

## Ordinary Meeting

**Meeting Date:** Monday, 28 August, 2023

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

## Attachments (Under Separate Cover)

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# Monthly Investment Report

## July 2023

CL23.276 - Attachment 1

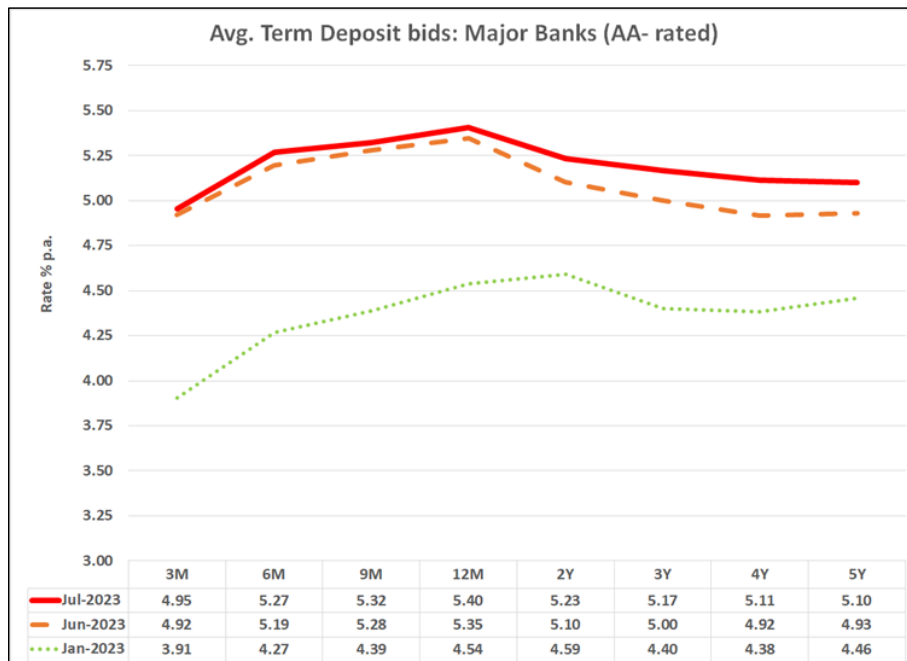
 <b>IMPERIUM MARKETS</b>	<p>Imperium Markets Pty Ltd ABN: 87 616 579 527 Authorised Representative of InterPrac Financial Planning Pty Ltd AFSL 246 638 Phone: +61 2 9053 2987 Email: <a href="mailto:michael.chandra@imperium.markets">michael.chandra@imperium.markets</a> / <a href="mailto:melissa.villamin@imperium.markets">melissa.villamin@imperium.markets</a> Level 9 Suite 06, 70 Phillip Street, Sydney NSW 2000</p>
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### Market Update Summary

Risk markets were boosted over July about the prospects of inflation cooling and terminal interest rates peaking across several developed economies. Domestically, the latest CPI figure was largely used to justify a further pause at the RBA's Board meeting on 1<sup>st</sup> August on the basis of lower than expected core inflation together with the other uncertainties associated with the lags of monetary policy and the economic outlook. The RBA remains on a slight tightening bias, signalling further hike(s) may be required as it is determined to bring inflation back towards its target band.

Over July, across the short-end of the curve (3-12 months), major bank deposit rates marginally rose, on average, from the previous month. Deposit rates however continue to be lower in the long-end (2-5 years) compared to the shorter-end (6-12 months), reflective of the major banks believing that rate cuts may be required in future years once inflation has peaked and under control.



Source: Imperium Markets

**‘New’ investments close to or above 5% p.a. is currently available if Council can place a proportion of funds between 9-12 months to 3 years.** With recessionary fears being priced in coming years, investors may take an ‘insurance policy’ against future rate cuts by investing across 3-5 year fixed deposits and locking in rates above or close to 5% p.a. (small allocation only), although this is primarily being offered by the lower rated (“BBB”) ADIs.



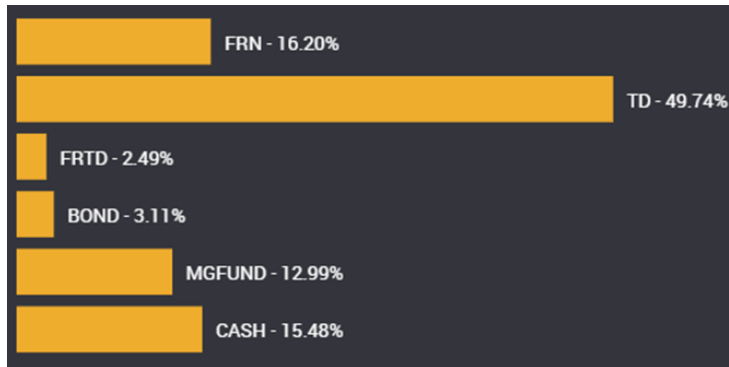
## Council's Portfolio & Compliance

### Asset Allocation

The majority of the portfolio is directed to fixed and floating rate term deposits, followed by liquid senior FRNs. The remainder of the portfolio is directed to the managed with TCorp, fixed bonds with Northern Territory, as well as cash accounts.

Senior FRNs remain relatively attractive as spreads have generally widened over the past 12-18 months – new issuances should now be considered again on a case by case scenario. In the interim, staggering a mix of fixed deposits between 9-12 months to 2 years remains a more optimal strategy to maximise returns over a longer-term cycle.

With recessionary fears being priced in coming years, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against any potential future rate cuts by investing across 3-5 year fixed deposits, locking in and targeting yields close to or above 5% p.a. (mainly available from the regional banks).



CL23.276 - Attachment 1





Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-2 years) assets account for around 4% of the total investment portfolio, with capacity of ~\$105m remaining.

Once the immediate capital projects are completed, we recommend a proportion of longer-dated funds be allocated to 1-2 year fixed term deposits in combination with any attractive new FRNs (3-5 years) as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$43,903,524	27.30%	0%	100%	\$116,938,767
✓	91 - 365 days	\$65,493,728	40.72%	0%	100%	\$95,348,563
✓	1 - 2 years	\$7,097,688	4.41%	0%	70%	\$105,491,916
✓	2 - 5 years	\$23,458,159	14.59%	0%	50%	\$56,962,987
✓	5 - 10 years	\$20,889,192	12.99%	0%	25%	\$19,321,381
		<b>\$160,842,291</b>	<b>100.00%</b>			



### Individual Counterparty Limits

As at the end of July 2023, all counterparty exposures comply within the Policy limits. Capacity limits are also dependent on the movement in the cash balances. Overall, the portfolio is well diversified across the entire credit spectrum, including some exposure to the regional bank (lower rated) ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	Suncorp Cov	AAA	\$2,004,171	1.25%	100.00%	\$158,838,120
✓	CBA	AA-	\$31,276,916	19.45%	100.00%	\$129,565,375
✓	HSBC Bank	AA-	\$2,000,914	1.24%	100.00%	\$158,841,377
✓	NAB	AA-	\$25,987,605	16.16%	100.00%	\$134,854,686
✓	Northern Terr.	AA-	\$5,000,000	3.11%	100.00%	\$155,842,291
✓	NSW (SIRA)	AA+	\$4,115,000	2.56%	100.00%	\$156,727,291
✓	Westpac	AA-	\$14,000,000	8.70%	100.00%	\$146,842,291
✓	Macquarie	A+	\$3,970,480	2.47%	100.00%	\$156,871,811
✓	Rabobank	A+	\$5,989,730	3.72%	100.00%	\$154,852,561
✓	Suncorp	A+	\$10,762,895	6.69%	100.00%	\$150,079,396
✓	Bank of China	A	\$2,493,728	1.55%	100.00%	\$158,348,563
✓	ING Bank	A	\$28,000,000	17.41%	100.00%	\$132,842,291
✓	AMP Bank	BBB	\$2,253,973	1.40%	5.00%	\$5,788,142
✓	Newcastle PBS	BBB	\$2,097,688	1.30%	5.00%	\$5,944,426
✓	NSW TCorp LTG	Unrated	\$20,889,192	12.99%	100.00%	\$139,953,099
			<b>\$160,842,291</b>	<b>100.00%</b>		

In July 2022, ANZ (AA-) announced it was putting a bid to buy Suncorp's banking division for ~\$3.9bn. Should that takeover be formalised, Suncorp-Metway's (A+) current credit rating is likely to be upgraded to ANZ's (AA-), although this still requires approval from the Australian Competition and Consumer Commission (ACCC).

We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

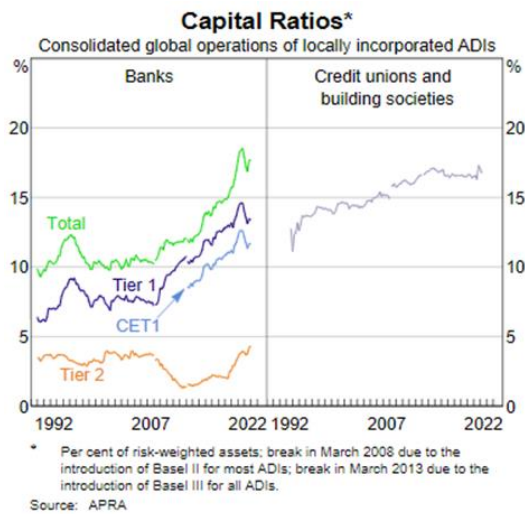
Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). The financial regulator, APRA has noted that the Common Equity Tier 1 capital of Australian banks now exceeds a quarter of a trillion dollars. It has increased by \$110 billion, or more than 70%, over the past eight years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment



portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to "protect depositors" and provide "financial stability".**





### Overall Credit Quality Limits

The portfolio is well diversified from a credit ratings perspective. The portfolio is predominately invested amongst the investment grade ADIs (BBB- or higher). The allocation to the Unrated category reflects the investment in the TCorp Long-Term Growth Fund.

All ratings categories are within the Policy limits:

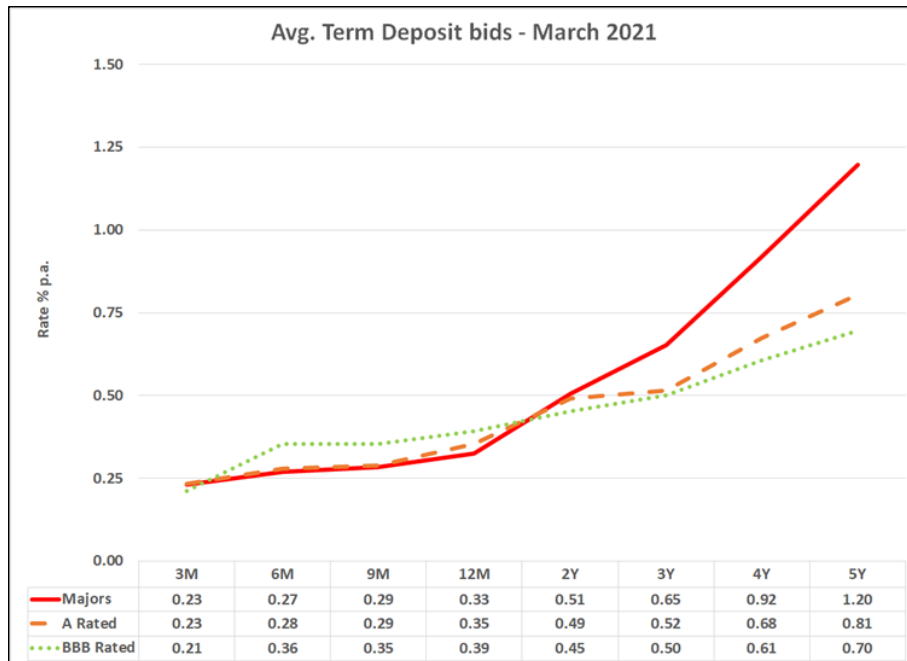
Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$2,004,171	1%	100%	\$158,838,120
✓	AA Category	\$82,380,435	51%	100%	\$78,461,856
✓	A+ to A Category	\$51,216,832	32%	100%	\$109,625,459
✓	A- Category	\$0	0%	40%	\$64,336,916
✓	BBB+ to BBB Category	\$4,351,661	3%	30%	\$43,901,026
✓	BBB- & NR Category	\$0	0%	5%	\$8,042,115
✓	NSW TCorp LTGF	\$20,889,192	13%	100%	\$139,953,099
		<b>\$160,842,291</b>	<b>100.00%</b>		

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) since mid-2020<sup>1</sup>, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of Council. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past three years.

