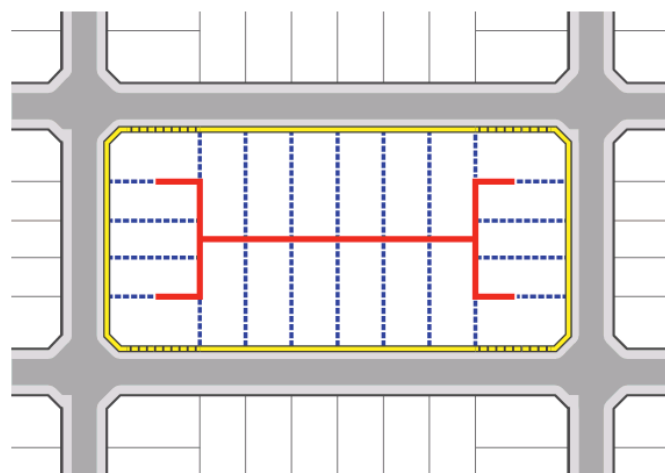


Figure 28 Boundary types at a neighbourhood block level

- Legend
- Front boundary to primary street
 - - - Front boundary to secondary street
 - - - Side boundary
 - Rear boundary

Front, side and rear setbacks for standard lots are straightforward. Corner lots typically have a frontage to a secondary road and a portion of the longer side boundary is defined as 'rear'. The relevant setback dimensions for each boundary type apply.

04 DCP RECOMMENDATIONS

4-5 Landscaped area

Selected existing controls for consideration

Minimum landscaped area	Current DCP control	Recommended control
Standard dwelling	Where the area of buildings, pavement and other impervious areas exceeds 65% of the site area, the applicant must submit details of the methods used to harvest rainwater and provide landscaping to minimise increased runoff to surrounding land and public stormwater infrastructure.	Require minimum 35% of site area
Dual occupancy	A minimum of 30% of the total site area is to be provided as a landscaped area.	Increase to minimum 35% of site area (before subdivision)
Other residential accommodation	Minimum 35% of site area	Keep at minimum 35% of site area (before subdivision)

Deep soil provision	Current DCP control	Recommended control
Standard dwelling	50% of landscaped area	Keep at 50% of landscaped area
Dual occupancy	50% of landscaped area	Keep at 50% of landscaped area
Other residential accommodation	n/a	Require 50% of landscaped area

Testing of 'business as usual' and better practice design undertaken as part of this study (see Background Report, Chapter 5 Scenario Testing) has identified that a landscape area of up to 45% is achievable on most sites if part of the built form is two storeys. Two storey typologies are a desirable outcome because they have a smaller footprint, help define the street edge and offer increased surveillance to the street and opportunity for landscaped areas.

In order to respond sensitively to the existing predominantly single storey context the massing of two storey buildings should be articulated and broken down. Within conservation zone(s) two storey developments are to appear as predominantly single storey massing from the street as described within "4-2 Street setbacks" and "4-9 Architectural appearance".

It is recommended that a consistent percentage of minimum landscaped area is required across all residential development in the study area. It is important that this metric is not reduced during the application process as it operates in tandem with a recommended and consistent FSR for all residential development (see *Chapter 3 LEP recommendations*).

The aim is to encourage 2-storey built form and avoid single storey developments (e.g. villa/ row housing) that cover the majority of the lot and leave little space for vegetation and separation between dwellings.

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

Landscaping of medium density developments plays an important role in their integration into the surrounding streetscape and context, which greatly increases the amenity for neighbours and future residents. Landscaping and buildings need to be integrated and designed together. As such, landscaped areas should not be generated by 'left-over spaces' resulting from building siting.

A portion of the landscaped area is required to be deep soil which are zones of natural ground with a natural soil profile. They are free of structures (including underground structures), suitable for the growth of mature trees and vegetation and allow water to be absorbed by the soil (infiltration).

Objective

- i) To soften the appearance of new buildings from streets, public places and neighbouring properties.
- ii) To protect and retain existing mature trees and other significant vegetation.
- iii) To maximise the amount of rainwater that can soak into the ground and minimise run-off into adjoining areas or drains.
- iv) To improve the local micro-climate and control climatic impacts on buildings and outdoor spaces.

Performance Criteria	
06	<i>Development maximises landscaped areas that soften the appearance of new development, facilitate water infiltration, interface appropriately with adjoining areas, and supports canopy trees that help ameliorate the heat island effect and increase privacy between properties .</i>
Acceptable Solutions	
a)	A minimum of 35% of the total site area is to be provided as landscaped area.
b)	50% of the required landscaped area is deep soil with deep soil planting (trees, shrubs).
c)	Calculation of landscaped and deep soil areas is not to include any land that has a length or a width of less than 1.5m.
d)	All development is to provide landscaped areas, tree planting and deep soil zones in the front setback that relate to the scale of proposed buildings and complement the existing streetscape character. The minimum amount of deep soil in the front setback is 35% of the front setback area.
e)	Front setbacks are landscaped with a preference for native planting species. Where the front setback does not have a mature tree at least 10m high a minimum of one canopy tree is to be planted in the front setback. The tree is to be capable of a mature height of at least 10m.
f)	Where the rear of the lot does not have a mature tree at least 15m high, a minimum of one large canopy tree is to be planted in the rear setback area. The tree is to be capable of a mature height of at least 15m and is to have a spreading canopy.

04 DCP RECOMMENDATIONS

4-6 Private open space

Selected existing controls for consideration

Private open space (POS)	Current DCP control	Recommended control
Standard dwelling	n/a	minimum 50m ² with a minimum dimension of 6.0m x 5.0m
Dual occupancy	minimum 50m ² with a minimum dimension of 6.0m x 5.0m	minimum 50m ² with a minimum dimension of 6.0m x 5.0m
Other residential accommodation	minimum 35m ² with a minimum dimension of 2.5m One part of the minimum private open space area must have a usable minimum area of 25m ² and a minimum dimension of 4m.	Dwellings on ground floor: <ul style="list-style-type: none"> • Studio/ one bedroom: min. 20m² • Two bedroom: min. 28m² • Three or more bedrooms: 35m² • Minimum dimension: 4.0m x 4.0m Dwellings on upper levels (i.e. balconies): <ul style="list-style-type: none"> • Studio/ one bedroom: min. 10m² • Two bedroom: min. 14m² • Three or more bedrooms: min. 18m² • Minimum dimension: 2.0m x 3.0m

The amount of private open space (POS) for 'other residential accommodation' in the current DCP has been highlighted by local builders/ developers as an issue during consultation (see *Background Report, Chapter 4, Workshop 3*).

It is recommended that the required POS is linked to the dwelling size (i.e. reduced rates for studios, one and two bedroom dwellings). This is aimed at encouraging the delivery of smaller units (responding to the demographic trend in smaller households) to offer greater housing diversity and choice close to the Nowra CBD.

In addition, it is anticipated that more two to three storey development may occur in the study area in the future. The recommendations above therefore include suggested POS requirements for upper level dwellings (balconies/ outdoor terraces).

For greater consistency, the POS requirements for standard dwellings are recommended to be the same as the current provision required for dual occupancy dwellings.

04 DCP RECOMMENDATIONS

4-7 Streetscape interface

Selected existing controls for consideration

Addressing the street	Current DCP control	Recommended control
Standard dwelling	---	Buildings adjacent to the street have a front door and at least one window of a habitable room facing the street.
Dual occupancy	Each dwelling is to include at least two of the following building elements in the street elevation: front entry door; living room window; portico, verandah, deck or patio.	
Other residential accommodation	Buildings adjacent to the street have a front door and/or a living room window facing the street.	

Building height	Current DCP control	Recommended control
Standard dwelling	---	---
Dual occupancy	For dual occupancy (detached), the dwelling furthest from the street (or adjacent to a side street in the case of a corner lot) should: <ul style="list-style-type: none"> • Be of single storey construction. • Have a maximum height from existing ground level to the underside of eaves at any point of 3.6m. Development on wedged-shaped lots within cul-de-sacs must maintain a single dwelling street presentation.	Within the Nowra Fringe area 'clause 5.2 Height and Bulk, chapter G13 Dual Occupancy Development of the Shoalhaven DCP 2014' is replaced by building setback controls as described within "4-1 Building and floor heights", "4-2 Street setbacks" and "4-3 Side setbacks".
Other residential accommodation	The difference in building height between existing buildings and new development is not more than one storey when viewed from the public street.	Within the Nowra Fringe area 'clause 5.2.4 Streetscape and building appearance, chapter G14 Other Residential Accommodation, of the Shoalhaven DCP 2014' is replaced by controls as described within "4-7 Streetscape interface" "4-8 Access and parking" and "4-9 Architectural appearance".

04 DCP RECOMMENDATIONS

Selected existing controls for consideration

Fencing	Current DCP control	Recommended control
Standard dwelling	<p><i>Primary street frontage:</i> Solid fences or walls are a maximum height of 1.2m; OR fences or walls higher than 1.2m have a maximum height of 1.8m with a solid component of up to 0.7m and be transparent for at least 50% for the remaining height; OR are landscaped with architectural treatment</p> <p><i>Secondary street frontage:</i> Fences or walls have a maximum height of 1.8m and may be solid</p>	<p><i>Primary street frontage:</i> Fences are a maximum height of 1.0m with posts or piers able to extend above this height by 0.2m. Fences are at least 25% transparent.</p> <p><i>Secondary street frontage:</i> Fences or walls have a maximum height of 1.5m and are at least 25% transparent.</p>
Dual occupancy	---	
Other residential accommodation	Front fences and walls should not be higher than 1.2m if solid. This height may be increased to 1.8m if the fence has openings that make it at least 50% transparent.	

Parking	Current DCP control	Recommended control
Standard dwelling	The width of garage façades addressing the street does not exceed 9.0m or 50% of the length of the frontage, whichever is the lesser.	Consider to allow one single garage only for lots less than 14m wide with a maximum permissible width of 4.0m. Two garages facing the street are permissible for lots wider than 14m with a maximum combined width of 8.0m. Tandem/ stack parking arrangement is encouraged/ permissible.
Dual occupancy	The width of garage façades addressing the street does not exceed 9.0m or 50% of the length of the frontage, whichever is the lesser.	
Other residential accommodation	---	

Facade length	Current DCP control	Recommended control
Standard dwelling	minimise the length of unbroken walls	Façades that address the street have no more than 5.0m of ground floor wall length without a door or window.
Dual occupancy	minimise the length of unbroken walls	
Other residential accommodation	maximum unarticulated length of 15m to the public street frontage	

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

The way private development addresses the public street has a direct influence on the character and safety of the neighbourhood. Every development needs to be a 'good neighbour' by 'giving back' and contributing to the streetscape and wider context.

Doors, windows and balconies that clearly address and overlook the public domain and the careful design of fences and front gardens improve the area's character and the surveillance of the street.

Objective

- To contribute to the desired future character of the streetscape and neighbourhood.
- To enhance the safety and passive surveillance of the street.
- To clearly define the boundaries between public and private land and between neighbouring properties.
- To provide a transition zone that balances privacy to the dwelling and surveillance of the street.

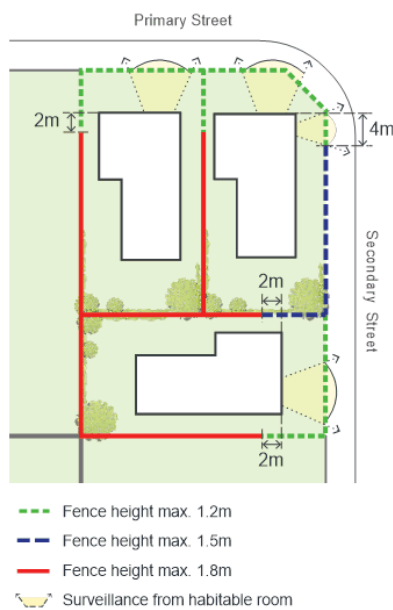


Figure 29 Fence height requirements

Performance Criteria

- 07** *New development addresses and defines the street through entrances, lobbies, windows, balconies and thoughtful facade design.*

Acceptable Solutions

- Each dwelling that has a street frontage is to be designed so that access to the front door is clearly identifiable and visible from the public street and has at least one habitable room with a window overlooking the street.
- Façades that address the street have no more than 5.0m of wall length without a door or window.
- Residential uses on the ground floor can be raised to a maximum of 1.2 metres above the footpath level to improve internal privacy. Direct access from the footpath to individual dwellings is required.

Performance Criteria

- 08** *Fences, in particular along the public street, support the neighbourhood character and maximise passive surveillance of the street.*

Acceptable Solutions

- Front fences are either picket fence style or masonry fence style with a minimum transparency of 25% and a maximum height of 1.0m. Posts or piers may extend above this height by 0.2m. Hedges behind the fence can be to a height of 1.2m maximum.
- For corner lots, front fences to a portion of the secondary street frontage can be up to 1.5m high (see "Figure 27 Fence height requirements") so long as the fence is 25% transparent.
- Fence materials are to be timber or metal pickets/ battens, timber, natural stone, face-brick or rendered brick. Corrugated iron, Colorbond™ or similar metal fences are not permitted.
- Return fences (the side fence between the front boundary and front elevation of the house) are to be the same height and design as front fences/ or coordinated with neighbour.

04 DCP RECOMMENDATIONS

4-8 Access and parking

Selected existing controls for consideration

Parking provision	Current DCP control	Recommended control
Standard dwelling	2 car spaces on site	no change recommended
Dual occupancy	1 car space on site for each dwelling less than 125m ² GFA; 2 car spaces on site for each dwelling more than 125m ² GFA; 2 car spaces for each 3+ bedroom dwelling; Car spaces to be located behind front building line	no change recommended
Other residential accommodation	1 space per small dwelling (<55m ²); 1.5 spaces per medium dwelling (56-85m ²); 2 spaces per dwelling of 86m ² or greater; above parking rates includes visitor spaces	Change wording to be consistent with dual occupancy control above. Additional wording: 'no on site visitor parking required for development of 4 dwellings or less when the street reserve is 15m or greater.'

Stack/ tandem parking	Current DCP control	Recommended control
Standard dwelling	Stack parking of vehicles in not supported unless part of a mixed use, commercial, managed residential development or a mix of these uses with a management plan in place.	Stack/ tandem parking is permissible for residential development where parking spaces are: <ul style="list-style-type: none"> for no more than 2 vehicles parked behind each other both spaces are assigned to the same dwelling if visible from the street only one stacked parking arrangement is permissible for every 20m of lot frontage, ideally located towards the side boundary
Dual occupancy		
Other residential accommodation		

Vehicle access direction	Current DCP control	Recommended control
Standard dwelling	Development must be designed so that vehicles enter and leave the premises in a forward direction.	For garages and carports that face the street and where driveways within the site are less than 8.0m long, vehicles can enter or leave in a reverse direction on to non RMS roads.
Dual occupancy		
Other residential accommodation		

04 DCP RECOMMENDATIONS

Vehicle access point	Current DCP control	Recommended control
Standard dwelling	Vehicle entry and exit points to the site should be clearly marked with pavement, arrows and signage.	Paving and landscape treatments should clearly indicate vehicular access points and driveways. The use of signage should be minimised. Painted arrows and markings are not permitted.
Dual occupancy		
Other residential accommodation		
Driveway width and splay	Current DCP control	Recommended control
Standard dwelling	Minimum driveway width is 3 to 6m and splay at kerblines of 0.5m	Maximum driveway width of 3.5m for development of 4 dwellings or less. New development is to provide/construct a concrete footpath along the public street frontage of the lot. The footpath must be continuous (across driveway) and to Council specifications. (Council may accept or prefer a cash contribution)
Dual occupancy		
Other residential accommodation		

04 DCP RECOMMENDATIONS

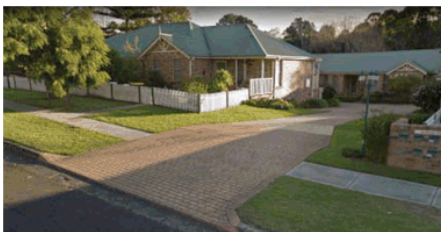
Potential additional controls/ wording

The location and design of car access and parking areas has a significant impact on the character of a neighbourhood (sometimes it can be greater than the actual built form). It is critical that new infill development is not dominated by car related uses.

Vehicle access and movement areas must not dominate the streetscape nor compromise the privacy and amenity of the site or neighbouring dwellings. At the same time, car parking needs to be convenient and be designed to meet the needs of residents. For more information and provisions, refer to *Chapter G21 Car Parking and Traffic, Shoalhaven DCP 2014*.

Objective

- To minimise the physical and visual impact of vehicles, garages, driveways and hard surfaces.
- To minimise footpath and street reserve crossings.
- To provide for the safe and sufficient provision of car and bicycle parking onsite.



Poor design outcome: Individual finish to driveway crossing gives the impression of vehicle priority. (Source: Google)



Better design outcome: Plain concrete finish to driveway crossing and footpath.

Performance Criteria	
09	<i>Access points are designed to minimise visual intrusion and disruption of streetscape continuity.</i>
Acceptable Solutions	
a)	New development is to construct a concrete footpath along the public street frontage of the lot. The footpath and the section of driveway within the road reserve should be a plain concrete finish to Council specifications. Individual finishes to driveways crossing public footpaths within the road reserve can result in a perception of vehicle priority (see photographs adjacent).
d)	Up to two driveway crossings may be permitted for residential developments where: <ul style="list-style-type: none"> the property is located on a corner block or has dual access to front and rear the development contains 4+ dwellings and the lot width is more than 22m. <p>The minimum separation of driveways is 13m. The second driveway has a maximum width of 3.5m and a maximum length of 8.0m see "Figure 29 Two driveway crossings requirements".</p> <p>For all other residential developments a maximum of one vehicle crossing is permitted.</p>

Performance Criteria	
10	<i>Where parking is located in a basement structure it is visually unobtrusive to the street frontage.</i>
Acceptable Solutions	
a)	Basement car parking cannot extend more than 1.0m above ground and is screened or integrated with the building design so as to be visually recessive from a public street or public space.
b)	Basement car parking is not to extend within the front setback.

04 DCP RECOMMENDATIONS

Performance Criteria	
11	<i>Garages and carports are not to be visually prominent features and the area for vehicle access and manoeuvring is minimised.</i>
Acceptable Solutions	
a)	The minimum front setback for a garage or carport perpendicular to a primary or secondary street frontage is 6.5m from the front boundary AND all garages and carports are set back from the front building line by a minimum of 1.0m.
b)	Parking cannot be located parallel to the street and within the front setback.
c)	Stack (tandem) parking is permissible for residential development where parking spaces are: <ul style="list-style-type: none"> • maximum two vehicles parked behind each other • both spaces are assigned to the same dwelling • if visible from the street only one stacked parking arrangement is permissible every 20m of lot frontage.
d)	Carports and garages visible from the public street are to: <ul style="list-style-type: none"> • be compatible with the building design, including roofs; and • be treated with materials and colours and windows which ensure the garage or carport is less visibly intrusive to the streetscape.
e)	Garage doors to a street frontage cannot be more than 50% of the street frontage or <ul style="list-style-type: none"> • maximum 8.0m wide for lots >14m wide • maximum 4.0m wide for lots <14m wide which ever is the lesser.
f)	Carports cannot be wider than one car space.
g)	The provision of garages and car ports as smaller scale ancillary structures is encouraged where this supports the desired streetscape character.

Performance Criteria	
12	<i>Vehicular movement, driveways and parking areas are to be designed to minimise dimensions, reduce hard surfaces on the lot, and increase the area available for landscaping.</i>
Acceptable Solutions	
a)	Driveways should be constructed of visually unobtrusive materials that would be compatible with their landscaped surroundings, for example sandstone flagging or paving, oxidised or patterned concrete.
b)	Permeable driveway surface treatments are encouraged.

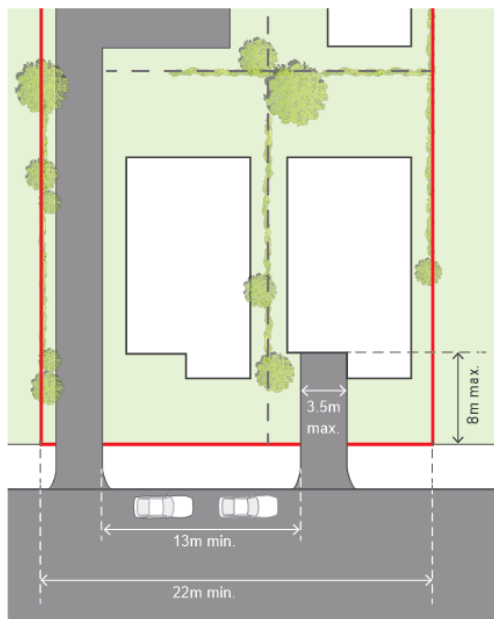


Figure 30 Two driveway crossings requirements

04 DCP RECOMMENDATIONS

4-9 Architectural appearance

Selected existing controls for consideration

Articulation	Current DCP control	Recommended control
Standard dwelling	---	maximum unarticulated length of 8m to the public street frontage.
Dual occupancy	---	
Other residential accommodation	maximum unarticulated length of 15m to the public street frontage.	

Materials	Current DCP control	Recommended control
Standard dwelling	Most Colorbond colours are appropriate in general building design depending on glare levels. Traditional building materials, such as galvanised steel, may be permitted.	It is recommended to add that the use of bright feature colours is avoided/ minimised. See suggested control 14b).
Dual occupancy	Proposals, if including external metallic walls and roof surfaces, should consist of colours that will minimise the reflectivity of the surface when viewed from a public place or another dwelling.	
Other residential accommodation		

Architectural elements	Current DCP control	Recommended control
Standard dwelling	---	In addition to a front door and a window to a habitable room (see Section 4-7 Streetscape interface), each dwelling is to include at least two of the following building elements in the street elevation: <ul style="list-style-type: none"> • awnings or other features over windows; • eaves and sun shading; • roof overhangs; • window box treatment; • recessed or projecting architectural elements including verandahs and porticos; • bay window. These elements may intrude into the front setback area by a maximum of 1.0m (articulation zone).
Dual occupancy	Each dwelling is to include at least two of the following building elements in the street elevation: <ul style="list-style-type: none"> • front entry door; • living room window; • portico, verandah, deck or patio. 	
Other residential accommodation	---	
Conservation Zone(s)	---	Roof forms within conservation zone(s) are to be compatible with the steeper pitches of older late 19th and early 20th century houses.

04 DCP RECOMMENDATIONS

Potential additional controls/ wording

Each building visible from the street makes a contribution to the streetscape character of the neighbourhood. The quality of these contributions depend not only on the scale of the development, but also on the architectural expression and appearance.

The form, scale, proportion and pattern of building elements, including roof forms, overhangs, doors, windows, balconies and decorative elements is important. So is the careful choice of materials, textures, finishes and colours, which need to be selected for their robustness, durability, energy performance and compatibility to the surrounds.

Objectives

- i) To ensure the architectural appearance of new development provides interest and contributes to the streetscape character.
- ii) To reduce visual bulk and scale of development, in particular for any future three storey built form.

Performance Criteria	
13	<i>Building form, composition and facade design break up the built form and bulk and provide visual interest.</i>
Acceptable Solutions	
a)	The composition of façades balances solid and void elements and does not display large areas of a single material, in particular reflective glass.
b)	Shadow is created on the facade throughout the day with building articulation, balconies, roof overhangs and/or deep window reveals.
c)	Sidewalls, if visible from the street, are designed as an architecturally finished surface that complements the main building facade.
d)	The architectural form should emphasise the building entry, e.g. by building massing, changes in roof line and/ or architectural elements and features.
e)	Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.

f)	Adjoining buildings are considered in terms of setbacks, awnings, eaves, ridge lines, selection of materials and finishes, and façade proportions.
g)	Roof pitches are to generally be at least 25 degrees or complement the streetscape character of adjoining buildings. Roof pitches greater than 45 degrees are not permitted.
h)	Views of both street façades are well considered on corner sites. The building form must consider how it 'turns' the corner and responds to prominent views from different angles.
i)	Where a site forms a terminating view to a street, view(s) of the proposal from the street framing the terminating view must be submitted with a development application.
j)	Buildings should present a predominantly single or two storey appearance to the street within the Nowra CBD Fringe area.
k)	Buildings should present a predominantly single storey appearance to the street within conservation zone(s).

Performance Criteria	
14	<i>The selection of building materials and colours is sympathetic to the streetscape and neighbourhood.</i>
Acceptable Solutions	
a)	External walls are constructed of high quality and durable materials sympathetic to the context, such as painted weatherboard.
b)	Colours should be consistent with predominant colours of existing buildings. Bright feature colours are avoided where possible and only permitted for a maximum of 5% of the facade.



DE18.16 - Attachment 1

Works In Kind Agreement

Section 94(5)(b) – Environmental Planning & Assessment Act 1979

**Shoalhaven City Council &
John Andrew Nixon**

DA15/1102

Reference: DA15/1102
Template Reference: LS303

**The Council of the City of Shoalhaven
Council Administrative Centre
Bridge Road
NOWRA, NSW 2541**

Works In Kind Agreement

This Agreement is made on the date set out in **Item 1 of Schedule 1**.

Parties

- (1) **The Council of the City of Shoalhaven** of Bridge Road, Nowra, NSW 2541 (**Council**),
and
- (2) **The party set out Item 2 of Schedule 1 (Developer)**.

Background

- A. The Developer has been granted the Development Consent or is otherwise entitled to act upon the Development Consent.
- B. The Development Consent contains the Condition which requires the Developer to pay the Contributions in respect to the development.
- C. The Developer has offered to carry out the Works in lieu of paying the Contributions.
- D. The Developer and Council wish to enter into this Agreement to make provision for the carrying out of the Works by the Developer in satisfaction of the Developer's obligation to pay the Contributions.
- E. Section 94(5)(b) of the Act authorises Council and the Developer to enter into this Agreement.

Agreed Terms

1. Scope of Works

- 1.1 The Developer and Council agree that the scope of Works to be carried out and completed under this Agreement is set out in **Schedule 2**.
- 1.2 If specified in Schedule 2, before the commencement of the Works, the Developer must (at its cost):
 - (a) prepare a detailed design for the Works;
 - (b) obtain the approval of Council for the detailed design;
 - (c) prepare construction drawings for the Works; and
 - (d) obtain the approval of Council for the construction drawings.
- 1.3 The Developer must prepare any detailed design or construction drawings for the Works in accordance with the standards set out in **Schedule 2**.

2. Obligation to Carry out Work

- 2.1 The Developer must ensure that the Works reach Completion on or before the Completion Date in accordance with the terms of this Agreement.
- 2.2 The Developer's obligation under clause 2.1 exists irrespective of whether the Developer:

- (a) carries out the Works itself; or
 - (b) enters into an agreement with another person under which the other person carries out the Works on the Developer's behalf.
- 2.3 The Developer must (at its cost):
 - (a) obtain all relevant approvals and consents for the Works whether from the Council or any other relevant authority; and
 - (b) before commencing the Works, give to the Council copies of all approvals and consents for the Works (except those granted by Council).
- 2.4 The Developer must carry out and complete the Works in a good and workmanlike manner having regard to the intended purpose of the Works and otherwise to the satisfaction of Council in accordance with:
 - (a) the Development Consent;
 - (b) any approvals and consents relating to the Works;
 - (c) all applicable laws, including those relating to the environment and occupational health and safety;
 - (d) this Agreement to the extent that it is not inconsistent with the Development Consent, any other approval or consent, or applicable law; and
 - (e) any reasonable directions given by Council about the Works.
- 2.5 The Developer must ensure, in relation to the carrying out of the Works, that it:
 - (a) takes all necessary measures to protect people and property;
 - (b) avoids unnecessary interference with the passage of people and vehicles; and
 - (c) prevents any nuisance or unreasonable noise and disturbance.
- 2.6 The Developer, at its own cost, must repair and make good to the satisfaction of Council any loss or damage to the Works from any cause whatsoever which occurs before the date on which the Works reach Completion.
- 2.7 The Council as a party to this Agreement and not as a consent authority may (but is not obliged) at reasonable times and on reasonable notice inspect the Works during the course of construction.
- 3. Ownership of Works**
- 3.1 Nothing in, or done under, this Agreement gives the Developer:
 - (a) any right, title or interest in the Works; or
 - (b) any estate or interest in the Site,whether at law or in equity.

4. Effect of Developer's Compliance with this Agreement

4.1 For the purposes of the Condition and the Act:

- (a) the performance of this Agreement by the Developer satisfies the Developer's obligation under the Development Consent to pay the Contributions to the extent of the Works Value; and
- (b) the Developer is not required to pay the Contributions to that extent.

4.2 Council is to pay the Developer the Surplus Value when:

- (a) all notices have been given under clause 7 in relation to the Works; and
- (b) it has received payments of monetary contributions towards the costs of the Works from persons other than the Developer totalling the amount of the Surplus Value.

5. Value of Works

5.1 For the purposes of this Agreement, the Council and Developer agree that the value of Works is the Works Value as set out in **Schedule 2**.

5.2 The Developer expressly acknowledges and agrees that

- (a) the cost of the Works as set out in **Schedule 2** are estimates only based on the values in the Contributions Plan and any cost estimates submitted by the Developer and approved by Council; and
- (b) if the Developer's actual cost of carrying out and completing the Works, including any costs incurred under this Agreement, determined at the date on which the Works reach Completion, differs from the Works Value, then:
 - (i) no party to this Agreement will be entitled to claim any credit or reimbursement, as the case may be, for the difference; and
 - (ii) the Developer is not entitled to change or reduce the scope of the Works by reason only that the costs actually incurred are greater than the Works Value.

6. Access of the Works on the Site

6.1 Subject to any applicable law and clause 6.2, the party that owns the Site authorises the other party to enter the Site for the purposes of carrying of their obligations under this Agreement.

6.2 Council may require the Developer to enter into a separate occupation licence in respect to the occupation and use of the Site.

6.3 If the Site is owned by a third party, the Developer must:

- (a) obtain any necessary approval or consent to enter the land for the purposes of carrying out the Works; and
- (b) if requested, provide Council with written evidence of such approval or consent.

7. Completion of Works

- 7.1 When, in the opinion of the Developer, the Works have reached a state of Completion, the Developer must notify Council in writing. This notice must include:
- (a) a statement from the person with direct responsibility for completion of the Works that the Works have reached Completion;
 - (b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the ongoing maintenance or management of the Works;
 - (c) a complete set of works-as-executed-plans for the Works including one set in electronic format.
- 7.2 Within 10 Business Days of receipt of a notice under clause 7.1, Council will inspect the Works and must by written notice to the Developer:
- (a) agree that Completion has been achieved; or
 - (b) disagree that Completion has been achieved and identify the errors or omissions in the Works which in the opinion of Council prevent Completion.
- 7.3 Nothing in clause 7.2, or in any notice issued under clause 7.2, will be construed to reduce or waive in any manner the Developer's responsibilities to correct minor defects or omissions, whether or not these are identified by Council.
- 7.4 The Developer must comply with a direction given under clause 7.2(b) according to its terms and at the Developer's own cost. The Developer may then give Council further written notice in accordance with clause 7.1.
- 7.5 The Works is taken to have reached Completion when Council gives the Developer written notice to that effect.