<sup>1</sup> The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



**Term Deposit Rates – 12 months after pandemic (March 2021)**



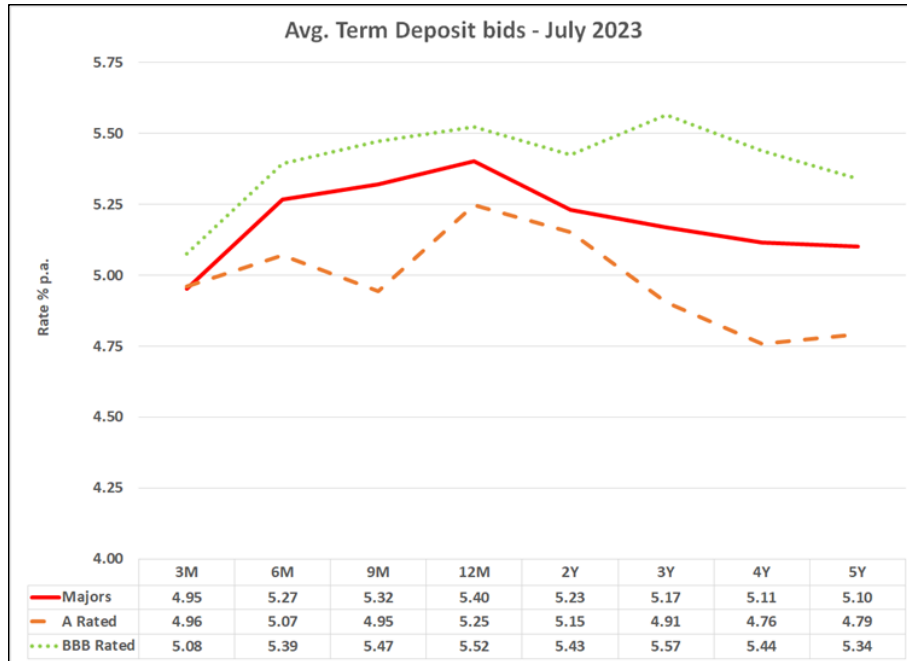
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits increases. We are now starting to see some of the lower rated ADIs ("BBB" rated) offering slightly higher rates compared to the higher rated banks ("A" or "AA" rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.

Going forward, Council should have a larger opportunity to invest a higher proportion of its funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry. We are slowly seeing this trend emerge, as has been the case over the past month again:



**Term Deposit Rates – Currently (July 2023)**



Source: Imperium Markets



### Performance

Council's performance for the month ending July 2023 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.34%	1.00%	1.85%	0.34%	3.20%
AusBond Bank Bill Index	0.37%	0.97%	1.81%	0.37%	3.15%
T/D Portfolio	0.35%	0.89%	1.62%	0.35%	2.59%
FRT/D Portfolio	0.45%	1.32%	2.59%	0.45%	5.16%
FRN Portfolio	0.42%	1.21%	2.74%	0.42%	5.21%
Bond Portfolio	0.09%	0.27%	0.54%	0.09%	1.08%
<b>Council's Fixed Interest<sup>^</sup></b>	<b>0.36%</b>	<b>0.95%</b>	<b>1.89%</b>	<b>0.36%</b>	<b>3.24%</b>
TCorp LTGF	1.76%	3.40%	5.25%	1.76%	8.93%
TCorp Long-Term Target <sup>^^</sup>	0.50%	1.48%	2.93%	0.50%	6.00%
<b>Council's Total Portfolio</b>	<b>0.57%</b>	<b>1.32%</b>	<b>2.37%</b>	<b>0.57%</b>	<b>3.90%</b>
<b>Relative (to Bank Bills)</b>	<b>0.19%</b>	<b>0.35%</b>	<b>0.56%</b>	<b>0.19%</b>	<b>0.75%</b>

<sup>^</sup>Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

<sup>^^</sup>TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.10%	4.02%	3.77%	4.10%	3.20%
AusBond Bank Bill Index	4.48%	3.91%	3.69%	4.48%	3.15%
T/D Portfolio	4.17%	3.59%	3.29%	4.17%	2.59%
FRT/D Portfolio	5.44%	5.32%	5.30%	5.44%	5.16%
FRN Portfolio	5.03%	4.91%	5.60%	5.03%	5.21%
Bond Portfolio	1.11%	1.09%	1.09%	1.11%	1.08%
<b>Council's Fixed Interest<sup>^</sup></b>	<b>4.27%</b>	<b>3.82%</b>	<b>3.85%</b>	<b>4.27%</b>	<b>3.24%</b>
TCorp LTGF	22.85%	14.18%	10.88%	22.85%	8.93%
TCorp Long-Term Target <sup>^^</sup>	6.00%	6.00%	6.00%	6.00%	6.00%
<b>Council's Total Portfolio</b>	<b>6.87%</b>	<b>5.35%</b>	<b>4.83%</b>	<b>6.87%</b>	<b>3.90%</b>
<b>Relative (to Bank Bills)</b>	<b>2.39%</b>	<b>1.43%</b>	<b>1.15%</b>	<b>2.39%</b>	<b>0.75%</b>

<sup>^</sup>Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

<sup>^^</sup>TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

For the month of July, the total portfolio (excluding cash) provided a return of +0.57% (actual) or +6.87% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.37% (actual) or +4.48% p.a. (annualised).

The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months. Going forward, a more optimal strategy in placing deposits across 12-24 months terms is likely to earn up to ¼-½% p.a. higher compared to shorter



tenors in a normal market environment. There is a growing belief that a recession is not too far away and so locking in rates above or close to 5% p.a. across 2-3 year tenors may provide some income protection against a potentially lower rate environment in coming years.

The T-CorpIM Growth Fund provided a strong return this month, with the Fund gaining +1.76% (net actual) as shares rallied again. Despite the volatility in the Fund over the past few years, the Growth Fund has performed well over longer-term time periods.





**NSW T-CorpIM Growth Fund**

**The Growth Fund returned +1.76% (actual) for the month of July.** Domestic shares (S&P ASX 200 Accumulation Index +2.88%) and international shares (MSCI World ex-Australia +3.27%) were the main contributors to performance this month.

The resolution of the US debt ceiling has enabled stronger than expected Federal spending through the early months of the new financial year. Government spending has a rapid transmission into the economy, compared to the long and variable lags and impact of monetary policy, and this is working to soften the slowdown in growth that is underway. However, this is placing more of the burden of reducing inflation onto monetary policy. Headline inflation continues to grind lower and while core inflation measures too are slowing, the pace has not been sufficient to convince central banks that their job of tightening policy is done.

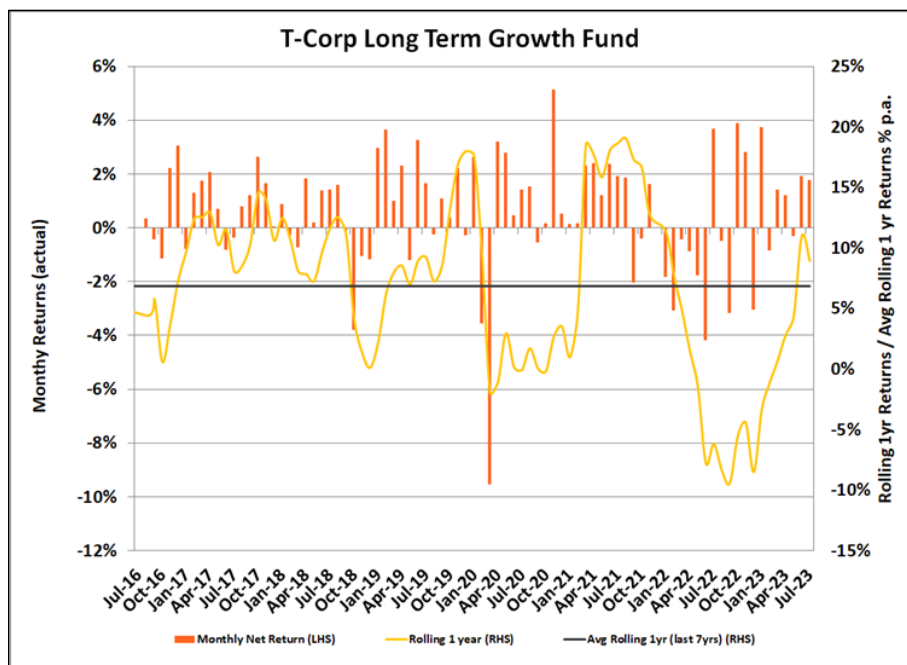
The action and guidance from Central Banks in the past few months show that their intent is to keep going on hiking rates. This sends a clear message that monetary policy over-tightening is now a key risk for asset markets. History shows that while tighter monetary policy does not always end in recession, it does, particularly if credit conditions are tightening at the same time, end with something 'breaking'. As a consequence, financial risk is more elevated, where the stress around US Regional Banks in Q1 could manifest in other areas of financial assets in the quarters ahead and this could be the trigger that tips economies into recession. The economic outlook and pathway ahead remains potholed by a high level of uncertainty.

Overall, we remain cautious on the future performance of the T-Corp Growth Fund given the high volatility associated with a diversified growth fund, which generally allocates a range of 60%-80% in domestic and international shares. Investors are seeking relief from elevated levels of inflation and patiently awaiting the interest rate cycle to peak.

The Fund should be looked at with a long-term view, with a minimum holding period of +7 years. Given the exposure to the volatile asset of shares, Council should expect to see, on average, a negative month once every 3 months over a long-term holding period.



Since Inception	T-Corp Long Term Fund
Negative Months	140 (~1 in 3 months)
Positive Months	269
Total Months	409 (34.10 yrs)
Average Monthly Return	+0.65% (actual)
Median Monthly Return	+1.02% (actual)
Lowest 1 year Rolling Return	-21.12% p.a. (Nov 2008)
Highest 1 year Rolling Return	+29.89% p.a. (Jan 1994)





#### Council's Term Deposit Portfolio & Recommendation

As at the end of July 2023, Council's deposit portfolio was yielding 4.18% p.a. (up 14bp from the previous month), with a weighted average duration of ~158 days (5 months).

Over a longer-term cycle, investors are rewarded if they can continue to maintain a slightly longer average duration. In a 'normal' marketplace, yields at the long-end are generally offered at a slight premium over shorter tenors.

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
P&N Bank	BBB	5 years	5.50% p.a.
P&N Bank	BBB	4 years	5.40% p.a.
AMP Bank	BBB	3 years	5.45% p.a. ^
AMP Bank	BBB	2 years	5.45% p.a.^
Australian Military	BBB+	2 years	5.36% p.a.
BoQ	BBB+	2 years	5.25% p.a.
P&N Bank	BBB	2 years	5.20% p.a.
Suncorp	A+	2 years	5.13% p.a.
Westpac	AA-	2 years	5.12% p.a.
NAB	AA-	2 years	5.10% p.a.
CBA	AA-	2 years	5.06% p.a.

<sup>^</sup>Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight premium compared to purely investing short-term. For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):



ADI	LT Credit Rating	Term	T/D Rate
AMP Bank	BBB	11-12 months	5.50% p.a.^
AMP Bank	BBB	6-7 months	5.45% p.a.^
Heritage & People's Choice	BBB+	12 months	5.40% p.a.
BoQ	BBB+	9 months	5.40% p.a.
Australian Military	BBB+	12 months	5.36% p.a.
NAB	AA-	9-12 months	5.35% p.a.
NAB	AA-	6-8 months	5.30% p.a.
BoQ	BBB+	12 months	5.30% p.a.
Bendigo-Adelaide	BBB+	6-12 months	5.30% p.a.
Westpac	AA-	12 months	5.27% p.a.
Suncorp	A+	12 months	5.23% p.a.
CBA	AA-	12 months	5.22% p.a.
NAB	AA-	3 months	5.00% p.a.

^Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

*If Council does not require high levels of liquidity and can stagger a proportion of its investments across the longer term horizons (1-5 years), it will be rewarded over a longer-term cycle. Investing a spread of 12 months to 3 year horizons is likely to yield, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits (under 6-9 months).*

*With recessionary fears being priced in coming years, Council should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 3-5 year fixed deposits and locking in rates close to or above 5% p.a. This will provide some income protection if central banks decide to cut rates in future years, and assuming inflation has peaked and is under control.*

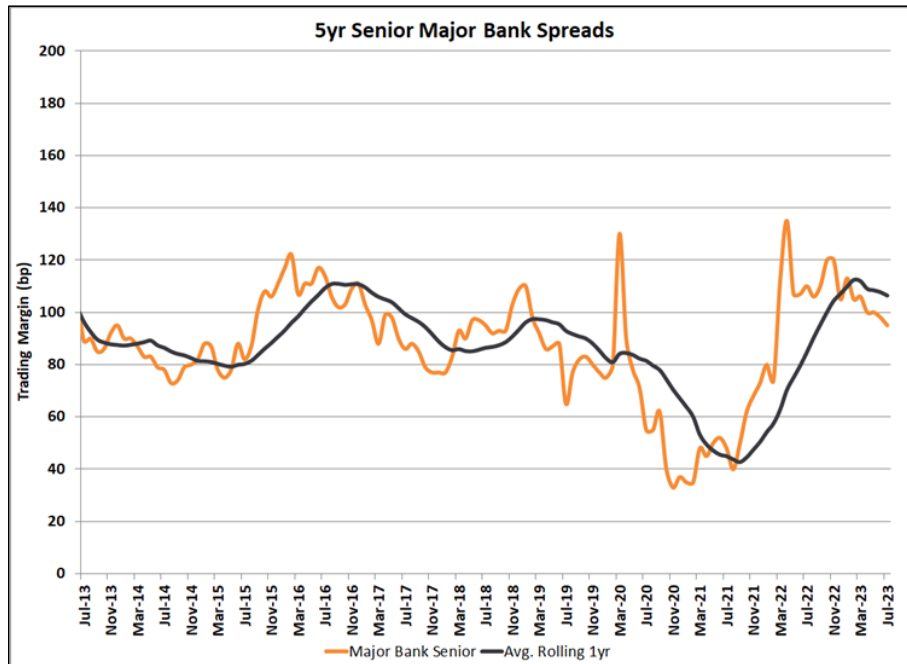
#### AMP Business Saver & Notice Account

We note the AMP Business Saver and AMP 31 Day Notice Account are now sub-optimal investments given the rise in deposit yields in recent months. We recommend switching into short-dated fixed deposits with the major banks yielding a considerably higher rate of return, or simply just redeem to replenish capital reserves.



### Senior FRNs Review

Over July, amongst the senior major bank FRNs, physical credit securities tightened by around 1-3bp at the long-end of the curve. Major bank senior securities remain fairly attractive in the rising rate environment (5 year margins around the +95bp level):



Source: IBS Capital

During the month, there was a lack of primary (new) issuances amongst the ADIs. The main securities that were issued were the following:

- 5yr Suncorp (AAA) covered security at +105bp
- 1yr Bank of China (A) senior FRN at +70bp

Amongst the “A” and “BBB” rated sector, the securities were marked around 5bp tighter at the long-end of the curve. Credit securities are looking much more attractive given the widening of spreads over the past ~18 months. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over future years (in a relatively stable credit environment).



Senior FRNs (ADIs)	31/07/2023	30/06/2023
"AA" rated – 5yrs	+95bp	+98bp
"AA" rated – 3yrs	+74bp	+75bp
"A" rated – 5yrs	+115bp	+120bp
"A" rated – 3yrs	+95bp	+100bp
"BBB" rated – 3yrs	+125bp	+130bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- On or before mid-2025 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2024 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) are now generally holding sub-optimal investments and are not maximising returns by foregoing, potentially significant capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

*Primary (new) FRNs are now looking more appealing and should be considered on a case by case scenario.*



**Council's FRN Portfolio – Recommendations**

We recommend that Council retains all its FRNs at this stage (most are marked at a slight discount to par at month-end). We will continue to monitor them individually and will advise when it is appropriate to sell to boost the overall returns of the portfolio in future.

**Council's Senior Fixed Bonds**

In September 2020, Council has invested into the following NTTC (AA-) fixed bonds:

Investment Date	Maturity Date	Principal	Rate % p.a.	Interest Paid
15/09/2021	15/12/2024	\$3,000,000	1.00%	Annually
15/09/2021	15/12/2025	\$2,000,000	1.10%	Annually
<b>Totals / Wgt. Avg.</b>		<b>\$5,000,000</b>	<b>1.04%</b>	

We believe this was prudent at the time of investment given the low rate environment and particularly after the RBA's easing decision in early November 2020 to 0.10% and their forward guidance towards official interest rates (no rate rises "until at least 2024").

The NTTC bonds are a 'retail' offering and not 'wholesale' issuances. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, they are considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



**Senior Fixed Bonds – ADIs (Secondary Market)**

As global inflationary pressures remain, this has seen a significant lift in longer-term bond yields over the past 12-18 months (valuations fallen) as markets have reacted sharply.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0265403	Suncorp	A+	Senior	30/07/2024	1.00	1.85%	5.11%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.10	1.70%	5.19%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.25	2.00%	5.36%
AU3CB0287498	Bendigo	BBB+	Senior	17/03/2025	1.63	3.00%	5.28%
AU3CB0293967	Bendigo	AAA	Covered	11/11/2025	2.28	5.10%	5.17%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.77	1.40%	5.47%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.24	2.10%	5.54%





## Economic Commentary

### International Market

Risk markets were boosted over July about the prospects of inflation cooling and terminal interest rates peaking across several developed economies.

Across equity markets, the S&P 500 Index gained +3.11%, whilst the NASDAQ added +4.05%. Europe's main indices also provided solid returns, led by UK's FTSE (+2.23%), Germany's DAX (+1.85%) and France's CAC (+1.32%).

The US FOMC hiked rates by 25bp to 5.25%-5.50% as universally expected, the post-meeting Statement was almost unchanged, while there was minimal forward guidance given in the press conference. US GDP rose an annualised +2.4% in Q2, well above the +1.8% expected by consensus.

Annual US inflation rose at its slowest pace in more than two years in June, with underlying price pressures receding. The PCE price index rose +0.2% in June to be up +3.0% y/y, whilst the core PCE price index climbed +0.2% m/m, gaining +4.1% y/y.

Canada's unemployment rate increased to 5.4% from 5.2%, amid high population growth and a lift in the participation rate. Headline CPI in June came in lower at +2.8% y/y vs. +3.0% expected. The core measures showed less improvement with the trimmed mean coming in at +3.7% y/y vs. +3.6% expected.

The ECB lifted its deposit rate by 25bps to 3.75% as widely expected. The statement noted that the ECB will ensure that rates remain sufficiently restrictive given that inflation was still expected to remain "too high for too long".

UK's CPI came in softer than expected on both the headline (+7.9% y/y vs. +8.2% expected) and core measures (+6.9% y/y vs. +7.1% consensus).

China's economic momentum is slowing with deflation a concern for markets. The economy grew at +0.8% q/q in Q2, down from the +2.2% recorded in Q1. On an annual basis, the economy grew at +6.3%, well below the +7.1% expected. China's CPI inflation declined from -0.2% y/y in May to 0.0% last month, a 28 month low, raising concerns of deflation.

The RBNZ held rates steady at 5.50% after 12 consecutive hikes that began in October 2021. NZ's Q2 headline CPI printed at +1.1% q/q, taking the annual rate to +6.0% y/y. This was down from +1.2% in Q1 or +6.7% on an annual basis.

The MSCI World ex-Aus Index rose +3.27% for the month of July:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+3.11%	+10.06%	+11.11%	+11.95%	+10.26%	+10.53%
MSCI World ex-AUS	+3.27%	+8.15%	+11.76%	+10.04%	+7.46%	+7.53%
S&P ASX 200 Accum. Index	+2.88%	+2.04%	+11.67%	+11.99%	+7.47%	+8.32%

Source: S&P, MSCI



### Domestic Market

The RBA decided to keep interest rates unchanged at 4.10% in July to provide additional time to assess the outlook for the economy. The Statement somewhat strangely removed much of the commentary on upside risks to inflation that was present in the two previous months at which the RBA tightened.

Deputy Governor Michele Bullock will be Australia's next RBA Governor, taking over from current Governor Philip Lowe on September 18. The RBA is to move to eight meetings a year from February 2024 (instead of the current eleven). The quarterly Statement of Monetary Policy will be published with the Board meeting Statement in February, May, August and November, rather than the following Friday as is currently the case.

Headline inflation printed below both the market's expectation and the RBA's SoMP forecast profile. Q2 CPI was +0.8% q/q and +6.0% y/y (consensus +1.0%/+6.2%). The core trimmed mean was +0.9% q/q and +5.9% y/y (consensus +1.1%/+6.0%). For both headline and trimmed mean, it was the lowest quarterly read since September 2021. The details revealed greater than expected goods disinflation is now occurring, but services inflation – often seen as stickier - moved higher.

Australia's employment growth was double market expectations in June, rising +32.6k in the month (consensus +15k). The unemployment rate fell 0.1% to 3.5% and has averaged 3.5% since July 2022, having only moved lower in October 2022 to 3.4%.

Retail sales fell -0.8% m/m in June, much weaker than the 0.0% consensus.

Australian dwelling prices rose +1.1% m/m in June to be +3.4% above their recent February low. Sydney continues to lead the bounce in dwelling values, gaining +1.7% m/m to be +6.4% higher than February 2023.

Dwelling approvals surged in May, up +20.6% m/m (consensus +3.0%). The large rise was the result of a +59.4% m/m gain in the volatile attached dwelling approvals category, led by a spike in NSW apartment approvals.

The Australian dollar gained +0.78%, finishing the month at US66.82 cents (from US66.30 cents the previous month).

### Credit Market

The global credit indices tightened over July. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	July 2023	June 2023
CDX North American 5yr CDS	63bp	69bp
iTraxx Europe 5yr CDS	68bp	82bp
iTraxx Australia 5yr CDS	72bp	76bp

Source: Markit



## Fixed Interest Review

### Benchmark Index Returns

Index	July 2023	June 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.37%	+0.30%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.52%	-1.95%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.46%	+0.41%
Bloomberg AusBond Credit Index (0+YR)	+0.85%	-1.08%
Bloomberg AusBond Treasury Index (0+YR)	+0.49%	-2.28%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+0.92%	-2.38%

Source: Bloomberg

### Other Key Rates

Index	July 2023	June 2023
RBA Official Cash Rate	4.10%	4.10%
90 Day (3 month) BBSW Rate	4.26%	4.35%
3yr Australian Government Bonds	3.87%	4.03%
10yr Australian Government Bonds	4.05%	4.03%
US Fed Funds Rate	5.25%-5.50%	5.00%-5.25%
2yr US Treasury Bonds	4.88%	4.87%
10yr US Treasury Bonds	3.97%	3.81%

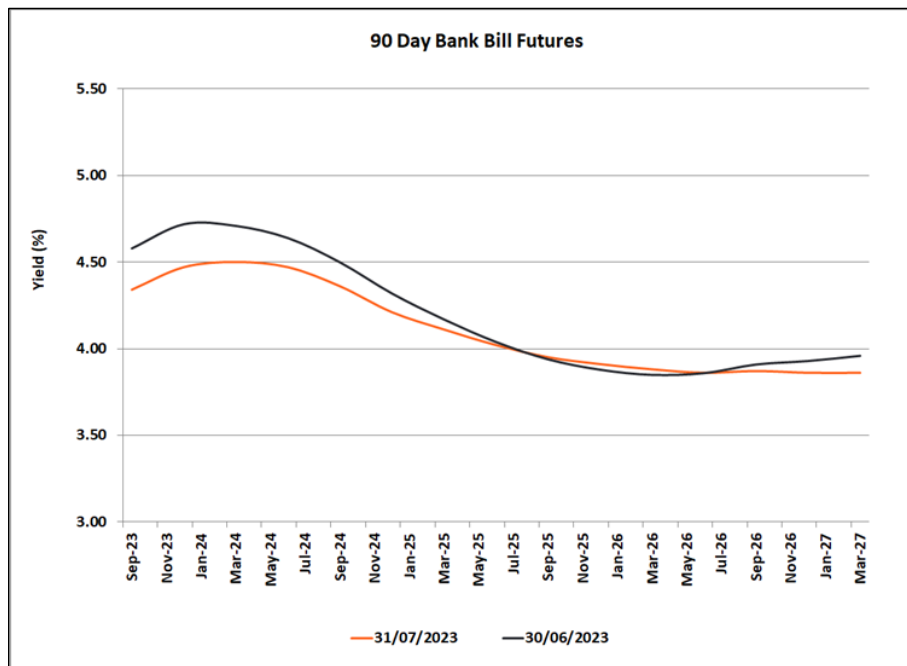
Source: RBA, AFMA, US Department of Treasury



### 90 Day Bill Futures

Bill futures fell at the short-end of the curve this month, following the movement in the bond market. The RBA remains on a slight tightening bias and firm on its primary objective to bring inflation back within its target band. With the annual rate of CPI falling in the latest reading, the RBA may decide to pause if it views rates are sufficiently restrictive enough for inflation to keep trending downwards.

The bills market continues to factor in the possibility of a recession over the next few years, highlighted by the drop in the futures pricing by the beginning of 2024:



Source: ASX



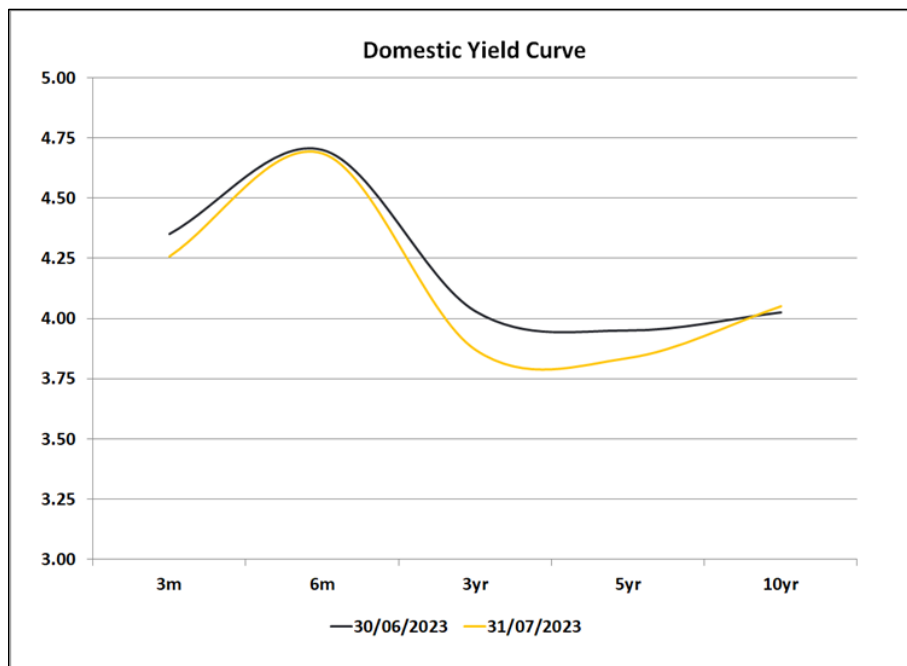
## Fixed Interest Outlook

After the US Fed lifted rates to 5.25%-5.50%, markets continue to price around a 40% chance of a follow up hike by November, though pricing of cuts extended with over 130bp of cuts thereafter by the end of 2024.

Domestically, the latest CPI figure could be used to justify a further pause at the RBA's Board meeting on 1<sup>st</sup> August on the basis of lower than expected core inflation together with the other uncertainties associated with lags and the economic outlook that were used to justify the July pause. The main concern going forward remains sticky services inflation, which could impede the RBA's aim of getting inflation back to 3% by mid-2025.

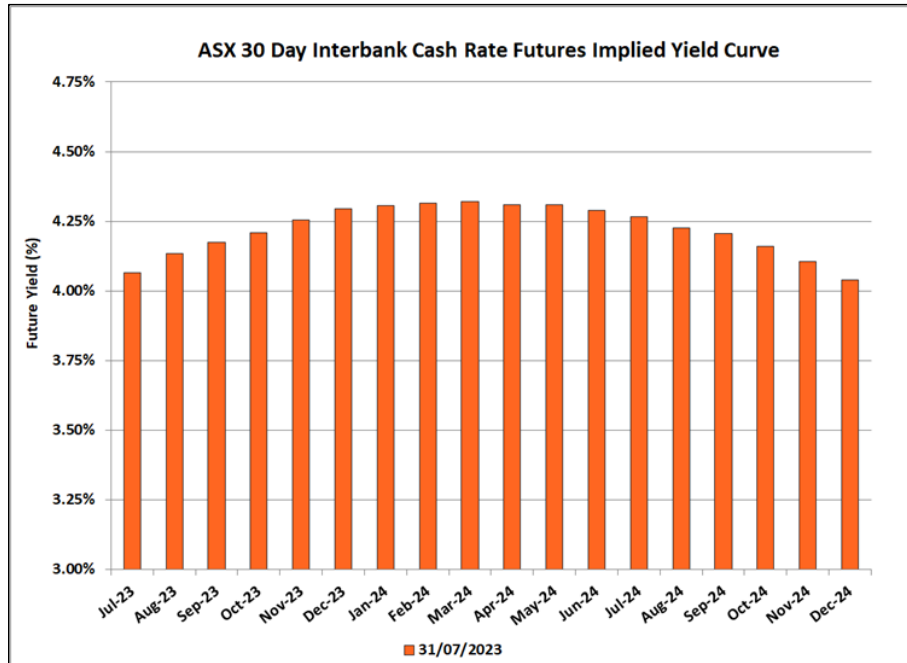
The overall inflation picture suggests the risk remains of some further tightening by the RBA in the next few months, but that at the same time we are close to the peak in interest rates.

Over the month, yields fell up to 16bp at the long-end of the curve:



Source: AFMA, ASX, RBA

Markets have been quick to revise their interest rate forecasts with one more rate hike priced by early 2024 (peak rate of ~4.35%). Rate cuts have now been pushed back to Q3-Q4 2024.



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Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

**Table of Changes**

Existing Section	Category	Recommended Change	Reason
Section 5.1	New, Amendment	<p>Insert the following new dot points in A1.2:</p> <ul style="list-style-type: none"> <li>• “The location relative to the local/town centre”.</li> <li>• “The existing road network characteristics including road width, location of driveways, parking bays, adjacent and nearby pedestrian and cyclist infrastructure and relevant utilities”.</li> </ul> <p>Insert the following into existing dot point 3 in A1.2 (relocated to point 2) “within 100m” after the word “development”.</p>	<p>The additional provisions seek to:</p> <ul style="list-style-type: none"> <li>• Demonstrate the compatibility of the proposed development within its neighbourhood context.</li> <li>• Demonstrate that the development is appropriately located to provide opportunity, where possible, for active transport and reduction in car reliance.</li> <li>• Ensure that the existing road network can suitably cater for the intensification without impacting adjoining users.</li> </ul>

For convenience, provisions with additions and/or changes are highlighted in yellow.

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**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

## Draft Chapter G1: Site Analysis, Site Design and Building Materials

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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	3 December 2019	18 December 2019	Amendment
4			Draft



Shoalhaven Development Control Plan 2014

**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

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## **1 Purpose**

The purpose of this Chapter is to outline controls for the management of the natural and built environment. This Chapter provides controls particularly for:

- Site analysis plans.
- **Building** materials and site design in rural, coastal and environmental areas.

## **2 Application**

This Chapter applies to all **development** in Shoalhaven.

## **3 Context**

A site analysis assists in considering the characteristics of the site and adjacent or adjoining sites at the outset of the design process, as well as any constraints or opportunities to ensure that these are reflected in the design. An effective site analysis plan can assist in implementing long-lasting sustainable **building** design principles, such as solar passive design to increase energy efficiency and solar access, ultimately resulting in long-term environmental and financial savings.

The type and quality of materials in environmental, coastal and rural areas is also important. The location of a **building** and choice of materials help to maintain and protect **views** and provide amenity to surrounding residents.

## **4 Objectives**

The **objectives** are to:

- i. Consider the constraints and opportunities of the site for the proposed **development**.
- ii. Ensure compatibility between the site and the proposal.
- iii. Maximise the potential for energy efficiency and conservation in **building** design.
- iv. Minimise overshadowing impacts of a **development** on adjoining **dwellings**.
- v. Preserve solar access to north facing solar collectors serving adjoining **dwellings** e.g. solar hot water panels, photovoltaic cells.
- vi. Ensure **development** is compatible with the natural landscape and any identified natural hazards.
- vii. Ensure **buildings** are constructed of such materials and finishes and are not intrusive upon the landscape.
- viii. Ensure that **views** from public **roads**, public places and private properties are protected from highly reflective **building** materials.

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Draft Chapter G1: Site Analysis, Site Design and Building Materials

## 5 Controls

### 5.1 Site Analysis

Performance Criteria	Acceptable Solutions
<p>P1.1 The characteristics of the site and its surrounds have been adequately considered through preparation of a thorough site analysis plan.</p> <p><b>Note:</b> Refer to examples at <b>Figures 1 and 2.</b></p> <p>P1.2 The site analysis informs the site design and layout.</p> <p>P1.3 The site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> <li>Adequate pedestrian, cycle and vehicle links to street and open space networks.</li> <li><b>Buildings</b> that face and address streets and the public domain.</li> <li><b>Buildings</b>, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</li> </ul> <p>P1.4 The site layout enhances personal safety and minimises potential for crime and vandalism.</p>	<p>A1.1 A site analysis plan is provided with a <b>development</b> application that shows the following, as appropriate:</p> <ul style="list-style-type: none"> <li>Constraints (including but not limited to): <ul style="list-style-type: none"> <li>Location of services such as power, sewer, water and <b>drainage</b> lines.</li> <li>Existing <b>trees</b> and <b>vegetation</b> within and adjacent to the land being developed.</li> <li>Natural <b>hazards</b> which are likely to impact upon the <b>development</b> such as <b>bush fire prone land</b>, <b>coastal hazard areas</b> or <b>flood prone land</b>.</li> </ul> </li> </ul> <p><b>Note:</b> Refer to:</p> <ul style="list-style-type: none"> <li>Clauses 7.5 Terrestrial biodiversity and 7.6 Riparian land and watercourses of <b>SLEP 2014</b>.</li> <li>The Office of Water's <a href="#">Guidelines for Riparian Corridors on Waterfront Land</a>.</li> </ul> <ul style="list-style-type: none"> <li>Opportunities (including but not limited to): <ul style="list-style-type: none"> <li><b>Views</b> from the site.</li> <li>Solar access.</li> <li>Existing mature <b>trees</b> and <b>vegetation</b>.</li> </ul> </li> <li>Context information for the site and adjoining/ adjacent <b>development</b> (including but not limited to): <ul style="list-style-type: none"> <li>Height and use of buildings.</li> <li>Front setbacks.</li> <li>Driveways.</li> </ul> </li> </ul>

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Draft Chapter G1: Site Analysis, Site Design and Building Materials

- Boundary treatments (including retaining walls).
- Easements.
- Stormwater management.