8. Defects Liability Period

- 8.1 During the Defects Liability Period, Council may give to the Developer written notice in relation to the Works specifying:
- (a) the Works requiring rectification;
 - (b) the action to be undertaken by the Developer to rectify those Works; and
 - (c) the date on which those Works must be rectified.
- 8.2 The Developer must comply with a notice given under clause 8.1 according to its terms and at the Developer's own cost.
- 8.3 Until the end of the Defects Liability Period, the Council may retain from the Guarantee an amount equal to 10% of the Works Value as security for performance by the Developer of its obligations under clause 8.
- 8.4 If the Developer does not comply with a notice given under clause 8.1, Council may do such things as are necessary to rectify the defect and may:
- (a) call upon the Guarantee to meet its costs in rectifying the defect; and

- (b) recover, as a debt due and owing, any difference between the amount of the Guarantee and the costs incurred by Council in rectifying the defect.

8.5 Clause 8.1 does not limit any other right, power or privilege of the Council whether arising under this Agreement or otherwise at law.

9. Delay

9.1 When it becomes evident to the Developer that anything, including:

- (a) any act or omission of Council;
- (b) delay or disruption caused by Council, or a breach of this Agreement by Council;
- (c) a change in legislative requirements;
- (d) an event of force majeure,

may delay the performance of any obligation under this Agreement, the Developer may within 20 Business Days of becoming aware of the delay, notify Council in writing with details of the possible delay, the cause and request an extension of time to perform the relevant obligation.

9.2 If the Developer is delayed by any of the causes referred to in clause 9.1 and such cause:

- (a) could not be reasonably avoided; and
- (b) affects an activity critical for completion or performance of the relevant obligation,

the Developer will be entitled to an extension of time for the relevant obligation.

10. Guarantee

10.1 Within 5 Business Days of the date of this Agreement, the Developer must provide the Council with the Guarantee for the Guarantee Amount.

10.2 If the Guarantee is provided by way of cash or unendorsed bank cheque, Council must hold the Guarantee in an interest bearing account on behalf of the Developer. Any interest earned by the Developer forms part of the Guarantee.

10.3 Council may call upon the Guarantee if:

- (a) the Developer fails to comply with a notice given under clause 8.1 or 15.1; or
- (b) Council gives the Developer a termination notice under clause 16.

10.4 The amount appropriated by the Council under clause 10.3 must be applied towards:

- (a) the reasonable costs and expenses incurred by the Council in rectifying any default by the Developer under this Agreement; or
- (b) carrying out the Works; or
- (c) carrying out any works at the Site necessary for the protection of persons or property.

10.5 The Developer acknowledges and agrees that:

- (a) where the Council may call on the Guarantee under this Agreement, the Council may claim, and the bank will be entitled to make, payment under the Guarantee without reference to the Developer and despite any objection, claim or direction by the Developer to the contrary; and
 - (b) the rights of the Council under this Agreement are without derogation from the other rights and remedies available to the Council under this Agreement, at law or in equity in relation to the default of the Developer.
- 10.6 Upon the completion of any distinct stage of the Works, the Developer may by written notice to the Council request a partial release of the Guarantee. This notice must include details of the completed Works and Works Value.
- 10.7 Upon receipt of a notice under clause 10.6, Council may by written notice to the Developer:
 - (a) request that the Developer provide verification from an appropriately qualified expert of the completed Works and the Works Value;
 - (b) partially release the Guarantee; or
 - (c) refuse to partially release the Guarantee.
- 10.8 If the Council refuses to partially release the Guarantee, on request by the Developer, it must give written reasons for its decision.
- 10.9 Unless the Council is entitled to call upon the Guarantee, Council will return the 90% of the Guarantee to the Developer within 10 Business Days of the Works reaching Completion and will retain 10% of the Guarantee in accordance with clause 8.3.
- 10.10 Unless the Council is entitled to the remaining Guarantee, Council will return the remaining Guarantee (and if applicable, together with any interest earned on the Guarantee less any charges payable to the bank) to the Developer within 10 Business Days of the end of the Defects Liability Period.
- 11. Insurance**
- 11.1 The Developer must:
 - (a) maintain public liability insurance, with an insurer approved by Council, with Council nominated as an interested party, for an amount not less than the amount set out in **Item 11 of Schedule 1** covering all aspects of the Works;
 - (b) maintain all other necessary insurance policies in respect of the Works including, but not limited to, insurance of the Works and insurance against death or injury to persons employed in relation to the undertaking of the Works, and any other insurances required at law;
 - (c) submit a copy of the certificates of insurance to Council before commencement of the Works and when otherwise required by the Council;
 - (d) maintain the insurance in clauses 11.1(a) and (b) until the end of the Defects Liability Period.

12. Indemnity

- 12.1 Except to the extent that the Council has by act or omission contributed to its loss, the Developer indemnifies and releases the Council against all damage, expense, loss or liability of any nature suffered or incurred by the Council arising from any act or omission by the Developer (or any person engaged by it) in connection with the carrying out of the Works.

13. Assignments & Dealings

- 13.1 This Agreement is intended by the parties to bind successors in title to the Land.
- 13.2 The Developer must not have any Dealings with the Land unless the Developer
- (a) first informs the proposed assignee, purchaser or other party (the **Incoming Party**) of this Agreement;
 - (b) provides the Incoming Party with a copy of this Agreement;
 - (c) enters into a novation deed with the Incoming Party and the Council, whereby the Incoming Party agrees to perform the obligations of the Developer under this Agreement;
 - (d) remedies any default by the Developer, unless such default has been waived by the Council; and
 - (e) pays the Council's reasonable costs in relation to the assignment and novation.

14. Dispute Resolution

- 14.1 If a dispute arises between the parties in relation to this Agreement, then either party may seek to resolve that dispute in accordance with this clause 14.
- 14.2 The party wishing to commence dispute resolution processes must notify the other in writing of:
- (a) the nature, or subject matter, of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this clause 14;
 - (b) the intent to invoke this clause 14;
 - (a) (if practicable) the outcomes which the notifying party wishes to achieve; and
 - (b) any material impact which the dispute has upon the completion of all obligations under this Agreement.
- 14.3 The representatives of the parties must promptly (and in any event within 10 Business Days of written notice) meet in good faith to attempt to resolve the notified dispute. The parties may, without limitation:
- (a) resolve the dispute during the course of that meeting;
 - (b) agree that further material, expert opinion or consideration is needed to effectively resolve the dispute (in which event the parties will in good faith agree to a timetable for resolution);

- (c) agree that the parties are unlikely to resolve the dispute in good faith agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

14.4 If:

- (a) at least one meeting has been held in accordance with clause 14.3; and
- (b) the parties have been unable to reach an outcome identified in clause 14.3(a) to (c); and
- (c) either of the parties (acting in good faith) forms the view that the dispute is reasonably unlikely to be resolved in accordance with the process agreed under clause 14.3.

then that party may, by 10 Business Days written notice to the other, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of the Agreement.

15. Failure to Carry Out Works

15.1 Subject to clause 16, if Council considers the Developer is in breach of any obligation under this Agreement relating to the carrying out of the Works, the Council may but is not obliged to give the Developer a notice requiring:

- (a) the Developer to rectify the breach to the Council's satisfaction; or
- (b) the Developer to immediately cease carrying out of the Works and to rectify the breach to Council's satisfaction.

15.2 A notice given under clause 15.1 is to allow the Developer at least 20 Business Days to rectify the breach.

15.3 Without limiting any other rights Council has to enforce this Agreement, the Council may, if the Developer does not comply with a notice given under clause 15.1:

- (a) call upon the Guarantee in accordance with clause 10;
- (b) carry out and complete the Works; and
- (c) recover, as a debt due and owing, any difference between the amount of the Guarantee and the costs incurred by Council in completing the Works.

15.4 Clause 14 does not prevent a notice being given under clause 15.1 and does not apply to such a notice or the circumstances relating to the giving of that notice, and any procedure commenced under clause 14 ceases to apply when such a notice is given.

16. Termination

16.1 If the Developer is in breach of this Agreement, the Council may, despite any other provision of this Agreement, give the Developer written notice requiring the Developer to show cause why the Council should not terminate this Agreement.

16.2 A notice under clause 16.1 must:

- (a) state that it is a notice given under this Agreement and clause 16.1;

- (b) particularise the nature of the breach by the Developer;
 - (c) require the Developer to show cause by notice to the Council why the Council should not terminate this Agreement;
 - (d) specify a date by which the Developer must show cause.
- 16.3 If the Developer fails to show cause to the reasonable satisfaction of the Council why the Council should not terminate this Agreement in relation to the Developer's breach, the Council may terminate this Agreement by written notice to the Developer.
- 16.4 If the Council terminates this Agreement under clause 16.3 the rights and liabilities of the parties are the same as they would have been at common law had the Developer repudiated this Agreement and the Council elected to treat this Agreement at an end and recover damages.
- 16.5 Clause 14 does not prevent a notice being given under clause 16.1 and does not apply to such a notice or the circumstances relating to the giving of that notice, and any procedure commenced under clause 14 ceases to apply when such a notice is given.
- 17. Notices**
- 17.1 Any notice, consent, information, application or request that must or may be given or made to a party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that party at its address set out in **Item 12 of Schedule 1**; or
 - (b) faxed to that party at its fax number set out in **Item 12 of Schedule 1**.
- 17.2 If a party gives the other party three business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address or fax number.
- 17.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address;
 - (b) If it is sent by post, two business days after it is posted; or
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 17.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.
- 19. General**
- 19.1 Approvals & Consents**
- Except as otherwise set out in this Agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this Agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is

not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

19.2 Legal and Administrative Costs

The Developer must pay all reasonable legal and administrative costs and expenses in relation to:

- (a) the negotiation, preparation and execution of this Agreement; and
- (b) any enforcement of Council's rights under this Agreement.

19.3 Stamp Duty

The Developer is liable for and must pay all stamp duty (including any fine or penalty except where it arises from default by any other party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.

19.4 Agreement

This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party, before this Agreement was executed, except as permitted by law.

19.5 Further Acts

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19.6 Governing Law & Jurisdiction

This Agreement is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The parties will not object to the exercise of jurisdiction by those courts on any basis.

19.7 Joint & Several Liability

An obligation on two or more persons binds them separately and together.

19.8 No Fetter

Nothing in this Agreement will be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law or under the Act, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty under the Act.

19.9 Representations & Warranties

The parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

19.10 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

19.11 Modification

This Agreement may only be varied or replaced by a document in writing, which is signed by the parties.

19.12 Waiver

The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

19.13 Relationship of Parties

This Agreement is not intended to create a partnership, joint venture or agency relationship between the parties.

19.14 Counterparts

This Agreement may be signed in counterparts.

19.15 GST

- (a) In this clause 19.15:
 - (i) words and expressions which are not defined in this document but which have a defined meaning in GST Law have the same meaning as in the GST Law;
 - (ii) "GST Law" has the meaning given to that expression in the A New Tax System (Goods and Services Tax) Act 1999; and
 - (i) any reference to GST payable or an entitlement to an input tax credit includes a reference, as appropriate, to GST payable by, or an input tax credit entitlement of, the representative member of a GST group.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under, or in connection with, this Agreement are exclusive of GST.
- (c) If GST is payable in respect of any supply made by a supplier under, or in connection with, this Agreement, then to the extent that the consideration (or part thereof) payable by the recipient is:
 - (i) a monetary payment; or
 - (ii) a non-monetary payment which is not a taxable supply by the recipient, the recipient will pay to the supplier an additional amount equal to the GST payable by the supplier in respect of the supply (**GST Amount**).

- (d) Subject to paragraph (g), the recipient will pay the GST Amount referred to in clause 19.15(c) in addition to and at the same time the consideration for the supply is to be provided under this Agreement.
- (e) If GST is payable in respect of any supply made by a supplier under, or in connection with, this Agreement, then to the extent that the consideration (or part thereof) payable by the recipient is a non-monetary payment which is also a taxable supply by the recipient:
 - (i) at or before the time of payment of any relevant consideration by either party, the parties agree that they will each exchange tax invoices; and
 - (ii) if the parties exchange non-monetary consideration of unequal GST-inclusive market value:
 - (A) in respect of the exchange, one party (**the First Party**) will have a GST liability on its supply (**First Party Supply**) that exceeds its entitlement to an input tax credit on its acquisition in exchange for that supply (**First Party Acquisition**);
 - (B) the other party (**Second Party**) must make a monetary payment to the First Party equal to the positive difference between the GST payable on the First Party Supply and a full input tax credit in respect of the First Party Acquisition plus any GST payable in respect of that payment (**Payment**); and
 - (C) the Payment referred to in paragraph (B) above will be made by the Second Party at the time the Second Party receives a tax invoice for the First Party Supply.
- (f) The parties will agree upon the market value of any non-monetary consideration which the recipient is required to provide under clause 19.15(e). If agreement cannot be reached prior to the time that a party becomes liable for GST, the matter in dispute is to be determined by an independent expert nominated by the President for the time being of the Institute of Chartered Accountants in Australia. The parties will each pay one half of the costs of referral and determination by the independent expert.
- (g) The supplier must deliver a tax invoice to the recipient before the supplier is entitled to payment of the GST Amount under clause 19.15(c). The recipient can withhold payment of the GST Amount until the supplier provides a tax invoice.
- (h) If an adjustment event arises in respect of a taxable supply made by a supplier under, or in connection with, this Agreement:
 - (i) any amount payable by the recipient under clause 19.15(c) will be recalculated to reflect the adjustment event, taking into account any previous adjustments under this clause, and a payment will be made by the recipient to the supplier or by the supplier to the recipient as the case requires and the supplier will issue an adjustment note to the recipient; or
 - (ii) in respect of an exchange of supplies that falls within clause 19.15(e), the principle in that clause will be applied, taking into account the adjustment event and any previous adjustments under this clause 19.15(h), tax invoices or adjustment notes will be exchanged, and a further monetary payment made as required or appropriate.

- (i) Where a party is required under, or in connection with, this Agreement to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party is entitled.

20. Interpretation

20.1 Definitions

In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW) as amended from time to time.

Completion means the stage in the construction of the Works when, in the discretion of Council acting reasonably, Council gives notice under clause 7.1 that the Works are complete except for minor omissions and minor defects which are non-essential and:

- (a) which do not prevent the Works from being reasonably capable of being used for their intended purposes;
- (b) which the Council determines the Developer has reasonable grounds for not promptly rectifying; and
- (c) the rectification of which will not prejudice the convenient use of the Works.

Completion Date means the date the Works must reach Completion as set out in **Item 8 of Schedule 1**.

Contributions Plan means the section 94 contributions plan made by Council under section 94EA of the Act as set out in **Item 7 of Schedule 1**.

Condition means the condition of the Development Consent which requires the payment of the Contribution as set out in **Item 5 of Schedule 1**.

Contributions means the section 94 contributions payable by the Developer under the Development Consent at the date of this Agreement as set out in **Item 6 of Schedule 1**.

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the land.

Defects Liability Period means the period of 12 months of the date the Works reach Completion.

Development means the development the subject of the Development Consent.

Development Application means the development application set out in **Item 4 of Schedule 1** submitted to the relevant consent authority.

Development Consent means the development consent granted by Council in respect to the Development Application as set out in **Item 4 of Schedule 1**.

Guarantee means

- (a) a deposit by cash or unendorsed bank cheque with the Council; or

- (b) an unconditional bank guarantee, unlimited in time, issued by a bank licensed to carry on business in Australia that is:
 - (i) in favour of the Council;
 - (ii) for the Guarantee Amount; and
 - (iii) on such other terms the Council may approve from time to time.

Guarantee Amount means the amount of the Guarantee to be provided by the Developer in respect to the Works as set out in **Item 10 of Schedule 1**.

Land means the land the subject of the Development Consent as set out in **Item X of Schedule 1**.

Party means a party to this agreement, including their successors and assigns.

Site means the land where the Developer will carry out the Works as shown on the plan attached as **Schedule 3**.

Surplus Value means the amount by which the sum all Works Value exceeds the Contributions as set out in **Item 9 of Schedule 1**.

Works means the works the Developer must carry out and complete in accordance with the terms of this Agreement as set out in **Columns 2 & 4 of Schedule 2**.

Works Value means the value of the Works as set out in **Column 3 of Schedule 2**.

20.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than Saturday or Sunday on which banks are open for business generally in the Shoalhaven local government area.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (g) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

- (h) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (i) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (j) References to the word 'include' or 'including' are to be construed without limitation.
- (k) A reference to this Agreement includes the agreement recorded in this Agreement.
- (l) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (m) Any schedules and attachments form part of this Agreement.
- (n) The Explanatory Note for this Agreement is not to be used to assist in construing this Agreement.

Executed by the parties as an Agreement:

Signed for and on behalf of the)
COUNCIL OF THE CITY OF)
SHOALHAVEN by its duly authorised)
officer in the presence of:)
)

Witness:

Signature:

Name (printed):

General Manager:

SIGNED by John Andrew Nixon, in the)
presence of:)
)
)
)

Witness:

Signature:

Name (printed):

Name (printed):

Schedule 1 Reference Schedule

Item	Name	Description
1	Date	[leave blank until agreement signed by both parties – then insert date signed by last party]
2	Developer's Name Developer's ABN Developer's Address	John Andrew Nixon N/A 9 Hawke Street Huskisson NSW 2540
3	Land	21 Beach Street, Huskisson Lot 5 DP 25685
4	Development Application Development Consent	N/A DA15/1102 approving the installation of relocatable dwellings to be used as tourist cabins with car parking and access off rear land.
5	Condition	Condition 10 of DA15/1102
6	Contributions	\$16,405.25 paid on 07/04/2016 for project 03ROAD0062 <i>Note: The section 94 contributions are indexed each year in accordance with the Condition. The above figure is the amount payable under the Condition as at the date of this Agreement.</i>
7	Contributions Plan	Shoalhaven Contributions Plan 2010
8	Completion Date	30/06/2016
9	Surplus Value	\$9,983.38
10	Guarantee Amount	Value of the contributions
11	Insurance	\$20 million
12	Notices Council Attention Address Fax Number	General Manager Administrative Building Bridge Road Nowra NSW 2541 02 4422 1816

	Developer Attention	John Andrew Nixon
	Address	9 Hawke Street Huskisson NSW 2540

DRAFT

DE18.18 - Attachment 1

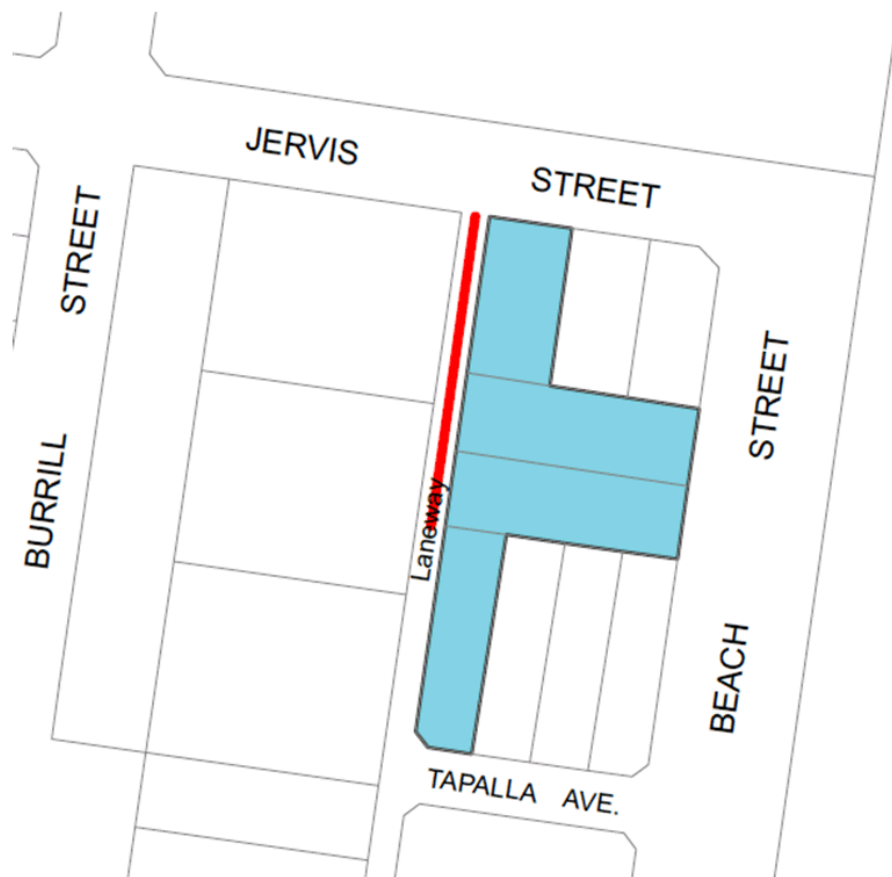
**Schedule 2
Works**

Contribution Project Code	Works	Works Value	Plans & Standards
03ROAD0062	Installation of drainage in unnamed lane at Huskisson	\$9,983.38	N/A

DRAFT

Schedule 3 Site

The Developer must carry out the Works at the Site known as 'unnamed lane' between Tapalla Avenue and Jervis Road in Huskisson as shown marked red in the plan below:



DE18.18 - Attachment 1

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Chapter N19: Huskisson Mixed Use Zones

Chapter N19: Huskisson Mixed Use Zones

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Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3			Draft

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Table of Changes

Key

Green Highlights – indicate existing controls that are proposed to be reworded and/or relocated. Where strikethrough is used, the control has been relocated.

Yellow Highlights – indicate controls that are proposed to be deleted.

Blue Highlights – indicate controls that are proposed to be inserted, or additional text in existing controls or in association with existing controls (i.e. note boxes, contents, etc.).

Old Section	New Section	Category	Recommended Change	Reason
Throughout	-	Consistency	Replace 'rubbish' or 'garbage' with 'waste'	It is important that consistent wording is used throughout Chapter N19 and wider SDCP 2014.
Throughout	-	Consistency	Objectives as removal numerals.	To ensure consistent formatting is used throughout the SDCP 2014.
Section 2, Figure 1	-	Edit	Amend subject land map	To ensure the figure is more legible.
6.6.2 7.5.2 8.5.2	5.7.2	Transfer, Addition and Edit	The precinct specific controls contained Acceptable Solutions relating to overhanging branches in laneways. The control has been edited and a new PC has been added to the use of appropriate planting to allow use of laneways as per their function.	It is important that waste collection vehicles are able to provide their functional service to development. Where there are impediments in the laneway such as overhanging branches, this can restrict the provision of these services. The purpose of this Performance Criteria and Acceptable Solution is to ensure that appropriate plant species are selected along laneways to avoid wide canopies with overhanging branches and ongoing maintenance obligations.
-	5.9	Addition	New General Control	Waste collection via Kent

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			relating to Waste Collection Areas in Kent Lane and Winnima Lane.	Lane and Winnima Lane is restricted due to the narrow widths and limited kerb side area. Special consideration is required for waste collection in these lanes so safe waste collection can be undertaken with a rear lift vehicle.
6.6.1(ii) 7.5.1(iii) 8.5.1(iii)	-	Edit	Replace “building” with “the development”.	To ensure that the objective does not contradict with existing and proposed controls.
Section 6, Figure 2	-	Edit	Include street names in Figure	To ensure the figure is more legible.
6.6.2	-	Edit	General controls relating to parking, access and movement have been grouped together, and separated from Kent Lane specific controls. A1.5 specifically has been amended to be clearer.	To ensure that the provisions are better coordinated and enable easier interpretation. The amendments to the controls address concerns raised by Council's Waste Services Section and Traffic Unit.
6.6.2	-	Edit and Addition	Provisions specifically relating to the use of Kent Lane have been separated from the generic controls and grouped together. The function of the laneway is defined. New Performance Criteria and Acceptable Solution have been inserted to address waste services and traffic management issues.	Include adopted changes from rescinded DCP No. 99 which were inadvertently omitted from SDCP 2014. The wording of the controls from DCP No. 99 have been simplified and a note box provided for additional guidance. Additional controls and note boxes are inserted to address issues and provide guidance raised by Council's Waste Services Section and Traffic Unit relating to safe waste collection and manoeuvring.
Section 7,	-	Edit	Include street names in	To ensure the figure is

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Figure 4			Figure	more legible.
7.1, Figure 5	-	Edit	Replace 'Beach Lane' in Figure 5 with 'Winnima Lane'.	To ensure the correct street name is used in the DCP Figure.
7.5.2	-	Deletion	General controls relating to parking, access and movement have been grouped together, and separated from Winnima Lane specific controls. Deletion of an Acceptable Solution relating to laneway turning areas.	To ensure that the provisions are better coordinated and enable easier interpretation. The amendments to the controls address concerns raised by Council's Waste Services Section and Traffic Unit. The deletion of the Acceptable Solution is consistent with the adopted changes from rescinded DCP No. 99.
7.5.2	-	Edit and Addition	Provisions specifically relating to the use of Winnima Lane have been separated from the generic controls and grouped together. The function of the laneway is defined. New Performance Criteria and Acceptable Solution have been inserted to address waste services and traffic management issues.	Include adopted changes from rescinded DCP No. 99 which were inadvertently omitted from SDCP 2014. The wording of the controls from DCP No. 99 have been simplified and a note box provided for additional guidance. Additional controls and note boxes are inserted to address issues and provide guidance raised by Council's Waste Services Section and Traffic Unit relating to safe waste collection and manoeuvring.
Section 8, Figure 6	-	Edit	Include street names in Figure	To ensure the figure is more legible.
8.1, Figure 7	-	Edit	Replace 'Laneway' in Figure 7 with 'Unnamed Lane'.	To ensure the correct street name is used in the DCP Figure.
8.5.2	-	Deletion	General controls relating to parking, access and movement have been grouped	To ensure that the provisions are better coordinated and to enable easier

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			<p>together, and separated from Unnamed Lane specific controls.</p> <p>Deletion of an Acceptable Solution relating to laneway turning areas.</p>	<p>interpretation. The amendments to the controls specifically address issues raised by Council's Waste Services and Traffic Unit. The deletion of the Acceptable Solution is consistent with the adopted changes from rescinded DCP No. 99.</p>
8.5.2	-	Edit and Addition	<p>Provisions specifically relating to the use of Unnamed Lane have been separated from the generic controls and grouped together. The function of the laneway is defined.</p> <p>New Performance Criteria and Acceptable Solution have been inserted to address waste services and traffic management issues. This includes consolidating two Acceptable Solutions which are proposed to be relocated within the Section, relating to access.</p>	<p>Include adopted changes from rescinded DCP No. 99 which were inadvertently omitted from SDCP 2014. The wording of the controls from DCP No. 99 have been simplified and a note box provided for additional guidance.</p> <p>Additional controls and note boxes are inserted to address issues and provide guidance raised by Council's Waste Services Section and Traffic Unit relating to safe waste collection and manoeuvring.</p>
Section 9, Figure 8	-	Edit	Include street names in Figure	To ensure the figure is more legible.
9.6.2	-	Edit	Edit acceptable solution relating to service vehicle manoeuvring areas to address waste services and traffic management issues.	To enable easier interpretation and have consistent approach to safe waste collection and manoeuvring on development sites and a note box provided for additional guidance.
10	-	Addition	Add 'Australian Standards (specifically AS2890)' in External Policies & Guidelines.	To ensure that applications in the subject area provide fencing, landscaping and driveway design to enable visual permeability where the

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				proposed access is, including in laneways, consistent with the relevant AS.
Supporting Map 1	-	Edit	Add 'no' in front of 'on street parking on Kent Lane'.	To ensure consistency with the controls in the DCP.

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1 Purpose

The purpose of this chapter is to assist with the **development** of tourist accommodation and facilities within the B4 Mixed Use Zone.

Advisory Note: In addition to the provisions outlined in this Chapter, you must refer to:

- Supporting Map: Chapter N19 – Map 1.
- Supporting Document 1: Huskisson Mixed Use Zones "Design Guide"

2 Application

This Chapter applies to the 4 precincts zoned B4 Mixed Use in Huskisson as shown in Figure 1 below.



Figure 1: Subject Land Map

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Chapter N19: Huskisson Mixed Use Zones

3 Context

3.1 General Controls for All Precincts

The 4 precincts within this Chapter are zoned B4 Mixed Use which allows for a variety of uses and for varying combinations of such uses including higher density residential, commercial and tourist combinations. To avoid competition with the local retail centre (Huskisson Town Centre), these precincts should not include ordinary retail uses.

4 Objectives

The objectives are to:

- i. Encourage design excellence in coastal urban design and architecture to contribute to a beautiful coastal settlement.
- ii. Ensure that the key characteristics of the existing urban structure that give the area its unique character are not lost through future **development**.
- iii. Ensure that the urban design principles of each precinct are taken into consideration for all future **development** to maintain appropriate future streetscapes and built forms.
- iv. Support Huskisson as a coastal town, encouraging desirable built forms for housing and tourist accommodation.
- v. Provide accommodation within walking distance to services and water based recreational opportunities such as swimming and boating.
- vi. Encourage residential densities to support the Huskisson commercial centre.
- vii. Guide **development** to ensure unique and appropriate built form design that is in keeping with a coastal town.
- viii. Protect and enhance the natural environment of the Huskisson B4 Mixed Use zoned areas.
- ix. Understand the importance of each precinct, particularly its relationship with the coastal edge.
- x. Reinforce residential streets for residential amenity in a foreshore location.

5 General Controls for All Precincts

5.1 Design of Development

5.1.1 Objective

- i. Provide direction to achieve appropriate built form in the Huskisson mixed use zoned areas.

5.1.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development demonstrates consistency with the urban design considerations outlined in the Design Guide.	A1.1 Your development complies with the Design Guide.

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Chapter N19: Huskisson Mixed Use Zones

5.2 Lot Amalgamation

5.2.1 Objective

- i. Ensure that amalgamated sites do not result in large, bulky buildings.
- ii. Ensure that desirable streetscapes are achieved.

5.2.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development does not result in excessive bulk and scale.	A1.1 Your development does not have a length of an unbroken building elevation of more than 10m facing a public place. Building articulation of a minimum 3m width and 2m depth is required for wider buildings (greater than 10m).
P2 Building massing reflects the original lots' configurations.	You may have circulation areas (stairwells) occupying this articulated space if it is setback from the building's elevation by at least 2m.
P3 Building mass does not result in long building facades along streets and other public places.	A1.2 Your development has a maximum overall building length of 20m after which a minimum 3m landscaped separation is required between buildings.

5.3 Density

5.3.1 Objectives

- i. Provide building forms that create distinctive, attractive and pedestrian friendly coastal town streets.
- ii. Provide highly modulated buildings to reduce the bulk and scale of the buildings.
- iii. Provide quality urban building forms.