A1.2 For development other than for a single dwelling house and associated structures, a development application must detail, as appropriate:

- The location of the development relative to the local / town centre.
- The character of the surrounding development within 100m, particularly relating to setbacks and subdivision layout.
- Topographical features such as slope, existing natural trees and vegetation and opportunities for the creation of views and vistas
- The existing road network characteristics including road width, location of driveways, parking bays, adjacent and nearby pedestrian and cyclist infrastructure and relevant utilities.
- Opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.
- The likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views.
- The extent to which driveways and/or parking areas are likely to dominate the appearance of the development.
- The visibility, width and design speed of proposed roads and/or driveways.
- Bush fire, flooding and drainage constraints, easements for services and extent of contaminated land.
- The character of any adjacent public land/reserves, particularly the location of mature trees in relation to the proposed development

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A1.3 The proposed site layout responds to and implements the findings of the site analysis plan prepared in accordance with A1.1 and A1.2 (see example at Figure 3).

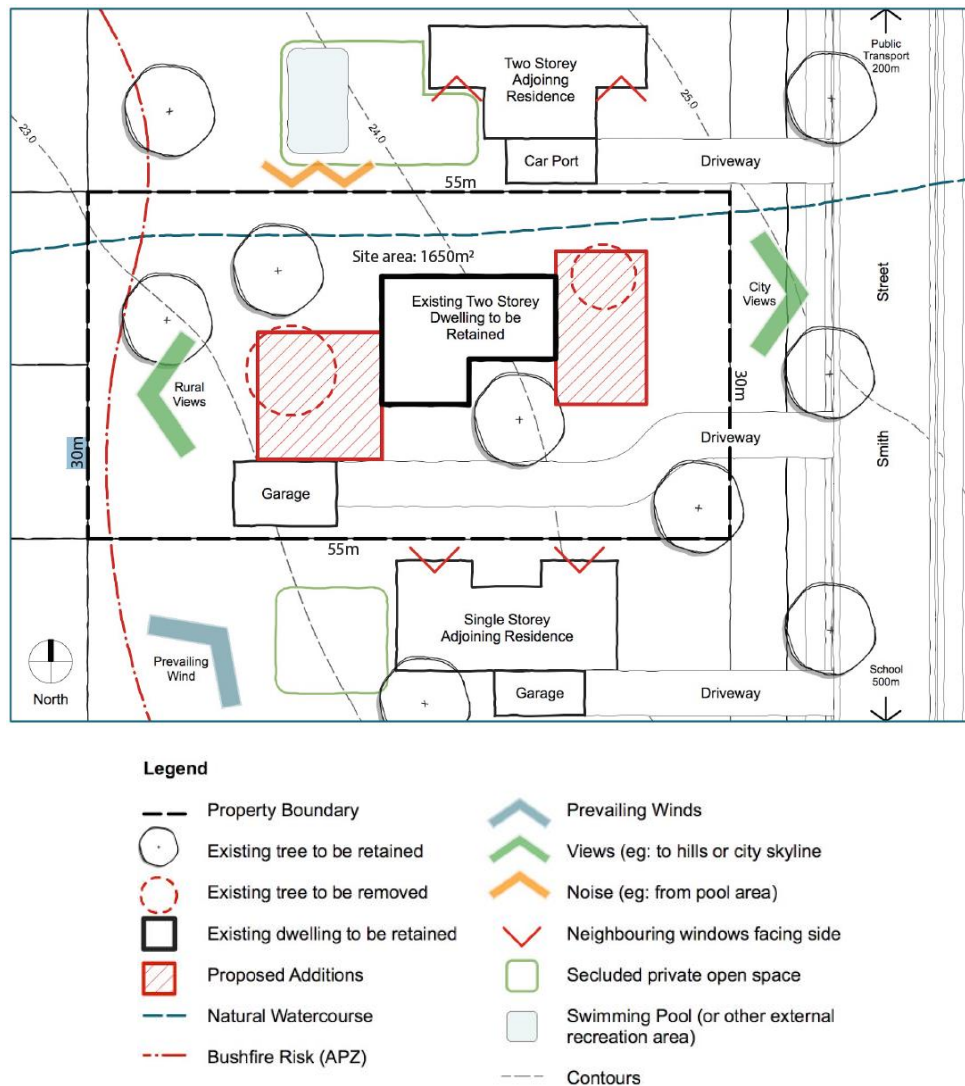


Figure 1: Example of a site analysis plan

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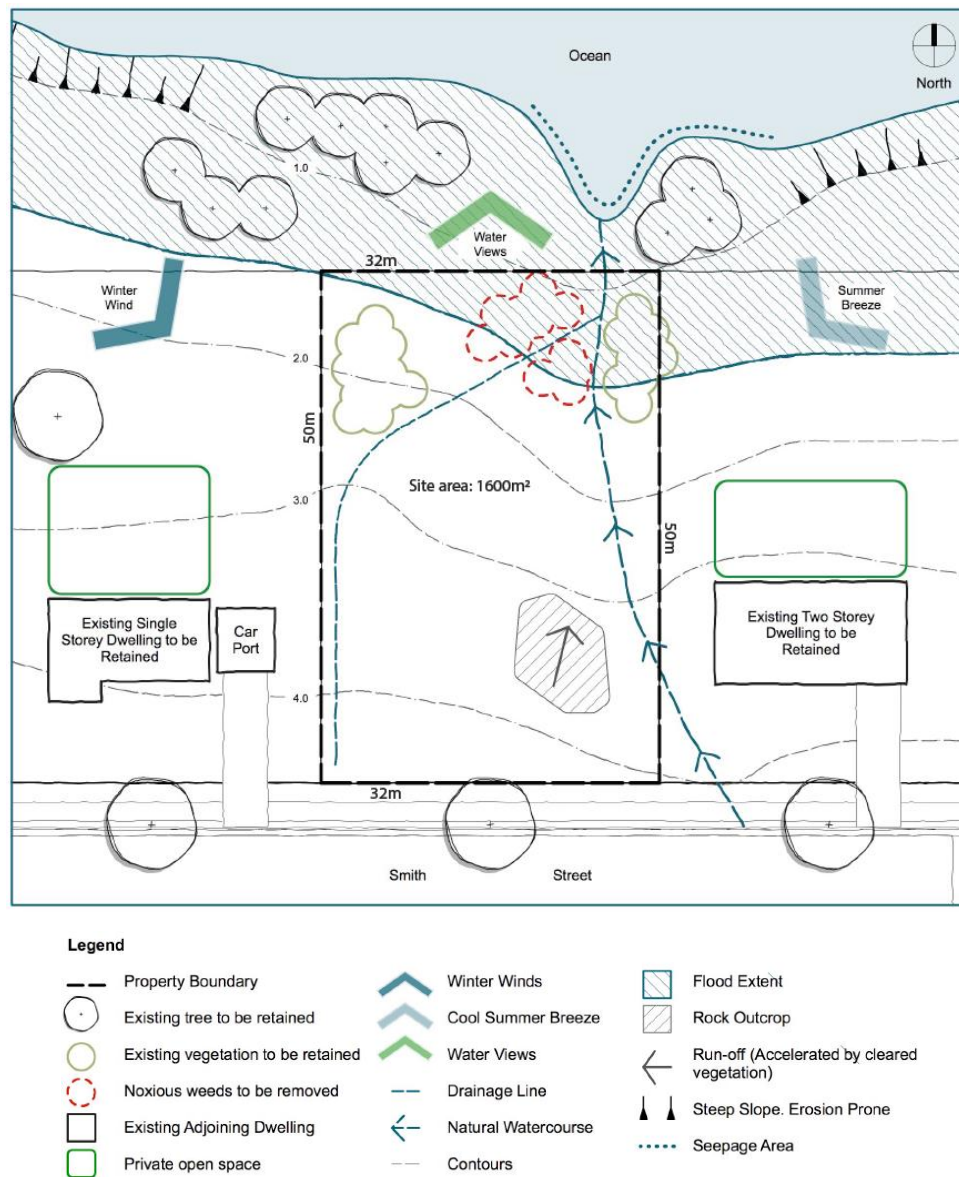


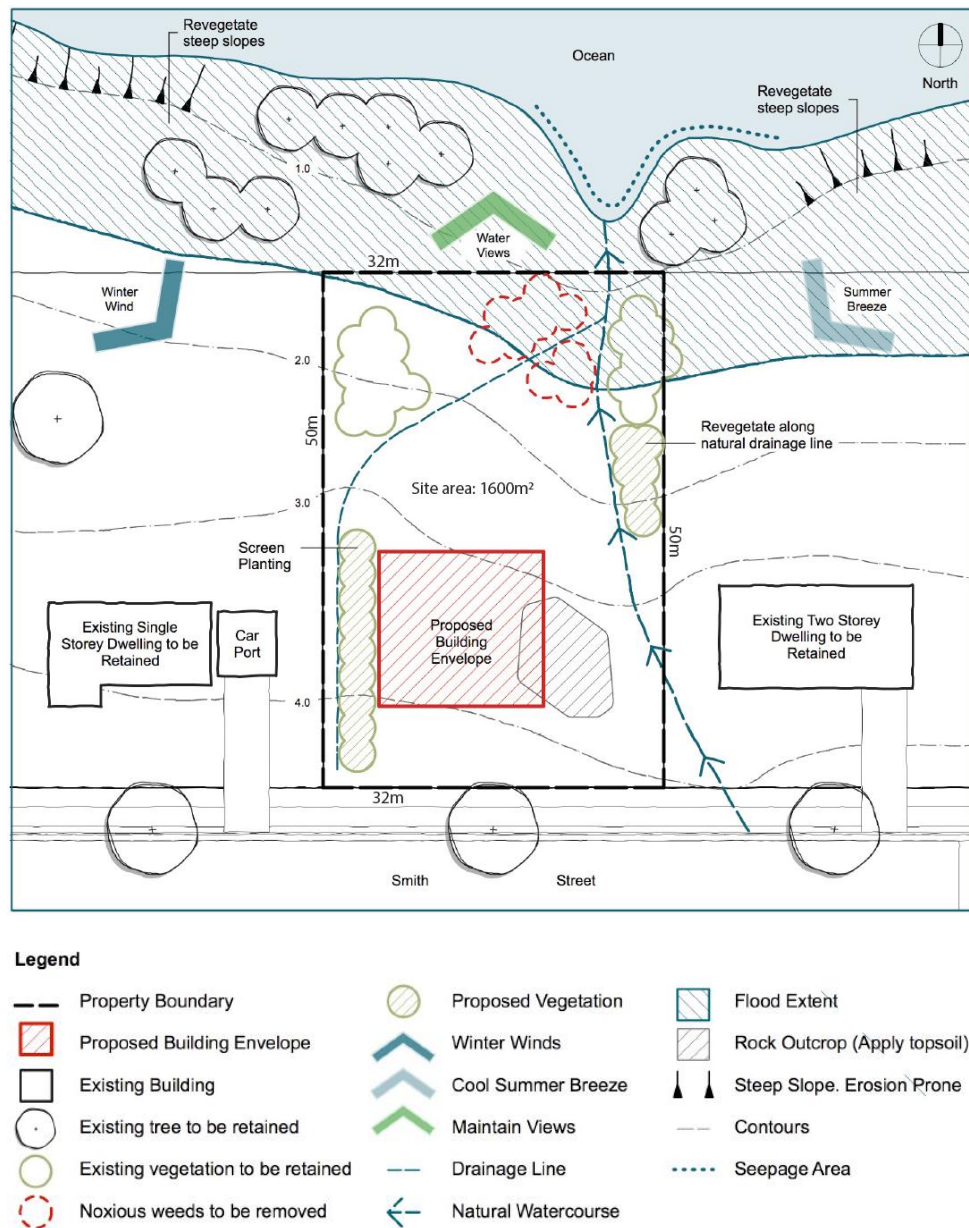
Figure 2: Example of a site analysis plan

CL23.277 - Attachment 1



## Shoalhaven Development Control Plan 2014

## Draft Chapter G1: Site Analysis, Site Design and Building Materials



**Figure 3: Site Development Plan**

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**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

## 5.2 Building Materials and Site Design in Rural, Coastal and Environmental Areas

This Section provides guidelines to ensure that appropriate choice of **building** materials and site design are used in new **developments** and additions to existing **structures**, when in **Council's** opinion, they are of a substantial nature. This Section applies to all **development** in Shoalhaven's rural and environmental zones and all coastal areas.