5.3.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The scale of development in each precinct minimises any adverse effects of size and bulk on surrounding properties and streetscapes.	A1.1 Your development complies with the maximum FSR as shown on the Floor Space Ratio Map in Shoalhaven LEP 2014 .

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5.4 Streetscape

5.4.1 Objectives

- i. Ensure development enhances and makes a positive contribution to the character of existing landscapes, reinforces the function of the street and is sensitive to the landscape and environmental conditions of Precinct 2.
- ii. Provide buildings with a façade in addition to a building structure that regulates the external environment and provides privacy.
- iii. Create physical and visual connection between the lot and the street reserve thereby increasing surveillance over the street.
- iv. Ensure development is well connected to the street and contributes to the accessibility of the public domain.

5.4.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The streetscape reflects the functions and traffic volume of the street, is designed to encourage pedestrian access and support a sense of place and street identity.	A1.1 Your development complies with front setback provisions.
	A1.2 Your development locates entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian footpath.
P2 Development is able to orient a visitor and contributes positively to the streetscape and building façade design.	A1.3 70% of the internal space of units facing the street on ground level of the building are to be no more than +/- 250mm above finished ground level.
P3 Parking spaces and garages do not dominate the frontage of the development.	A1.4 Ground level living rooms have direct connection with outdoor living areas.
	A1.5 Ground level dwelling with a street frontage have an entry from the street.
	A1.6 You must provide main building entries that are accessible, legible, safe and well-lit.
P4 Entrances to development provide a desirable residential identity for the street. The frontage of buildings and their entries address the street.	

5.5 Orientation and Separation

5.5.1 Objectives

- i. Ensure building orientation and separation provide the primary source of light, air and outlook to living room areas and private open spaces.
- ii. Provide high visual and acoustic privacy for residents.
- iii. Encourage the sharing of views whilst not restricting the reasonable development of a site.

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- iv. Protect the visual and acoustic privacy of nearby residents in their dwellings and private open space.
- v. Reduce the impact of building bulk created by large unbroken expanses of wall.
- vi. Ensure adequate separation between buildings contributes to the site's capability to infiltrate storm water.
- vii. Achieve development that maximises the potential for energy conservation.

5.5.2 Provisions

Performance Criteria	Acceptable Solutions										
P1 Building orientation and separation ensure appropriate urban form and adequate amenity (in terms of solar access and natural ventilation) and privacy (visual and acoustic) for building occupants.	<p>A1.1 You must orient buildings to the front and the rear of the lot rather than the side boundaries.</p> <p>A1.2 You must provide separate distances in accordance with the table below. Distances are measured between residential windows facing one another.</p> <table border="1"> <thead> <tr> <th>Separation distance</th><th>Minimum distance</th></tr> </thead> <tbody> <tr> <td>Between non-habitable room windows (can be measured diagonally).</td><td>3m</td></tr> <tr> <td>Between all other windows except primary windows of living areas/external edge of balconies and terraces.</td><td>6m</td></tr> <tr> <td>Between primary windows of living areas/external edge of balconies and terraces and all other windows except between primary windows of living areas/external edge of balconies and terraces.</td><td>9m</td></tr> <tr> <td>Between primary windows of living areas/external living areas and primary windows of living areas/external edge of balconies and terraces for buildings up to and including four storeys.</td><td>12m</td></tr> </tbody> </table>	Separation distance	Minimum distance	Between non-habitable room windows (can be measured diagonally).	3m	Between all other windows except primary windows of living areas/external edge of balconies and terraces.	6m	Between primary windows of living areas/external edge of balconies and terraces and all other windows except between primary windows of living areas/external edge of balconies and terraces.	9m	Between primary windows of living areas/external living areas and primary windows of living areas/external edge of balconies and terraces for buildings up to and including four storeys.	12m
Separation distance	Minimum distance										
Between non-habitable room windows (can be measured diagonally).	3m										
Between all other windows except primary windows of living areas/external edge of balconies and terraces.	6m										
Between primary windows of living areas/external edge of balconies and terraces and all other windows except between primary windows of living areas/external edge of balconies and terraces.	9m										
Between primary windows of living areas/external living areas and primary windows of living areas/external edge of balconies and terraces for buildings up to and including four storeys.	12m										
P2 Building orientation and separation ensures appropriate massing and spaces between buildings.											
P3 Development is designed to maximise the sharing of existing views where possible.											
P4 The privacy of residents and private outdoor spaces are protected.											
P5 Direct overlooking of main internal living areas and private open spaces of other dwellings is minimised by building layout, location and design of windows, balconies, screening devices and landscape.											
P6 Development should not unduly obscure surrounding views that are valued by the community.											
	A1.3 If your lot has a frontage (including where amalgamated) greater than 30m, no individual building may be wider than 20m										

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and there must be at least 3m separation between buildings.

5.6 Energy Conservation

5.6.1 Objectives

- i. Provide dwellings with adequate daylight and natural ventilation to habitable rooms and adequate sunlight to private open spaces.
- ii. Avoid the potential for significant overshadowing of habitable rooms and private open spaces.
- iii. Ensure development maximises the potential for energy conservation.

5.6.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Buildings are sited to maximise solar access of living areas and principal areas of open space having regard to slope, views, existing vegetation, overshadowing and lot configuration.	A1.1 You must provide windows to living areas of individual units that receive at least 2 hours of sun between 8am and 4pm on June 21.
P2 All habitable rooms are designed to provide direct access to fresh air and assist in promoting thermal comfort for occupants.	A1.2 You must select building materials and insulation to assist thermal performance and maintain internal comfort levels.
P3 Windows are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun.	A1.3 You must use materials of high thermal mass for living areas and locate living areas to receive direct sun during cooler months.
	A1.4 You must use the building layout and section to increase the potential for natural ventilation.
	A1.5 You must provide doors, windows and other openings that have adequate draught control.

5.7 Landscaping and Deep Soil Area

5.7.1 Objectives

- i. Ensure existing trees contribute to visual setting by complementing the landscape setting adjacent to the foreshore.
- ii. Encourage mature tree planting to improve the amenity of development and streetscapes.
- iii. Ensure landscaping dominates the ground plane around buildings.
- iv. Ensure landscaped areas are useable and maintainable spaces.

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- v. Allow for soft landscaping to provide screening between buildings and privacy for dwellings and private open spaces.

5.7.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Where practical, development protects and retains mature trees.	A1.1 Where practical, you must retain existing trees and shrubs. You should consider locating and designing the building footprint to enable their retention.
P2 Development provides opportunities for mature and substantial tree planting.	A1.2 You are to provide two main deep soil areas. You are to locate one to the rear or centre of the lot and one to the front of the lot.
P3 Development provides for deep soil landscaped areas that are useable and maintainable.	A1.3 You are to use at least 50% indigenous tree and shrub species in your landscaping.
P4 Dense shrub and trees provides screening between buildings and lower floor screening.	
P5 Vegetation types allow use of laneways as per their function.	<p>Note: A list of plant species suitable for Huskisson can be found on Council's website.</p> <p>A1.4 Deep soil areas cannot be covered by any impervious ground surface. Deep soil areas cannot be located on structures such as basement car parks or in planter boxes.</p> <p>A1.5 You are to include deep soil areas in the total permeable area for the allotment.</p> <p>A1.6 Plant selection along rear boundaries and adjacent to laneways must not overhang, impede access or sight lines, or impede the ability to provide waste collection.</p>

5.8 Fences and Walls

5.8.1 Objectives

- i. Ensure than front and side fences plus walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape and adjacent buildings.
- ii. Ensure development defines boundaries between communal and private areas.
- iii. Define boundaries between private and public land which contributes positively to the public domain.

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5.8.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Fences and walls define public and private spaces.	A1.1 You must provide low and open fences continuously along all street boundaries.
P2 Privacy and security for development is enhanced.	A1.2 You are to provide front and side boundary fences that reflect the design character of the dwelling.
P3 Fences and walls are low and open to ensure adequate surveillance from the street.	A1.3 You may construct front fences to a maximum height of 1.2m as long as the fence is an open fence of with an openness ratio of at least 60%. The fence may have a solid base not higher than 300mm the remainder of the fence shall have an openness of the fence shall have an openness ratio of 60%.
P4 Fences and walls contribute positively to the public domain.	A1.4 You are to construct side boundary fences (for least 5m from the front boundary) in the same materials and design as the front fence.
	A1.5 You may construct side boundary fences, from behind the building line to the rear boundary, with a maximum fence height of 1.8m.
	A1.6 You must construct retaining walls so that they are no higher than 400mm.
	A1.7 You must not use Colorbond fencing for front, side or return boundary fences within the 5m front setback.
	A1.8 You must construct fences and walls so that they do not impede the natural flow of stormwater runoff.
	A1.9 Controls for front fences and walls also apply to secondary street frontages on corner lots measured for the length of the dwelling.
	A1.10 Where you are providing fences along laneways they are to be visually permeable.

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5.9 Waste Collection (Kent Lane and Winnima Lane Only)

Kent Lane and Winnima Lane are narrow and have insufficient kerb space for the collection of waste receptacles via a side lift waste collection service. Rear lift waste collection vehicles will be required to service these developments. This requires consideration of the location of waste bin storage areas.

Note: Contact Council's Waste Services Section to discuss the waste collection requirements for your development.

5.9.1 Objectives

- Ensure development enables appropriate waste collection to occur from Kent Lane and Winnima Lane.

5.9.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Waste bin storage areas are easily accessible for rear lift waste collection.	<p>A1.1 Waste bin storage areas are provided within the basement level or rear setback and are appropriately integrated into the design of the development.</p> <p>Note: All on-site collection must occur as per Chapter G7 Waste Minimisation and Management Controls and G21 Car Parking and Traffic.</p>

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6 Precinct 1

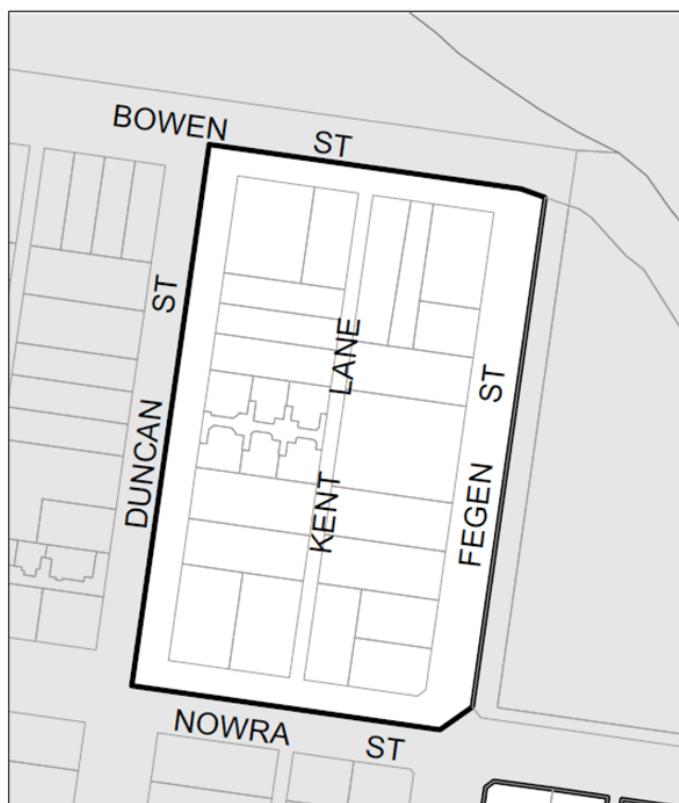


Figure 2: Precinct 1 Subject Land Map

6.1 Urban Design Principles

- Creation of building forms that complement the lower density surrounds along Duncan, Bowen, Fegen and Nowra Streets.
- Retention of the dominance of mature trees along the foreshore reserve.
- Retention of view corridors down streets and along the foreshore reserve.
- Retention of public access to and along the foreshore and reserves.
- Ensure the maintenance of the area as a safe and pedestrian friendly place.
- Retention of the informal character of streets and landscaping as the dominant streetscape theme.
- Creation of building forms that match the beauty and uniqueness of the place.

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Figure 3: Precinct 1 Development Control Map

You should also refer to the *Supporting Map* with additional controls for Precinct 1.

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6.2 Land Use

6.2.1 Objectives

- i. Ensure that land use in Precinct 1 predominately caters for a range of residential and tourism development.
- ii. Ensure that development appropriate to the precinct does not compete with the Huskisson Town Centre.
- iii. Ensure land use of Precinct 1 is consistent with the urban design principles for the precinct.
- iv. Ensure the land use for Precinct 1 addresses the heritage item located within the precinct.

6.2.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Urban design principles of the precinct are achieved.	A1.1 You must demonstrate that your development adheres to the precinct's urban design principles.
P2 Development form is residential in nature affording opportunities for tourist accommodation.	A1.2 Developments could include apartments, serviced apartments, boutique hotels, residential flat buildings, small resort/and or conference/function centre.
P3 Land uses maximise the precincts strategic location and tourist resources i.e. beaches, public reserves and water bodies.	

6.3 Heritage Considerations

6.3.1 Objective

- i. Conserve the heritage significance of heritage items within the Precinct.

6.3.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The heritage significance of the Interwar Holiday Cottage and trees located at 7 Fegen Street is maintained.	A1.1 Your development does not impact on the heritage significance of the heritage item.

6.4 Building Height

6.4.1 Objectives

- i. Ensure development responds to the desired scale and character of the street within the precinct.
- ii. Provide highly modulated buildings to reduce the bulk and scale of the buildings.

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- iii. Provide buildings forms that create distinctive and attractive coastal town streets.

6.4.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The height of development is compatible with the desired future character of the surrounding area and built forms.	A1.1 Your development must comply with maximum height of buildings is as shown on the Height of Buildings Map in Shoalhaven LEP 2014.
P2 The height of development protects the residential amenity of surrounding properties by not unduly impacting on their visual outlook, privacy or access to sunlight.	A1.2 The maximum building form of your development shall be 2 storeys with a 3 rd level recessed from the front building alignment.
P3 Development provides design relief as the building increases in height.	<i>See also Section 6.8 Bonus provisions for amalgamated lots.</i>

6.5 Setbacks and Alignments

6.5.1 Objectives

- i. Provide building forms that create distinctive, attractive and pedestrian friendly coastal town streets.
- ii. Allow for deep soil planting areas.
- iii. Define boundary between private and public land which contributes positively to the streetscape.

6.5.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Building setback and building alignment reflect the existing alignment of the street.	A1.1 Along Bowen Street, the minimum front setback shall be 8m. Along all other streets, the minimum front setback shall be 5m. For corner lots where Bowen Street is a secondary street, the minimum secondary street setback shall be 5m.
P2 The design of development and site placements are compatible with and enhances the prevailing and desired future streetscape.	A1.2 Minimum 50% of the buildings street elevation is to be parallel with the street boundary.
P3 The building setback from street frontages does not undermine the integrity of the existing in avoiding loss of view, undue overshadowing, privacy and traffic safety.	A1.3 Along Bowen Street, minimum 50% buildings street elevation shall be located on the front setback line of 8m and the remainder shall be located behind this front setback line. For corner lots where Bowen Street is a secondary street, minimum 50%
P4 Setbacks provide space for residents to feel an adequate sense of visual and acoustic privacy when using rooms	

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fronting the street.		buildings street elevation shall be located on this secondary street setback line of 5m and the remainder shall be located behind this secondary street setback line.
P5 The distance between development and adjoining properties allows adequate solar penetration, privacy, acoustic privacy and minimises visual and other bulk related impacts.	A1.4	Along all other streets, minimum 50% of the building street elevation shall be located on the front setback line of 5m and the remainder shall be located behind this front setback line.
P6 Development maintains setbacks from the street to ensure they are consistent and visually harmonious with other buildings in the streetscape.	A1.5	The front setback for the recessed 3 rd level of buildings shall be setback from the level below (2 nd level) by a minimum of 4m (where facing a public street).
	A1.6	Recessed 3 rd level shall have a maximum footprint of 70% of the level below.
	A1.7	Maximum 2 storeys can be built to the laneway boundary (Kent Lane) where deep soil zones are being provided to the centre of the lot. Where buildings other than garages are not built to the laneway boundary, they shall provide 5m setback and achieve rear deep soil planting and separation distances.
	A1.8	Rear boundaries without a laneway frontage are to be treated as side boundaries.
	A1.9	1.5m minimum side boundary setback are allowed but buildings shall achieve the required separation distances i.e. Clause 4.9.
		<i>See also Section 6.8 Bonus provisions for amalgamated lots.</i>

6.6 Car Parking, Vehicle Access and Vehicle Movement

6.6.1 Objectives

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.
- ii. Ensure development provides appropriate vehicle access and movement.
- iii. Ensure service vehicle access is integrated into the design of the development.
- iv. Encourage the design of driveways and car parking structures that minimise their visual impact and stormwater runoff.

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6.6.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Amalgamated sites combine and rationalise car manoeuvring areas and car parking.	A1.1 A maximum of only 1 driveway entry/exit to any street frontage is permitted.
P2 Development provides adequate car parking.	A1.2 Car parking numbers, design and layout of parking is in accordance with the car parking section of this DCP.
P3 The design of driveways and provision of parking areas enhances the safety of pedestrians, cyclists and vehicles and does not pose a visual detriment to streetscapes as a result of additional traffic generated by the development.	A1.3 Kent Lane is used as the main vehicle access to development. A1.4 Where there is no laneway frontage, lots may have 1 car entry from the street of a maximum of 4m width which cannot be located closer than 5m from a street corner.
P4 Development integrates adequate at grade and/or basement car parking without compromising street character, landscape quality or pedestrian amenity and safety.	A1.5 At grade car manoeuvring areas or parking may be allowed if setback a minimum distance of 3m from the front (primary) boundary. A1.6 Any basement car parking may be raised to a maximum height of 1m above natural ground level and appropriate ventilation is installed within the raised height.
P5 Services are integrated in a sensitive manner such that they relate to the building and landscape design, enable easy access and require minimal maintenance.	A1.7 Where basement car parking is raised, the overall height of the building shall still be contained within the defined building envelope. This visual impact from any public place of any unrelieved basement wall shall be mitigated through the use of design elements and/or landscaping. A1.8 Basement garages are to be setback a minimum of 1.5m from the side boundaries but preferably in line with the building above. A1.9 Garage doors are to be provided to all basement car park entries. Garage doors are to be in line with the buildings elevation and be compatible in colour and material with the buildings elevations. A1.10 Garage doors and entries to basement car parks along the street cannot be more than 7m wide or 50% of the width of the lot whichever is the lesser. A1.11 Rubbish collection is to occur along Kent Lane. As an interim measure until such time that Kent Lane is constructed as a through

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lane, rubbish collection may occur from the street.

A1.12 Waste collection and truck manoeuvring areas are not permitted on private property, except where contained within the basement.

Note: All on-site collection must occur as per Chapter G7 Waste Minimisation and Management Controls and G21 Car Parking and Traffic.

Contact Council's Waste Services Section to discuss requirements for waste collection and manoeuvring areas within the basement.

A1.13 Landscape planting at the shared boundary of the property and the laneway shall not overhang or impede access or the ability to provide waste services.

P6 Kent Lane is utilised for its intended function.

Note: Kent Lane is intended for vehicle access and servicing in a one-way direction (north to south). Laneways are not to incorporate pedestrian footpaths in the verge.

A1.14 Kent Lane is the main vehicle access point for development and waste collection.

A1.15 Waste collection is to occur from Kent Lane. As an interim measure until such time that Kent Lane is constructed as a through lane, waste collection may occur from the primary frontage.

A1.16 Where upgrades are required to Kent Lane, it is constructed to a minimum 4m pavement width and 1m verge on each side.

Note: Construction of the laneway is to consider the following;

- Sight lines;
- Minimum standard for laneway construction as per G11 Subdivision of Land; and
- No parking shall be located within the laneway. Car parking for developments must be contained within the development site as per Chapter G21 Car Parking and Traffic.

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6.7 Permeable Site Area

6.7.1 Objective

- i. Ensure development provides sufficient permeable site area in order to increase storm water infiltration, maximise natural site drainage and protect the water table.

6.7.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development integrates on-site stormwater management with the design of landscaped areas.	A1.1 For lots less than 750m ² , permeable site areas shall be a minimum of 30% of site area.
	A1.2 For lots larger than 750m ² , permeable site areas shall be a minimum of 35% of site area.

6.8 Bonus Provisions for Amalgamated Lots

For amalgamated lots (2 or more) in Precinct 1, Council may consider a bonus in FSR up to a maximum of 1.3:1, height up to a maximum of 13m and number of storeys up to a maximum of 4 (recessed 3rd and 4th level) subject to:

- Compliance with all designed element provisions for Precinct 1 other than FSR, height and number of storeys where a bonus provision is being sought.
- Development is able to address higher level density impacts (privacy, overshadowing, loss of views) within the development site itself via adequate separation distances, setbacks, landscaping, deep soil planting etc.
- Development is presented to Fegen and Duncan Streets as 3 storey buildings.
- Development achieves high level of design excellence.
- All car parking to be provided as basement car parking.
- Compliance with setbacks and alignment provisions of Clause 4.7, and additionally:
 - The front setback for the recessed 4th level of buildings shall be setback from the level below (3rd level) by a minimum of 4m where facing a public street.
 - Recessed 4th level shall have a maximum footprint of 70% of the level below (3rd level).
 - 3m minimum side boundary setbacks for the 4th level and compliance with orientation and separation Clause 4.9.
 - Along Kent Lane, the first 2 levels shall have a setback of 5m from the laneway boundary. For subsequent levels (3rd and/or 4th), the setback along the land shall be further recessed by 4m from the levels below.
- An additional side boundary setback shall be provided to ensure there is an acceptable visual transition between new development and any listed heritage item. The size of the additional setback will be determined as part of the development application assessment.

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7 Precinct 2

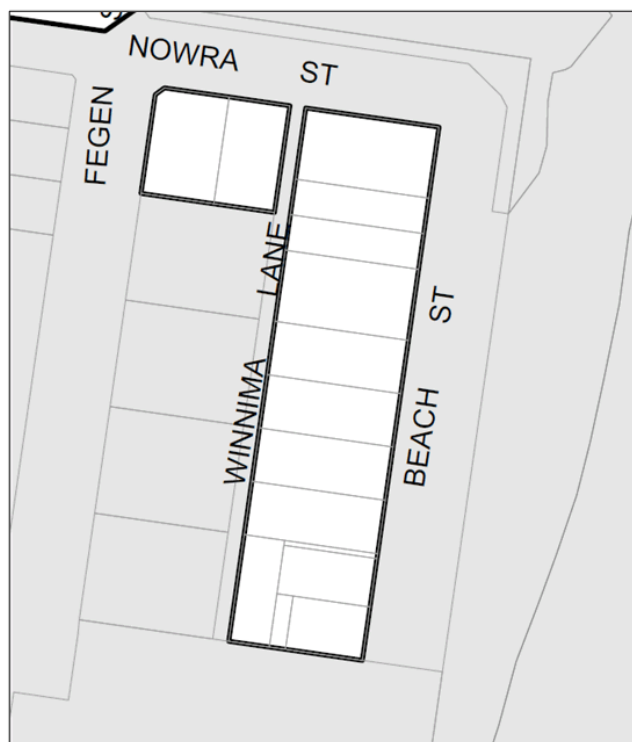


Figure 4: Precinct 2 Subject Land Map

7.1 Urban Design Principles

- Any development along Nowra and Beach Streets shall not compromise the view corridor along Nowra Street and the general view along the foreshore reserve.
- Retention of the visual dominance of mature eucalypts surrounding the buildings.
- Ensure that development sits below the tree canopy.
- Ensure that development does not dominate the current natural environmental setting of the precinct particularly the tree canopy.
- Retention of the vegetated visual setting of the backdrop of the beach.
- Development frames the view corridor of the water along Nowra Street.
- Development frames the edge of Beach Street and the Reserve.
- Retention of the informal character of streets and landscaping as the dominant streetscape theme.
- Ensure the maintenance of the area as a safe and pedestrian friendly place.
- Create building forms that match the beauty and uniqueness of the place.

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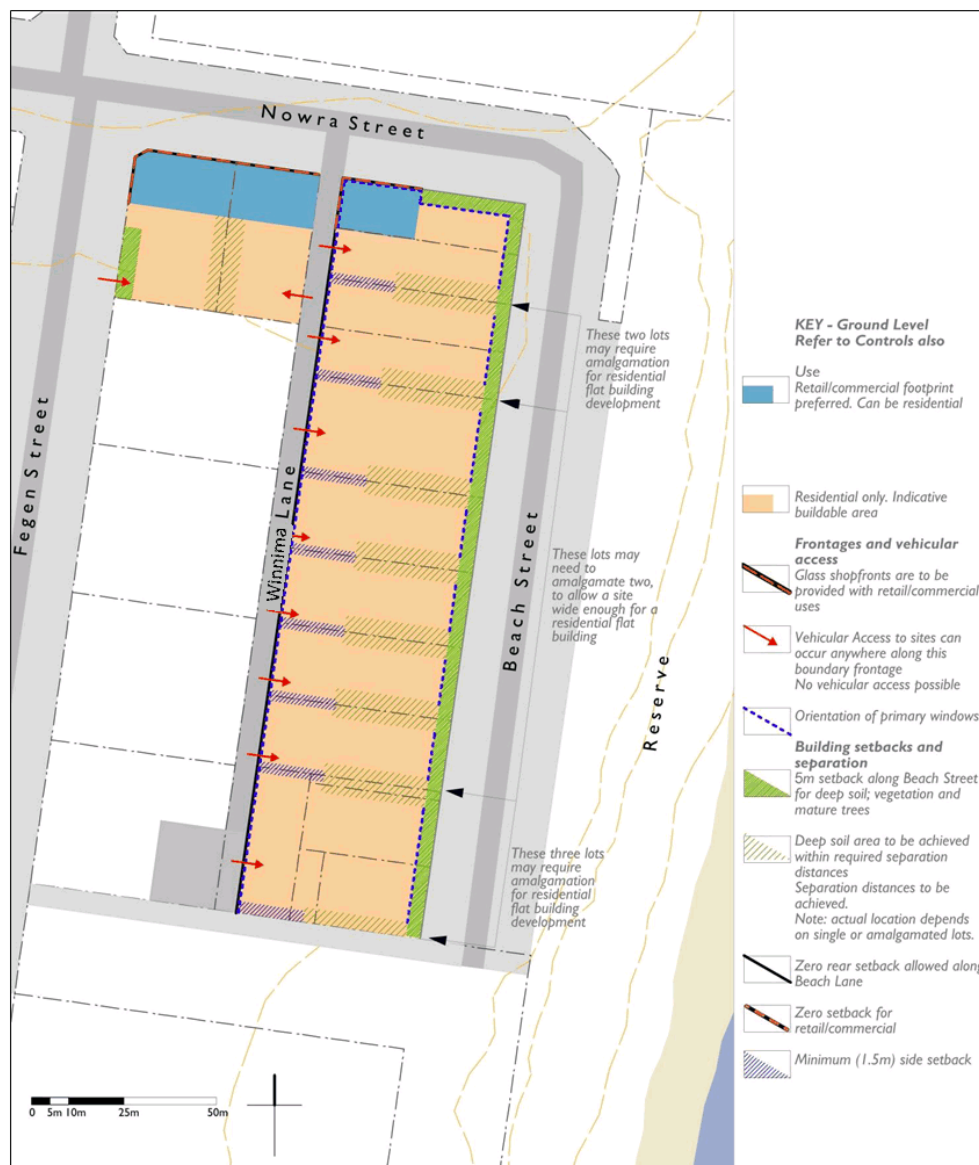


Figure 5: Precinct 2 Development Control Map

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7.2 Land Use

7.2.1 Objectives

- i. Ensure that land use in Precinct 2 predominately caters for a range of residential and tourism activities, with ground floor retail or commercial.
- ii. Ensure opportunities for ground floor retail or commercial development does not compete with the Huskisson Town Centre.
- iii. Ensure the land use of Precinct 2 is consistent with the urban design principles of the precinct.

7.2.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Urban design principles of the precinct are achieved.	A1.1 Development addresses and demonstrates adherence to the precinct's urban design principles.
P2 Land use maximises the precinct's strategic location and tourist resources i.e. beaches, public reserves and water bodies.	A1.2 Development could include apartments, serviced apartments, boutique hotels, residential flat buildings, small resort, conference/function centre, café, restaurants and the like.
P3 Development is of low scale medium density and is residential and tourist in nature, with ground floor retail or commercial.	

7.3 Building Height

7.3.1 Objectives

- i. Ensure development responds to the desired scale and character of the street within the precinct.
- ii. Provide highly modulated buildings to reduce the bulk and scale of the buildings.
- iii. Provide buildings forms that create distinctive and attractive coastal town streets.

7.3.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The height of development is compatible with the desired future character of the surrounding area and built forms.	A1.1 The maximum height of buildings is as shown on the Height of Buildings Map in Shoalhaven LEP 2014.
P2 The height of development protects the residential amenity of surrounding properties by not unduly impacting on their visual outlook, privacy or access to sunlight.	A1.2 Maximum building form shall be 3 storeys with a 4 th level setback.

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P3 Development provides design relief as the building increases in height.

7.4 Setbacks and Alignments

7.4.1 Objectives

- i. Provide building forms that create distinctive, attractive and pedestrian friendly coastal town streets.
- ii. Allow for deep soil planting areas.
- iii. Define boundary between private and public land which contributes positively to the streetscape.
- iv. Establish a well-proportioned rhythm between buildings consistent with a residential streetscape.

7.4.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Building setback and building alignment reflect the existing alignment of the street.	A1.1 The residential component along Beach Street shall have a minimum front setback of 5m and that along Nowra Street shall have a minimum of 4m from their primary street frontages.
P2 The design of development and site placement are compatible with and enhances the prevailing and desired future streetscape.	A1.2 Minimum 70% of the buildings street elevation is to be parallel with the street boundary.
P3 The building setback from street frontages does not undermine the integrity of the existing in avoiding loss of view, undue overshadowing, privacy and traffic safety.	A1.3 Along Beach and Nowra Streets (except for the commercial component of buildings), minimum 60% of the buildings street elevation shall be located on the front setback line and the remainder shall be located behind the front setback line.
P4 Setbacks provide space for residents to feel an adequate sense of visual and acoustic privacy when using rooms fronting the street.	A1.4 The frontage of the commercial component of a building shall be built 100% to the street boundary or where there is an existing commercial premise, then the frontage is to be built to this existing alignment instead.
P5 The distance between development and adjoining properties allows adequate solar penetration, privacy, acoustic privacy and minimises visual and other bulk related impacts.	A1.5 The 3 rd and 4 th level shall have a maximum footprint of 70% of the level below and shall be setback 4m from the level below along Beach and Nowra Streets.
P6 Development maintains setbacks from the street to ensure they are consistent and visually harmonious with other buildings in the streetscape.	A1.6 Buildings shall be built to the laneway boundary where deep soil zones are being provided to the centre of the lot. Where buildings other than garages are not built

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to the laneway boundary, they shall provide 5m setback and achieve rear deep soil planting and separation distances.