**Note:** A site mapped in **SLEP 2014** as 'Scenic Protection' on the Scenic Protection Area Map, must demonstrate compliance with Clause 7.8 of **SLEP 2014**.

Performance Criteria	Acceptable Solutions
P2 <b>Buildings</b> are designed, constructed and sited to compliment the landscape and minimise impacts on visual amenity when viewed from public places and private property.	<p>A2.1 The <b>building</b> design satisfies the following to ensure the <b>development</b> does not detract from the scenic-value of the landscape:</p> <ul style="list-style-type: none"> <li><i>Siting</i> – <b>buildings</b> shall be suitably sited (i.e. below ridgelines and/or knolls) in a location which does not unreasonably impact on the outlook of any other <b>dwelling</b> or a <b>vista</b> from a public <b>road</b>, public place or place frequented by the public.</li> </ul> <p><b>Note:</b> <b>Development</b>, including subdivisions, will not be supported on <b>headlands</b> or other prominent coastal features; other than those which have already been subdivided and zoned for urban purposes</p> <ul style="list-style-type: none"> <li><i>Screening</i> – existing <b>trees</b> and <b>vegetation</b> shall be utilised to provide a backdrop and/or for screening of <b>buildings</b>. Additional landscaping may also be used to implement screening.</li> <li><i>Design</i> – roof pitch and orientation shall be designed to minimise or mitigate glare.</li> <li><i>Access</i> <b>roads</b> and <b>services</b> shall be designed and located to minimise soil and <b>tree/vegetation</b> disturbance and visual impact.</li> </ul>

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**Draft Chapter G1: Site Analysis, Site Design and Building Materials**

		<ul style="list-style-type: none"> <li><i>Materials and colours</i> shall be appropriate to the local landscape and or background to ensure that the <b>building</b> does not significantly detract from the scenic value of that landscape. <b>Structures</b> should not strongly contrast with the background whether by location, colour or choice of materials.</li> </ul>
P3	The use of highly reflective <b>building</b> materials (e.g. galvanised steel) is minimised to protect <b>views</b> and the natural character of environmental, rural and coastal areas.	<p>A3.1 A visual assessment shall be prepared which demonstrates that the <b>building</b> will not have a significant visual impact when viewed from any public <b>road</b>, public place, private property to which the public has access, National Park, walking trail or other <b>dwelling</b>.</p> <div style="background-color: #f0f0f0; padding: 5px;"> <p><b>Note:</b> The use of traditional <b>building</b> materials, such as galvanised steel, may be permitted in certain circumstances if it is justified in the context of the design of the <b>building</b> and/or it complements the heritage character of the <b>building</b> or area.</p> <p>Some lighter colours in the range of pre-coloured metal products are usually not acceptable in prominent locations. The use of zincalume is generally not supported by <b>Council</b>.</p> </div>

## 6 Advisory Information

### 6.1 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

<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li><a href="#">Guidelines for Riparian Corridors on Waterfront Land</a></li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Shoalhaven Local Environmental Plan 2014</li> </ul>



Shoalhaven Development Control Plan 2014

**Chapter G12: Dwelling Houses and Other Low Density Residential Development**

Existing Section	Category	Recommended Change	Reason
Throughout	Amendment	Update the following land use zones in: <ul style="list-style-type: none"> <li>E2 Environmental Conservation to C2 Environmental Conservation.</li> <li>E3 Environmental Management to C3 Environmental Management.</li> <li>E4 Environmental Living to C4 Environmental Living.</li> </ul>	To reflect the NSW Government's Employment Zone Reform changes that recently commenced.
		Replace references to the repealed SEPP (Affordable Rental Housing) 2009 legislation with the consolidated SEPP (Housing) 2021.	To reflect the recent legislative changes and implementation of consolidated SEPP's made by the NSW Government.
Section 6.1	Deletion	Delete the following dot points within the note box located prior to Performance Criteria P16: <ul style="list-style-type: none"> <li>A maximum of 50m<sup>2</sup> of proposed garage floor area may be excluded from the gross floor area calculation where the garages are located within the dwelling.</li> <li>Where the dwelling contains a floor below natural ground level and the floor level of the floor above is less than 1.2m above ground level, only 20% of the basement habitable floor area will be counted in determining the floor space ratio.</li> </ul>	The existing provisions conflict with: <ul style="list-style-type: none"> <li>The definition of Gross Floor Area and clause 4.5 in the LEP.</li> <li>One of the proposed changes in the amendment which seeks to provide minimum dimensions for garages to ensure optional functionality.</li> </ul>
	Insertion	Insert the following new dot point in A18.2: "R3 Medium Density Residential Zone."	To ensure the DCP provides clear guidance regarding the erection of a dwelling house in the R3 zone. Whilst dwelling houses are prohibited in this zone, the existing use provisions in the Act may allow replacement of a dwelling house in this zone in some circumstances. Whilst this is not ideal as the future character of the R3 zone is intended to be medium density residential development, it is important that there are provisions in this regard (currently a policy gap).
		Insert note box under A18.2: "Note: Dwelling Houses are prohibited in the R3 Medium Density Residential zone. Any dwelling house considered under Division 4.11 Existing uses of the EP&A Act must comply with the setbacks in Table 2." Insert the R3 Zone in the title for Table 2	
Section 8.1	Amendment	In Table 4:	To correct an identified error. This change has

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**Chapter G12: Dwelling Houses and Other Low Density Residential Development**

Existing Section	Category	Recommended Change	Reason
		<ul style="list-style-type: none"><li>Change &gt; symbol in row 1 to &lt;.</li><li>Change ≤ symbol in row 2 to ≥.</li></ul>	been flagged for amendment on the title page of Chapter G12 for a while.

For convenience, provisions with additions and/or changes are highlighted in yellow.

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**Chapter G12: Dwelling Houses and Other Low Density Residential Development**

## Chapter G12: Dwelling Houses and Other Low Density Residential Development

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**Amendment history**

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	5 November 2019	27 November 2019	New
2			Draft

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## Chapter G12: Dwelling Houses and Other Low Density Residential Development

### 1 Purpose

This purpose of this Chapter is to facilitate quality development that is compatible with the bulk, **scale** and amenity of the existing and likely future residential development of adjoining land.

**Note:** The controls in this Chapter are supplementary to Shoalhaven Local Environmental Plan (LEP) 2014, Shoalhaven LEP (Jerberra Estate) 2014 and area specific Chapters of this **Development Control Plan**. Shoalhaven LEP 2014, Shoalhaven LEP (Jerberra Estate) 2014 and the area specific Chapters will prevail where there is an inconsistency with a provision in this Chapter.

### 2 Application

This Chapter applies to land where **dwelling houses** and **rural worker's dwellings** are permissible with development **consent**. This Chapter considers:

- **Dwelling houses**, including additions and alterations.
- **Rural worker's dwellings**, including additions and alterations.
- Relocation of second-hand **dwellings**.
- **Detached habitable rooms**.
- **Secondary dwellings**.
- Ancillary **structures**.
- Non-habitable **structures** on vacant land.

**Note:** Any proposal for a **rural workers' dwelling** in the RU1 Primary Production zone must demonstrate compliance with Clause 4.2F of **Shoalhaven LEP 2014**.

Clause 4.2D of **Shoalhaven LEP 2014** identifies the circumstances in which **Council** is able to grant **development consent** for the erection of a **dwelling house** on vacant land. Clause 4.2D applies to land in the following zones:

- Zone RU1 Primary Production.
- Zone RU2 Rural Landscape.
- Zone RU4 Primary Production Small Lots.
- Zone R5 Large Lot Residential.
- Zone **C2** Environmental Conservation.
- Zone **C3** Environmental Management.
- Zone **C4** Environmental Living.

A **dwelling house** may not be permitted on all rural or environmental land.

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### 3 Context

The **development** of land for residential purposes has become complex due to an increasing number of constraints and controls. Over time, minimum lot sizes have often been reduced while **owner** and occupant needs and aspirations have increased. There are also competing demands by the **community** and neighbourhood for a pleasant environment with high levels of privacy and minimal adverse impacts.

This Chapter outlines generic controls to ensure **development** is compatible with the existing and future desired character of the streetscape and surrounding landscape. The impact of a proposal on the amenity of residents and adjoining properties is to be a principal consideration of applicants when preparing a **development** application.

### 4 Objectives

The **objectives** are to:

- i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, **development** and residential amenity.
- ii. Maintain and enhance the amenity of existing and future residential areas.
- iii. Ensure **development** is compatible with the bulk, **scale** and character of the area, including scenic, landscape, pastoral or environmental qualities.
- iv. Set appropriate environmental criteria for energy efficiency, **solar access**, privacy, noise, vehicular access, parking, landscaping and open space.
- v. Ensure that **development** has due regard and is sympathetic to the physical constraints of the site.
- vi. Allow for efficient use of existing services and facilities, including utility services, transport systems and **community** facilities.
- vii. Promote wider and more affordable housing choice in Shoalhaven.  
Implement agreed strategic directions and respond to demographic needs.

### 5 General Controls

This Section applies to all **development** outlined in **Section 2** of this Chapter.

**Note:** Refer also to the other land use specific Sections of this Chapter as appropriate to the **development** proposal.

#### 5.1 Building Envelope

The specific **objectives** are to:

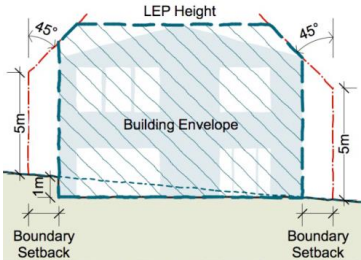
- i. Provide practical **building envelopes** for **development** to ensure that the height and **scale** of new **development** is not excessive, relates well to the local context/

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streetscape and is compatible with the existing or desired future environmental character within the locality.

- ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.

Performance Criteria	Acceptable Solutions
P1.1 The bulk and scale of development is compatible with the existing or desired future character of the area and minimises adverse amenity impacts on neighbours, the streetscape and public domain.	A1.1 Buildings are sited within a building envelope determined by the following method: planes are projected at 45 degrees from a height of 5m above ground level (existing) at the front, side and rear boundary as shown in Figure 1.
P1.2 Development enables view sharing with neighbours and the public domain.	 <p><b>Figure 1: Building envelope</b></p> <p><b>Note:</b> Exemptions to building envelope encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys.</p> <p>For site slopes greater than 10%, or involving cut, fill or site excavations, the ground level (existing) and proposed building levels must be clearly identified on the plans and verified by a registered surveyor.</p>

## 5.2 Orientation and Siting

The specific objectives are to:

- i. Allow flexibility in the siting of dwellings and other buildings/structures.
- ii. Ensure that design and site placement of dwellings and other buildings/structures is compatible with and enhances the existing and future streetscape.
- iii. Locate dwellings and other buildings/structures to ensure minimal loss of amenity (e.g. privacy, views, overshadowing, solar access or the like) to adjoining development.
- iv. Achieve a site layout that provides a pleasant, attractive, manageable and resource efficient living environment.

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- v. Ensure that **development** reflects the physical constraints prevalent on the site to minimise site disturbance.