A1.7 Rear boundaries without a laneway (Winnima Lane) are to be treated as side boundaries.

A1.8 1.5m minimum side boundary setback are allowed but buildings shall achieve the required separation distances i.e. Clause 5.9.

A1.9 The commercial component of buildings shall have a zero setback along the street for at least 10m back from the laneway boundary.

7.5 Car Parking, Vehicle Access and Vehicle Movement

7.5.1 Objectives

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.
- ii. Ensure development provides appropriate vehicle access and movement.
- iii. Ensure service vehicle access is integrated into the design of the development.
- iv. Encourage the design of driveways and car parking structures that minimise their visual impact and stormwater runoff.

7.5.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Amalgamated sites combine and rationalise car manoeuvring areas and car parking.	A1.1 A maximum of only 1 driveway entry/exit to any street frontage is permitted.
P2 Development provides adequate car parking.	A1.2 Car parking numbers, design and layout of parking is in accordance with the car parking section of this DCP.
P3 The design of driveways and provision of parking areas enhances the safety of pedestrians, cyclists and vehicles and does not pose a visual detriment to streetscapes as a result of additional traffic generated by the development.	A1.3 Winnima Lane is used as the main vehicle access to development. A1.4 Vehicle access for development shall not occur from Beach or Nowra Streets.
P4 Development integrates adequate at grade and/or basement car parking without compromising street character, landscape quality or pedestrian amenity and safety.	A1.5 Where there is no laneway frontage, lots may have 1 car entry from the street of a maximum of 4m width which cannot be located closer than 5m from

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P5 Services are integrated in a sensitive manner such that they relate to the building and landscape design, enable easy access and require minimal maintenance.	a street corner.
A1.6	At grade car manoeuvring areas or parking may be allowed if setback a minimum distance of 3m from the front (primary) boundary.
A1.7	Any basement car parking may be raised to a maximum height of 1m above natural ground level and appropriate ventilation is installed within the raised height.
A1.8	Where basement car parking is raised, the overall height of the building shall still be contained within the defined building envelope. This visual impact from any public place of any unrelieved basement wall shall be mitigated through the use of design elements and/or landscaping.
A1.9	Basement garages are to be setback a minimum of 1.5m from the side boundaries but preferably in line with the building above.
A1.10	Garage doors are to be provided to all basement car park entries. Garage doors are to be in line with the buildings elevation and be compatible in colour and material with the buildings elevations.
A1.11	Garage doors and entries to basement car parks along the street cannot be more than 7m wide or 50% of the width of the lot whichever is the lesser.
A1.12	Rubbish collection is to occur along Winnima Lane and is not permitted along Beach or Nowra Streets. As an interim measure until such time that Winnima Lane and its turning point is constructed, rubbish collection may occur from the street.
A1.13	Turning area shall be at the southern end of Winnima Lane to allow for service vehicles.
A1.14	Waste collection and truck manoeuvring areas are not permitted on private property, except where contained within

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the basement.

Note: All on-site collection must occur as per Chapter G7 Waste Minimisation and Management Controls and G21 Car Parking and Traffic.

Contact Council's Waste Services Section to discuss requirements for waste collection and manoeuvring areas within the basement.

A1.15 Landscape planting at the shared boundary of the property and the laneway shall not overhang or impede access or the ability to provide waste services.

P6 Winnima Lane is utilised for its intended function.

Note: Winnima Lane is intended for vehicle access and servicing. Laneways are not to incorporate pedestrian footpaths in the verge.

A1.16 Winnima Lane is used as the main vehicle access point for development and waste collection, not Beach Street or Nowra Street, except for where there is no laneway frontage.

A1.17 Waste collection is to occur from Winnima Lane. As an interim measure until such time that Winnima Lane is constructed to allow manoeuvring in a forward direction, waste collection may occur from the primary frontage.

A1.18 Where upgrades are required to Winnima Lane, it is constructed to a minimum 5m width.

Note: Construction of the laneway is to consider the following:

- Sight Lines;
- Minimum standard for laneway construction as per G11 Subdivision of Land; and
- No parking shall be located within the laneway. Car parking for developments must be contained within the development site as per Chapter G21 Car Parking and Traffic.

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7.6 Permeable Site Area

7.6.1 Objective

- i. Ensure development provides sufficient permeable site area in order to increase storm water infiltration, maximise natural site drainage and protect the water table.

7.6.2 Provisions

Performance Criteria			Acceptable Solutions	
P1	Development integrates on-site stormwater management with the design of landscaped areas.		A1.1	For lots less than 750m ² , permeable site areas shall be a minimum of 25% of site area.
			A1.2	For lots larger than 750m ² , permeable site areas shall be a minimum of 30% of site area.

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8 Precinct 3

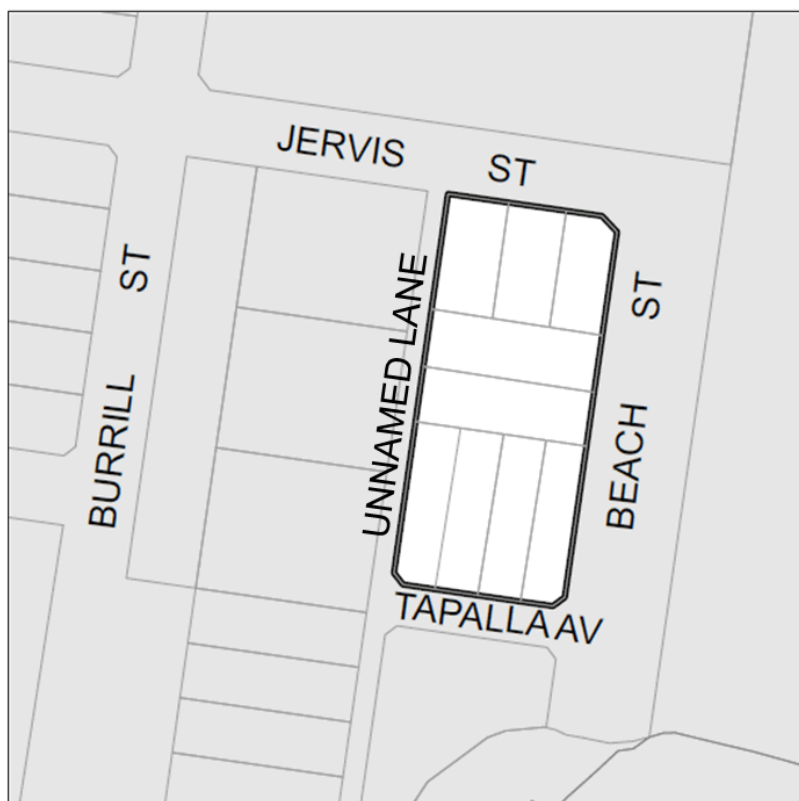


Figure 6: Precinct 3 Subject Land Map

8.1 Urban Design Principles

- Retention of the dominance of mature trees.
- Retention of view corridors down Beach Street and along the foreshore reserve.
- Retention of public access to and along the foreshore and reserves.
- Ensure the maintenance of the area as a safe and pedestrian friendly place.
- Reinforcement of the precinct as a place for enjoyment of the foreshore.
- Retention of the visual dominance of mature eucalypts surrounding buildings.
- Retention of the vegetated visual setting of the backdrop to the beach.
- Retention of the informal character of streets and landscaping as the dominant streetscape theme.
- Creation of building forms that match the beauty and uniqueness of the place.

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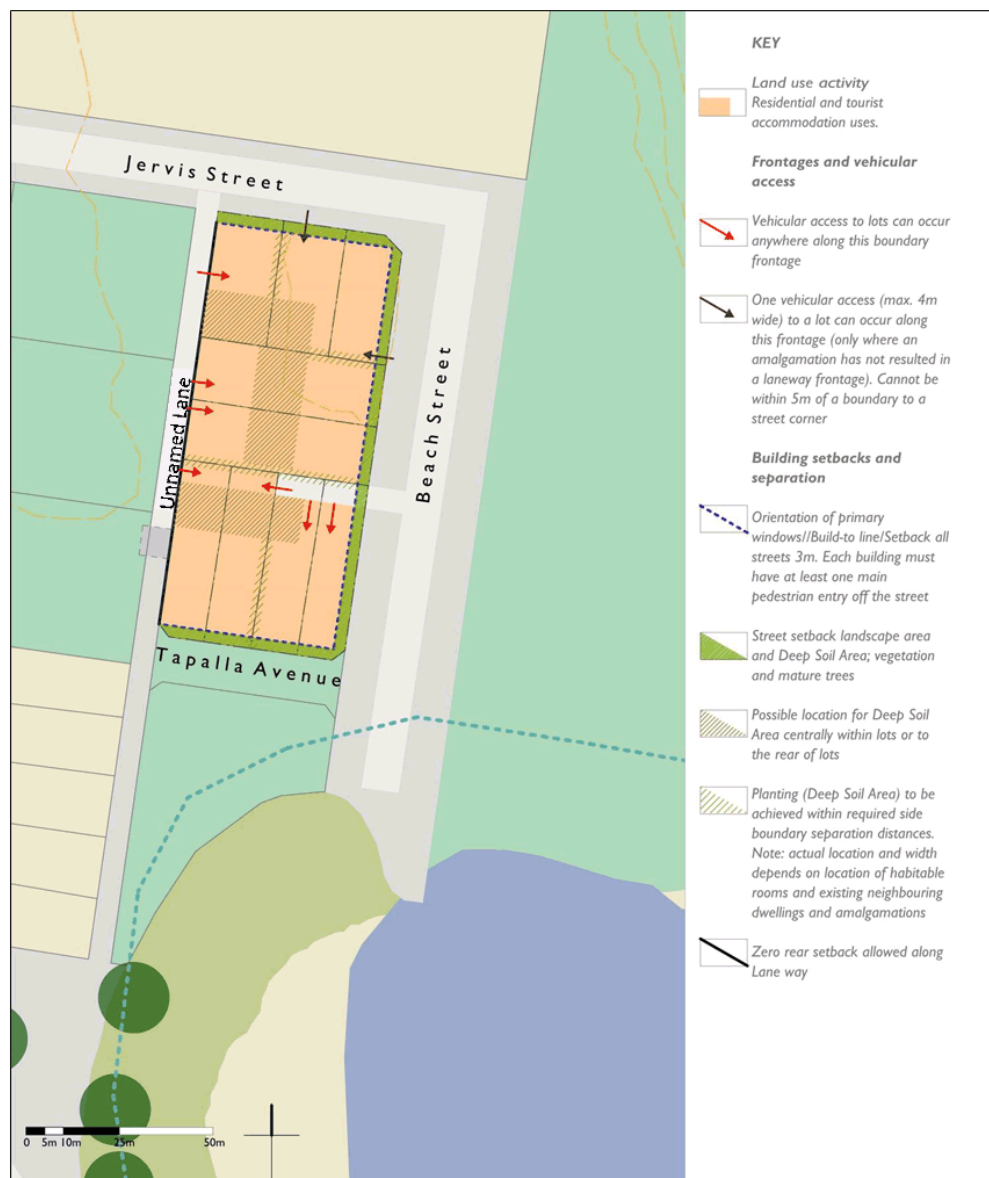


Figure 7: Precinct 3 Development Control Map

8.2 Land Use

8.2.1 Objectives

- i. Ensure that land use in Precinct 3 predominantly caters for a range of residential and tourism development.

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- ii. Ensure that development appropriate to the precinct does not compete with the Huskisson Town Centre.
- iii. Ensure land use of Precinct 3 is cognisant of the urban design principles for the precinct.

8.2.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Urban design principles of the precinct are achieved.	A1.1 Development addresses and demonstrates adherence to the precinct's urban design principles.
P2 Development form is residential in nature affording opportunities for tourist accommodation.	A1.2 Developments could include apartments, serviced apartments, boutique hotels, residential flat buildings, small resort/and or conference/function centre.
P3 Land uses maximise the precincts strategic location and tourist resources i.e. beaches, public reserves and water bodies.	

8.3 Building Height

8.3.1 Objectives

- i. Ensure development responds to the desired scale and character of the street within the precinct.
- ii. Provide highly modulated buildings to reduce the bulk and scale of the buildings.
- iii. Provide buildings forms that create distinctive and attractive coastal town streets.

8.3.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The height of development is compatible with the desired future character of the surrounding area and built forms.	A1.1 The maximum height of buildings is as shown on the Height of Buildings Map in Shoalhaven LEP 2014.
P2 The height of development protects the residential amenity of surrounding properties by not unduly impacting on their visual outlook, privacy or access to sunlight.	A1.2 Your development will have a maximum building form of 2 storeys with a 3 rd level recessed from the front building alignment.
P3 Development provides design relief as the building increases in height.	

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8.4 Setbacks and Alignments

8.4.1 Objectives

- i. Provide building forms that create distinctive, attractive and pedestrian friendly coastal town streets.
- ii. Allow for deep soil planting areas.
- iii. Define boundary between private and public land which contributes positively to the streetscape.
- iv. To established a well-proportioned rhythm between buildings consistent with a residential streetscape.

8.4.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Building setback and building alignment reflect the existing alignment of the street.	A1.1 Along all streets, the minimum front setback shall be 5m.
P2 The design of development and site placements are compatible with and enhances the prevailing and desired future streetscape.	A1.2 Minimum 70% of the buildings street elevation is to be parallel with the street boundary.
P3 The building setback from street frontages does not undermine the integrity of the existing in avoiding loss of view, undue overshadowing, privacy and traffic safety.	A1.3 Along all streets, minimum 60% buildings street elevation shall be located on the front setback line and the remainder shall be located behind this front setback line.
P4 Setbacks provide space for residents to feel an adequate sense of visual and acoustic privacy when using rooms fronting the street.	A1.4 The 3 rd and 4 th level shall have a maximum footprint of 70% of the level below and be setback 4m from the level below along streets (where facing a public street).
P5 The distance between development and adjoining properties allows adequate solar penetration, privacy, acoustic privacy and minimises visual and other bulk related impacts.	A1.5 Buildings shall be built to the laneway boundary where deep soil zones are being provided to the centre of the lot. Where buildings other than garages are not built to the laneway boundary, they shall provide 5m setback and achieve rear deep soil planting and separation distances.
P6 Development maintains setbacks from the street to ensure they are consistent and visually harmonious with other buildings in the streetscape.	A1.6 Rear boundaries without a laneway frontage are to be treated as side boundaries.
	A1.7 1.5m minimum side boundary setback are allowed but buildings shall achieve the required separation distances i.e. Clause 6.9.

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8.5 Car Parking, Vehicle Access and Vehicle Movement

8.5.1 Objectives

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.
- ii. Ensure development provides appropriate vehicle access and movement.
- iii. Ensure service vehicle access is integrated into the design of the development.
- iv. Encourage the design of driveways and car parking structures that minimise their visual impact and stormwater runoff.

8.5.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Amalgamated sites combine and rationalise car manoeuvring areas and car parking.	A1.1 A maximum of only 1 driveway entry/exit to any street frontage is permitted.
P2 Development provides adequate car parking.	A1.2 Car parking numbers, design and layout of parking is in accordance with the car parking section of this DCP.
P3 The design of driveways and provision of parking areas enhances the safety of pedestrians, cyclists and vehicles and does not pose a visual detriment to streetscapes as a result of additional traffic generated by the development.	A1.3 Vehicle access shall be from the laneway in Precinct 3.
	A1.4 Vehicle access for development shall not occur from Beach or Jarvis Street.
P4 Development integrates adequate at grade and/or basement car parking without compromising street character, landscape quality or pedestrian amenity and safety.	A1.5 Where there is no laneway frontage, lots may have 1 car entry from the street of a maximum of 4m width which cannot be located closer than 5m from a street corner.
P5 Services are integrated in a sensitive manner such that they relate to the building and landscape design, enable easy access and require minimal maintenance.	A1.6 At grade car manoeuvring areas or parking may be allowed if setback a minimum distance of 3m from the front (primary) boundary.
	A1.7 Any basement car parking may be raised to a maximum height of 1m above natural ground level and appropriate ventilation is installed within the raised height.
	A1.8 Where basement car parking is raised, the overall height of the building above natural ground level shall still be contained within the defined building envelope. This visual impact from any public place of any unrelieved basement wall shall be mitigated through the use of design elements and/or landscaping.
	A1.9 Basement garages are to be setback a

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minimum of 1.5m from the side boundaries but preferably in line with the building above.

A1.10 Garage doors are to be provided to all basement car park entries. Garage doors are to be in line with the buildings elevation and be compatible in colour and material with the buildings elevations.

A1.11 Garage doors and entries to basement car parks along the street cannot be more than 7m wide or 50% of the width of the lot whichever is the lesser.

~~A1.12 Rubbish collection is to occur along the lane. As an interim measure until such time that the lane is constructed as a through lane, rubbish collection may occur from the street.~~

~~A1.13 Turning area shall be at the southern end of the lane to allow for service vehicles.~~

~~A1.14 Rubbish truck manoeuvring area is not permitted on private properties.~~

~~A1.15 Landscape planting at the shared boundary of the property and the laneway shall not overhang or impede access or the ability to provide waste services.~~

P6 Developments utilise Unnamed Lane for its intended function.

Note: Unnamed Lane is intended for vehicle access only. Laneways are not to incorporate pedestrian footpaths in the verge.

~~A1.16 Vehicle access shall be from Unnamed Lane, and not via Beach Street or Jervis Street.~~

A1.17 Waste collection is to occur from Beach Street and Jervis Street.

Note: Waste collection may be via rear or side lift trucks depending on the specifications of the development site.

~~A1.18 Despite A1.17 waste collection may be considered via Unnamed Lane where waste storage, manoeuvring areas and collection can be wholly accommodated on site (e.g. within the basement).~~

Note: All on-site collection must occur as per Chapter G7 Waste Minimisation and Management Controls and G21 Car

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Parking and Traffic.

Contact Council's Waste Services Section to discuss requirements for waste collection and manoeuvring areas within the basement.

A1.19 Where upgrades are required to Unnamed Lane, it is constructed to a minimum 5m width.

Note: Construction of the laneway is to consider the following:

- Sight Lines;
- Minimum standard for laneway construction as per G11 Subdivision of Land; and
- No parking shall be located within the laneway. Car parking for developments must be contained within the development site as per Chapter G21 Car Parking and Traffic.

8.6 Permeable Site Area

8.6.1 Objective

- i. Ensure development provides sufficient permeable site area in order to increase storm water infiltration, maximise natural site drainage and protect the water table.

8.6.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development integrates on-site stormwater management with the design of landscaped areas.	<p>A1.1 For lots less than 750m², permeable site areas shall be a minimum of 25% of site area.</p> <p>A1.2 For lots larger than 750m², permeable site areas shall be a minimum of 30% of site area.</p>

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9 Precinct 4

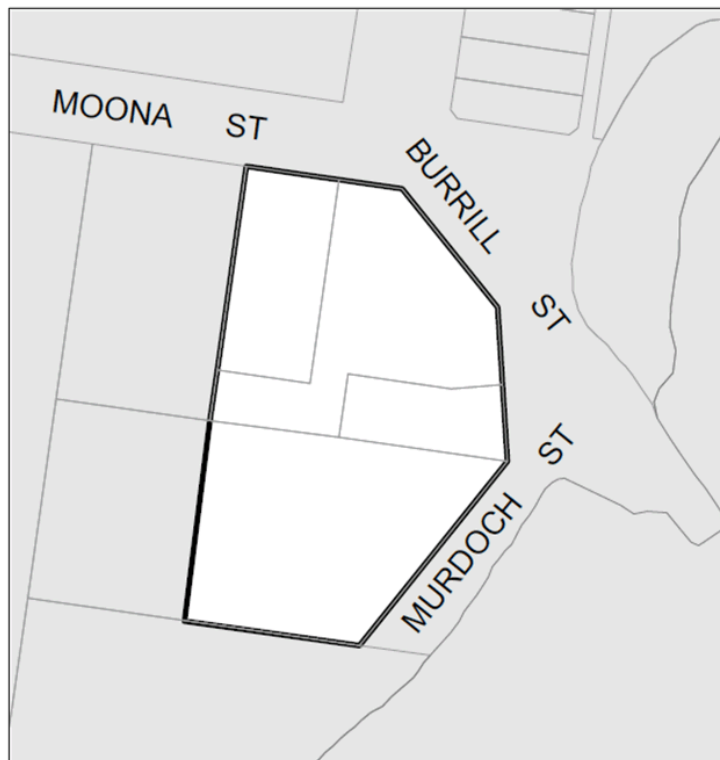


Figure 8: Precinct 4 Subject Land Map

9.1 Urban Design Principles

- Protection of ecological systems.
- Consideration of and responding to environmental constraints.
- Reinforce the boundary of the Huskisson locality.
- Reinforce the southern entry into Huskisson.
- Retention of public access to and along the foreshore.
- Ensure the maintenance of the area as a safe and pedestrian friendly place.
- Reinforcement of the precinct as a place for enjoyment of the foreshore.
- Retention of the visual dominance of nature and bushland.
- Retention of the informal character of streets and landscaping as the dominant streetscape theme.
- Creation of building forms that match the beauty and uniqueness of the place.

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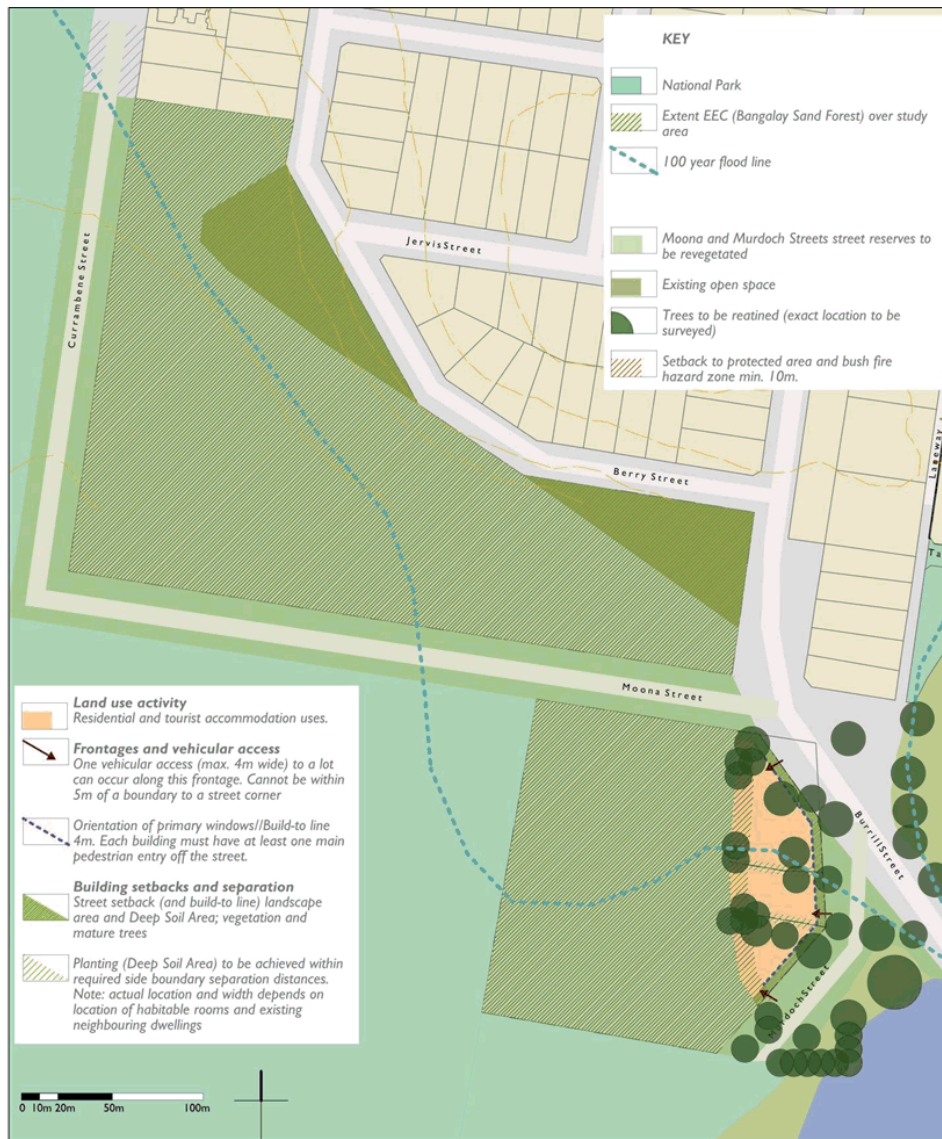


Figure 9: Precinct 4 Development Control Map

9.2 Land use

9.2.1 Objectives

- i. Ensure that land use in Precinct 4 predominately caters for a range of residential and tourism development.
- ii. Ensure that development appropriate to the precinct does not compete with the Huskisson Town Centre.

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- iii. Ensure land use of Precinct 4 is consistent with the urban design principles for the precinct.

9.2.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Urban design principles of the precinct are achieved.	A1.1 Development addresses and demonstrates adherence to the precinct's urban design principles.
P2 Land uses maximise the precincts strategic location and tourist resources i.e. beaches, public reserves and water bodies.	A1.2 Developments could include apartments, serviced apartments, boutique hotels, residential flat buildings, small resort/and or conference/function centre.
P3 Land use is of low scale medium Density and is residential and tourism in nature.	

9.3 Flooding

9.3.1 Objectives

- i. Recognise that the southern part of the precinct is constrained by flooding.

9.3.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development enables safe occupation and evacuation of land subject to flooding.	A1.1 Your development complies with Section G9 of this DCP.

9.4 Building Height

9.4.1 Objectives

- i. Ensure development responds to the desired scale and character of the street within the precinct.
- ii. Provide highly modulated buildings to reduce the bulk and scale of the buildings.
- iii. Ensure the height of development in the flood prone area is contained within the defined building form.
- iv. Provide buildings forms that create distinctive and attractive coastal town streets.

9.4.2 Provisions

Performance Criteria	Acceptable Solutions
P1 The height of development is compatible with the desired future character of the	A1.1 Your development complies with the maximum height of buildings is as shown on the Height of Buildings Map in

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surrounding area and built forms.	Shoalhaven LEP 2014.
P2 The height of development protects the residential amenity of surrounding properties by not unduly impacting on their visual outlook, privacy or access to sunlight.	A1.2 Maximum building form of your development is 2 storeys with a 3 rd level recessed from the front building alignment.
P3 Development provides design relief as the building increases in height.	
P4 Flooding consideration not compromise overall height of development. The overall height of the building above natural ground level shall still be contained within the defined building form and maximum allowable height.	

9.5 Setbacks and Alignments

9.5.1 Objectives

- Provide building forms that create distinctive, attractive and pedestrian friendly coastal town streets.
- Allow for deep soil planting areas.
- Define boundary between private and public land which contributes positively to the streetscape.

9.5.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Building setback and building alignment reflect the existing alignment of the street.	A1.1 You must setback your development a minimum 5m from the front boundary.
P2 The design of development and site placements are compatible with and enhances the prevailing and desired future streetscape.	A1.2 You must construct your building so that a minimum of 60% of the building's street elevation is located on the front setback line
P3 The building setback from street frontages does not undermine the integrity of the existing in avoiding loss of view, undue overshadowing, privacy and traffic safety.	A1.3 If your development includes a 3 rd level, it shall have a maximum footprint of 70% of the level below. A1.4 If your development includes a 3 rd level, you must have a setback from the level below of a minimum of 4m (where facing a public street).
P4 Setbacks provide space for residents to feel an adequate sense of visual and acoustic privacy when using rooms fronting the street.	A1.5 You must set back your development 5m from the rear boundaries of your property and achieve rear deep soil zones and

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P5 The distance between development and adjoining properties allows adequate solar penetration, privacy, acoustic privacy and minimises visual and other bulk related impacts.	A1.6 You may setback your development by a minimum 1.5m from side boundary but buildings shall achieve the required separation distances i.e. Clause 7.9.
P6 Development maintains setbacks from the street to ensure they are consistent and visually harmonious with other buildings in the streetscape.	

9.6 Car Parking, Vehicle Access and Vehicle Movement

9.6.1 Objectives

- Provide convenient, accessible and safe parking to meet the needs of residents and visitors.
- Ensure development provides appropriate vehicle access and movement.
- Ensure service vehicle access is integrated into the design of buildings.
- Encourage the design of driveways and car parking structures that minimise their visual impact and stormwater runoff.
- Ensure the design of driveway and car parking structures consider flood planning levels.

9.6.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Amalgamated sites combine and rationalise car manoeuvring areas and car parking.	A1.1 A maximum of only 1 driveway entry/exit to any street frontage is permitted.
P2 Development provides adequate car parking.	A1.2 Car parking numbers, design and layout of parking is in accordance with Chapter G21 of this DCP.
P3 The design of driveways and provision of parking areas enhances the safety of pedestrians, cyclists and vehicles and does not pose a visual detriment to streetscapes as a result of additional traffic generated by the development.	A1.3 Vehicle access shall be from Murdoch or Burrill Streets. A1.4 One vehicle entry shall be permitted per lot from the street of a maximum of 4m width which cannot be located closer than 5m from a street corner.
P4 Development integrates adequate at grade car parking taking into account flooding constraints without compromising street character, landscape quality or pedestrian amenity and safety.	A1.5 Compliance with <i>Chapter G9 Development on Flood Prone Land</i> . A1.6 At grade car manoeuvring areas or parking may be allowed if setback a minimum distance of 3m from the front boundary.
P5 Services are integrated in a sensitive manner such that they relate to the building and landscape design, enable	A1.7 Waste truck manoeuvring areas are not

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easy access and require minimal maintenance.

permitted on private property, except where contained within the basement.

Note: All on-site collection must occur as per Chapter G7 Waste Minimisation and Management Controls and G21 Car Parking and Traffic.

Contact Council's Waste Services Section to discuss requirements for waste collection and manoeuvring areas within the basement.

- A1.8 No vehicle parking is permitted on the western side and the vehicle turning area of Murdoch Street to assist waste collection in this street.

9.7 Permeable Site Area

9.7.1 Objective

- i. Ensure development provides sufficient permeable site area in order to increase storm water infiltration, maximise natural site drainage and protect the water table.

9.7.2 Provisions

Performance Criteria	Acceptable Solutions
P1 Development integrates on-site stormwater management with the design of landscaped areas.	A1.1 For lots less than 750m ² , permeable site areas shall be a minimum of 30% of site area. A1.2 For lots larger than 750m ² , permeable site areas shall be a minimum of 35% of site area.

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10 Advisory Information

10.1 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application.

Council Policies & Guidelines	<ul style="list-style-type: none"> Contributions Plan
External Policies & Guidelines	<ul style="list-style-type: none"> Australian Standards (e.g. AS2890)
Legislation	<ul style="list-style-type: none"> Shoalhaven Local Environmental Plan 2014