Performance Criteria	Acceptable Solutions
P2.1 The site analysis informs the site design and layout.	A2.1 A site analysis plan is submitted with the <b>development</b> application which:
P2.2 The site layout integrates with the surrounding environment through: <ul style="list-style-type: none"> <li>Adequate pedestrian, cycle and vehicle links to street and open space networks.</li> <li><b>Buildings</b> that face and address streets and the public domain.</li> <li><b>Buildings</b>, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</li> </ul>	<ul style="list-style-type: none"> <li>Meets the requirements of Chapter G1: Site Analysis, Sustainable Design and Building Materials Rural, Coastal and Environmental Areas of this <b>Development Control Plan</b>.</li> <li>Clearly provides the following detail for the site and adjoining/adjacent <b>development</b>: <ul style="list-style-type: none"> <li>Height and use of <b>buildings</b>.</li> <li>Predominant <b>building line</b> of the street.</li> <li>Driveways.</li> <li>Boundary treatments (including retaining <b>walls</b>).</li> <li>Easements.</li> <li>Stormwater management.</li> <li><b>Trees</b> to be retained, removed and replaced (site only).</li> <li><b>Landscaped area/s</b> that can support deep soil plantings for mature <b>tree</b> and shrub growth (site only).</li> </ul> </li> </ul>
P2.3 The site layout enhances personal safety and minimises potential for crime and vandalism.	A2.2 The proposed site layout responds to and implements the findings of the site analysis prepared in accordance with <b>A2.1</b> .
P3 <b>Buildings</b> and <b>structures</b> are sited and designed to utilise construction techniques that: <ul style="list-style-type: none"> <li>Are sympathetic to the natural slope of the land.</li> <li>Minimise excessive disturbance of the site.</li> <li>Do not impact upon adjoining land.</li> </ul>	A3.1 <b>Buildings</b> and <b>structures</b> are designed and sited so that: <ul style="list-style-type: none"> <li>Floor construction methods do not require cut and <b>fill</b>; or</li> <li>Cut and <b>fill</b> is limited to 1m (refer to <b>Figure 2</b>).</li> </ul> <p><b>Note:</b> The <b>development</b> application must take into consideration the visual impact of retaining <b>walls</b>.</p>



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- Minimise the need for structural retaining walls and changes to drainage systems.

Refer also to Chapter G26: Acid Sulfate Soils and Geotechnical (Site Stability) Guidelines of this Development Control Plan.

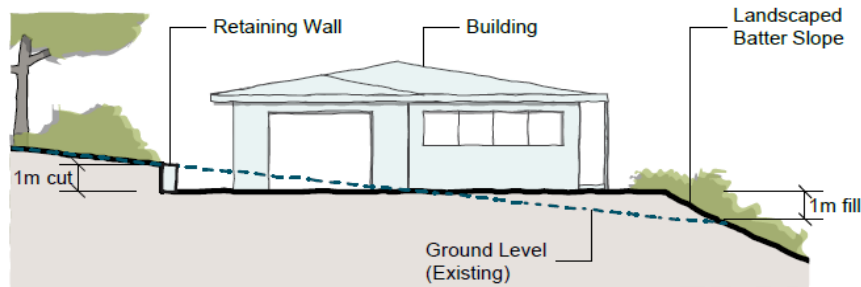


Figure 2: Maximum cut and fill

**5.3 Local Character and Context**

**Note:** The quality and character of an existing or new streetscape is important to residents, neighbours and the wider community. The thoughtful integration of a new development into the existing streetscape can improve community acceptance of a development proposal.

The specific objectives are to:

- Ensure that development enhances and makes a positive contribution to the character of existing buildings and streetscapes.
- Ensure that development is sensitive to the landscape, built form and environmental conditions of the locality, particularly where there is a distinctive character, view or heritage significance.
- Minimise adverse impacts on the existing visual amenity and character of residential areas when relocating second-hand dwellings.
- Retain, incorporate and sympathetically treat existing dwellings or buildings that contribute to streetscape character (including items of heritage significance or conservation significance).
- Encourage the sharing of views, while not restricting the reasonable development potential of a site.

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Performance Criteria	Acceptable Solutions
<p>P4 The <b>scale</b> and appearance of new <b>development</b> (including a relocated second-hand <b>dwelling</b>) is compatible with, and sympathetic to existing and future desired:</p> <ul style="list-style-type: none"> <li>• <b>Development</b> in the locality; and</li> <li>• Amenity and character of the locality;</li> </ul> <p>particularly where the <b>development</b> site or its surrounds has some <b>heritage significance</b> or distinctive character.</p>	<p>A4.1 The statement of environmental effects must identify:</p> <ul style="list-style-type: none"> <li>• The local character/context of the area and streetscape.</li> <li>• How the proposal is sympathetic and compatible with the existing <b>development</b>, amenity and character of the locality.</li> </ul> <p><b>Note:</b> Where planning controls anticipate a change of character for an area, compatibility with the desired future character of the area should be regarded as more relevant than compatibility with the existing character.</p> <p>A4.2 The <b>building</b> design is sympathetic to the rural, environmental or coastal landscape and the character of the area.</p> <p>A4.3 The <b>development</b> must demonstrate that items of <b>heritage significance</b> or conservation significance are retained and sympathetically treated.</p> <p><b>Note:</b> If the property is a <b>heritage item</b>, within a <b>heritage conservation area</b> or in the <b>vicinity of a heritage item</b>, the applicant must comply with Clause 5.10 Heritage Conservation of Shoalhaven LEP 2014. Area Specific chapters of this <b>Development Control Plan</b> may also include additional provisions relating to heritage (e.g. Kangaroo Valley, Berry, Milton).</p>
<p>P5 Existing or future <b>views</b> from the private or public domain (including heritage or familiar dominant landmarks that are recognised and valued by the <b>community</b>) are not substantially or unreasonably affected where it is possible to design for the sharing of <b>views</b>.</p>	<p>A5.1 Any reduction in <b>views</b> from existing <b>dwelling</b>s or the public domain is not to be severe or devastating based on the following <b>NSW Land &amp; Environment Court Planning Principles</b>:</p> <ul style="list-style-type: none"> <li>• <b>Views</b> - General principles.</li> </ul>

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- **Views** - Impact on public domain views.

**Note:** Where compliance with the objective, **performance criteria** and **acceptable solution** is achieved, the expectation of there being no change to existing **views** is considered unreasonable.

## 5.4 Building Form, Design and Materials

**Note:** **Buildings** in rural, environmental and coastal areas must also comply with:

- Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas.
- Chapter G6: Coastal Management Areas.

The specific **objectives** are to:

- Ensure the provision of low-maintenance **development** that will retain an attractive appearance.
- Ensure the materials used in construction are sound and suitable for the intended use.
- Ensure that new **development** enhances and makes a positive contribution to the character of existing **buildings** and streetscapes and reinforces the built form and environmental conditions of the locality.
- Ensure that in rural/environmental areas and scenic protection area, **buildings** complement the existing landscape value rather than detracting from it, particularly where visible from public vantage points.

Performance Criteria	Acceptable Solutions
P6.1 The selection of <b>building</b> materials and design complements existing <b>development</b> and is sympathetic to the streetscape and existing landscape.	A6.1 New <b>development</b> , including alterations and additions to existing <b>development</b> , shall complement existing built form and be sympathetic to the streetscape.
P6.2 The <b>building</b> design, detailing, finish, <b>articulation</b> and modulation of <b>building</b> facades provide visual interest that enhances the streetscape and complements good quality surrounding <b>development</b> .	A6.2 Roof design is to be integrated harmoniously with the overall <b>building</b> form through the incorporation of: <ul style="list-style-type: none"> <li>• Complimentary <b>building</b> materials.</li> <li>• Design proportionate to overall <b>building</b> size, <b>scale</b> and form.</li> </ul>

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P6.3	Roof treatments are integrated into the <b>building</b> design and make a positive contribution to the streetscape.		<ul style="list-style-type: none"> <li>Balanced composition of solid and void elements.</li> <li>Integration of service elements.</li> </ul>
P6.4	<b>Building</b> walls use modulation and <b>articulation</b> and are limited in length to minimise massing and bulk issues as well as impact on neighbours and the public domain/streetscape.	A6.3	<b>Building</b> design shall use detail, modulation and <b>articulation</b> of <b>building</b> elements to articulate facades and to minimise the length of unbroken walls and glazed areas.
P6.5	External metallic wall and roof materials are suitable and minimise reflectivity.	A6.4	In rural, environmental, foreshore and scenic protection areas, external materials (including <b>windows</b> and other glazing), textures and colours are to blend with the surrounding landscape.
P6.6	Second hand <b>building</b> materials are suitable for the intended use and the appearance is compatible with surrounding <b>development</b> .		<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>A restriction as to user (i.e. 88B Instrument) may specify or restrict certain building materials, textures and colours.'</li> <li><b>Council</b> may require the provision of a colour and external material schedule to support a <b>development</b> application.</li> <li>A colour and external material schedule may be included as a condition of <b>consent</b>.</li> <li>White and bright colours are not acceptable in rural, environmental, foreshore or scenic protection areas.</li> <li>Metal roofing, wall cladding and <b>rainwater tanks</b> should be pre coloured at the manufacturing stage.</li> </ul>
P6.7	The <b>development</b> incorporates passive environmental design.		
		A6.5	External metallic walls and roof surfaces shall consist of colours and finishes that will minimise the reflectivity of the surface when viewed from the public domain or another <b>dwelling</b> .
			<p><b>Note:</b> Use of traditional <b>building</b> materials, such as galvanised steel may be permitted in certain circumstances if it is justified in the context of the design of the <b>building</b> and/or it complements the heritage character of the <b>building</b> or area.</p>
		A6.6	Second hand materials shall be sound, appropriate and compatible with surrounding <b>development</b> .

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5.5 Visual and Acoustic Privacy

**Note:** Visual and acoustic privacy is important for the residents of proposed and existing dwellings. The design of new development must protect the privacy of residents and minimise the impact of existing and future dwellings within proximity of the development.

A privacy screen may be considered exempt development. Refer to Privacy Screen Development Standards in Clause 2.62 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The specific objectives are to:

- Ensure the design of the site and buildings minimises impacts on the amenity of future and adjoining/adjacent living areas and principal private open space in relation to visual privacy, overlooking and noise.
- Reduce the impacts of freestanding privacy screens on surrounding development.
- Ensure the thoughtful location of noise generating plant, equipment and sources.

Performance Criteria	Acceptable Solutions
P7.1 The visual privacy of indoor living areas and private open space is protected.	A7.1 Direct views between living area windows of adjacent dwellings shall be screened or obscured where: <ul style="list-style-type: none"> <li>Ground and first floor windows are located within the privacy sensitive zone area, being a 9m radius from any part of the window of the adjacent dwelling (Figure 3).</li> <li>In the case of a dwelling with three or more storeys, windows are within the privacy sensitive zone described by a 12m radius (Figure 3).</li> </ul>
P7.2 Direct overlooking of main internal living areas and private open space of other dwellings and adjoining properties is minimised by building layout, location and design of windows, balconies, screening devices, landscaping or other effective means.	A7.2 Direct views from living areas of dwellings into the principal area of private open space of adjacent dwellings shall be screened or obscured where located within a privacy sensitive zone within a 12m radius from the living area windows (Figure 4).

**Note:**

- Direct views may be obscured by fencing, dense landscape screening (effective in 3 years), offsetting or splaying windows, 1.7m sill heights, fixed translucent glazing and/or vertical or horizontal fixed louvres or the like.
- Privacy screens can also provide a screen or visual barrier between a window of a habitable room or an outdoor area and will only be considered when building separation and orientation cannot reduce privacy impacts.

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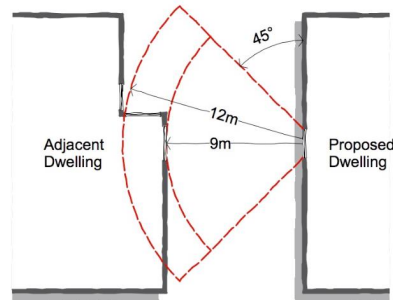


Figure 3: Privacy sensitive zone between living area windows

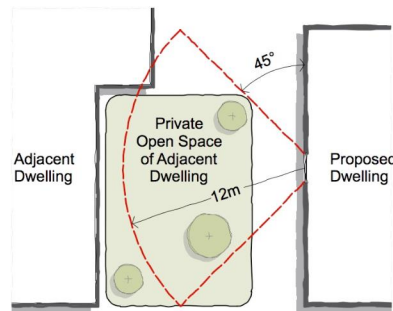


Figure 4: Privacy sensitive zone from living area windows to private open space

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|---|---|
| <p>P8.1 The number of freestanding privacy screens does not constitute a composite <b>structure</b> that is out of character in the locality or <b>allotment</b>.</p> <p>P8.2 The location, <b>height</b>, dimensions and materials of freestanding screens and ancillary <b>structures</b> do not cause significant loss of amenity for occupants of surrounding <b>dwellings</b>.</p> <p>P8.3 The height of the freestanding privacy screen is sufficient for its purpose taking into account site terrain and ground levels and the relative location of a person standing on either side of the screen.</p> | <p>A8.1 Freestanding privacy screens shall meet the following minimum standards:</p> <ul style="list-style-type: none"> <li>• A maximum of two (2) freestanding privacy screens are permitted on each <b>lot</b>.</li> <li>• Any freestanding screen is located behind the primary and secondary <b>building line</b>.</li> <li>• The screen is freestanding and is not attached to any common boundary <b>fence</b>.</li> <li>• The maximum height of a freestanding screen is 2.4m above ground level (existing) or the adjacent boundary ground level whichever is the lower.</li> </ul> |
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			<ul style="list-style-type: none"> <li>The maximum length of a freestanding screen is 6m; except where providing privacy for a <a href="#">swimming pool</a> where maximum length is equal to the adjacent side of the pool plus 2m.</li> <li>Materials on both sides are new, a consistent colour, shape and design to the <a href="#">development</a> and do not produce excessive glare.</li> <li>The privacy screen is structurally stable, constructed with quality workmanship and complies with the <a href="#">Building Code of Australia</a>.</li> <li>The design ensures that <a href="#">solar access</a> to the principal <a href="#">private open space</a> area of adjoining <a href="#">dwellings</a> is not reduced to less than 3 hours of continuous sunlight between 9am and 3pm on 21 June.</li> </ul>
P9	Site layout and <a href="#">building</a> design:	<p>A9.1 The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.</p> <p>A9.2 All noise generating (mechanical) plant and equipment must be:</p> <ul style="list-style-type: none"> <li>Acoustically screened (where appropriate).</li> <li>Sited to minimise noise impacts.</li> <li>Located at least 3m away from bedroom <a href="#">windows</a>.</li> </ul> <p><b>Note:</b> Noise generating equipment includes, but is not limited to, air conditioning units, <a href="#">swimming pool</a> filters, hot water systems, fixed vacuum systems, mechanical gates and garage doors.</p> <p>A9.3 <a href="#">Dwellings</a> adjacent to high levels of external noise shall be designed to minimise the entry of that noise.</p> <p><b>Note:</b> High levels of external noise may be generated from sources such as classified/main roads, railway line, aircraft noise, industrial landuses.</p>	<ul style="list-style-type: none"> <li>Protects and minimises noise transfer and nuisance.</li> <li>Does not adversely impact the amenity of residents or adjoining properties.</li> </ul>

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## 5.6 Solar and Daylight Access

Adequate solar and daylight access to **living areas**, especially to north facing **windows** and **solar collectors**, is an important aspect of ecological sustainability. It enables reduced reliance on artificial lighting and heating, reduced energy consumption and provides cost savings. **Solar access** to living spaces and **private open space** has also been shown to provide positive benefits to health and psychological wellbeing.

Passive solar design is the use of **building** design and construction that reduces the need for artificial ventilation, heating and cooling by maximising **solar access** to retain heat and light in winter and to exclude and dissipate heat in summer. These features can include the use and location of glazing (e.g. **windows**, sliding doors), insulation, natural ventilation, external shading including **vegetation** and thermal mass.

A reduction in **solar access** to north facing **windows**, **solar collectors** and the principle open space of an adjoining **dwelling** may create an adverse impact for residents and should be avoided by careful design. New **development** should not have an unreasonable impact on the **solar access** of an adjoining property and must carefully consider any impacts on **solar collectors** or passive solar design of adjoining properties.

**Note:** Refer to the [NSW Land and Environment Court – Planning Principle: Sunlight – Access to Sunlight](#).

The specific **objectives** are to:

- Ensure that opportunities for passive solar design for energy efficiency are maximised.
- Minimise overshadowing impacts and reductions in the **solar access** of adjoining properties.
- Protect and maintain **solar access** to **solar collectors** and limit impacts on the **solar access** of north-facing roof areas on adjoining and neighbouring properties.

Performance Criteria	Acceptable Solutions
<p>P10 <b>Dwellings</b> are sited and designed to:</p> <ul style="list-style-type: none"> <li>Maximise <b>solar access</b> to <b>living areas</b> and <b>private open space</b>.</li> <li>Incorporate passive solar design features.</li> <li>Minimise overshadowing of neighbouring properties.</li> <li>Minimise impacts on the <b>solar access</b> and energy efficiency of adjoining properties including to <b>private open space</b> and <b>solar collectors</b>.</li> </ul>	<p>A10.1 Passive solar design features shall be incorporated to maximise the efficient use of sunlight, energy, water, ventilation and heating and cooling for thermal comfort.</p> <p>A10.2 <b>Dwellings</b> are sited and designed to maximise <b>solar access</b> by:</p> <ul style="list-style-type: none"> <li>Locating <b>living areas</b> and <b>private open space</b> on the northern side of the <b>development</b>; and</li> <li>Locating non-habitable rooms/ areas to the south and west of the <b>development</b>.</li> </ul>



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**Note:** Solar access for new development should consider the potential future development form on adjacent properties which may impact solar access to proposed living areas and solar collectors.

A10.3 The design ensures that each adjoining and adjacent dwelling retains at least 3 hours of direct sunlight between 9am and 3pm on June 21 to:

- 10m<sup>2</sup> of private open space; and
- 50% of windows and glazed doors of north facing living areas; and
- North facing roofs and existing solar collectors.

**Note:** Where sunlight to these areas is restricted, the setbacks of the proposal may need to be increased accordingly until the minimum requirement is met.

Solar collectors may require more than 3 hours of continuous direct sunlight for proper functioning. Building design and boundary setbacks should not unreasonably compromise existing performance of solar collectors on adjoining developments. New development may need to be modified to protect solar access to existing solar collectors.

A reliable and accurate shadow diagram may be required for:

- Two storey developments, particularly development of streets running north-south.
- Development on sloping lots with south-east to south-west aspects.
- Development within the minimum setbacks to southern boundaries.

The shadow diagram shall demonstrate compliance with solar access requirements in this Chapter, including the location of adjacent buildings affected by shadow as well as the location of its living areas, private open space areas and any solar collectors.

In determining extent of overshadowing, the impact of fences, roof overhangs and changes in level should be taken into consideration.

A10.4 Proposed tree/vegetation plantings with similar properties to a solid fence must not unreasonably restrict solar access to adjoining properties.

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**Note:** Tree plantings along boundaries should be limited to deciduous species.

## 5.7 Vehicle and Pedestrian Access

**Note:** The driveway location, grade and construction on-site and the access to the street carriageway from the property is important in achieving the safe movement of vehicles, pedestrians and bicycle riders in the vicinity.

Refer to Chapter G21: Car Parking and Traffic of this Development Control Plan for additional information.

The specific objectives are to:

- Encourage driveway design that minimises visual impact, stormwater runoff and retains established trees and vegetation.
- Encourage an approach to access design that considers the site and its elements holistically (e.g. landscaping).
- Provide adequate and safe vehicular and pedestrian access from the street to the site, development and parking spaces.
- Ensure the safety of pedestrians and bicycle riders in proximity to the driveway area.

Performance Criteria	Acceptable Solutions
P11.1 Access arrangements are suitable for the development.	A11.1 The site is designed to encourage pedestrian access by providing a continuous path of travel from the street to the dwelling.
P11.2 The design of access from the roadway to the lot, the site and driveways, including manoeuvring areas, has regard to the safety of pedestrians, cyclists and vehicles.	A11.2 Driveways must be designed to: <ul style="list-style-type: none"> <li>Be all-weather.</li> <li>Minimise the hardstand/paved footprint.</li> <li>Be setback a minimum of 0.5m from the side and/or rear boundary to accommodate appropriate landscape elements.</li> <li>Retain adjacent trees, established shrubs and vegetation, wherever possible, by locating the driveway outside the drip line.</li> <li>Accommodate all public services and infrastructure (e.g. street gully pits).</li> </ul>
P11.3 The access driveway onto and within the lot provides all-weather access for vehicles.	
P11.4 Driveways are designed to: <ul style="list-style-type: none"> <li>Minimise the volume of stormwater runoff.</li> <li>Increase the area available for landscaping.</li> <li>Retain established trees and vegetation.</li> <li>Accommodate public services and infrastructure.</li> </ul>	

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<p>P11.5 The visual dominance of driveways is minimised by:</p> <ul style="list-style-type: none"> <li>• The selection of paving materials e.g. decorative paving and brick banding.</li> <li>• Breaking up the appearance of driveways with landscaping and screen planting.</li> </ul>	<ul style="list-style-type: none"> <li>• A grade no greater than 1:4, with transitions in accordance with the relevant Australian Standard.</li> <li>• Maximise the availability of on-street parking.</li> <li>• Achieve minimum sight lines for pedestrian safety in accordance with AS2890.1 (Figure 3.3).</li> </ul>
<p>P11.6 The crossover is suitable for the <b>development</b>.</p>	<p><b>Note:</b> A long section of the driveway (including the <b>secondary frontage</b> on corner blocks) must be provided prior to the issue of the construction certificate.</p>
	<p>A11.3 The total maximum vehicle crossover width for the site is 6m.</p> <p><b>Note:</b> All works in the <b>road</b> reserve require approval by <b>Council</b> (section 138 of the <i>Roads Act 1993</i>). Vehicular access (driveway and associated footpath crossing) must be designed in accordance with the relevant Australian Standards.</p>

## 5.8 Trees and Vegetation

Good design ensures that natural features, including mature shade **trees** and **vegetation**, are incorporated into the **development** where possible to:

- Enhance the amenity of the streetscape.
- Improve microclimates.
- Reduce the heat island effect, particularly in urban areas.

Whilst a landscape plan is generally not required for a low density residential **development**, it is important that the design takes into consideration **trees** and landscaping elements.

The specific **objectives** are to:

- Retain, protect and incorporate as many mature shade **trees** as possible within and adjacent to the **development**.
- Improve the amenity and energy efficiency of new **development** and reduce the heat island effect by retaining (or replanting) mature shade **trees**.
- Encourage the planting of replacement semi-mature **trees**.
- Incorporate **landscaped areas** that are sufficient for the retention and planting of mature **trees**.
- To ensure appropriate landscaping in bushfire prone areas to reduce the likelihood of building loss during a bushfire event.

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**Note:** Refer to Chapter G4: Tree and Vegetation Management of this [Development Control Plan](#) for information on [tree](#) removal and required approvals.

In bushfire prone areas, careful plant selection is required to meet bushfire requirements for [asset protection zones](#). A landscape plan will be required for assessment against Planning for Bushfire Protection.

Performance Criteria	Acceptable Solutions
<p>P12.1 Existing mature/canopy <a href="#">trees</a>, <a href="#">vegetation</a> and shrubs are retained wherever practicable, through appropriate siting of <a href="#">development</a> including driveways.</p> <p><b>Note:</b> Conditions may be applied to ensure retention of mature shade <a href="#">trees</a> or for planting of replacement <a href="#">trees</a>.</p> <p>P12.2 The <a href="#">development</a> is designed to:</p> <ul style="list-style-type: none"> <li>• Preserve established <a href="#">tree</a> and <a href="#">vegetation</a> corridors and networks.</li> <li>• Provide a sufficient <a href="#">landscaped area</a> for the retention, planting and replacement of semi-mature shade <a href="#">trees</a>.</li> </ul>	<p>A12.1 Wherever practicable, existing mature shade/large canopy <a href="#">trees</a>, <a href="#">vegetation</a> and shrubs shall be retained in the vicinity of side, rear and front setbacks (including on adjoining land).</p> <p>A12.2 The <a href="#">development</a> shall provide appropriate setbacks to existing mature shade/large canopy <a href="#">trees</a>.</p> <p>A12.3 For each mature shade <a href="#">tree</a> proposed to be removed, a replacement semi-mature <a href="#">tree</a> planting of at least a 75L pot size shall be incorporated into the landscaping of the <a href="#">development</a>.</p>

## 5.9 Servicing

The specific objective is to:

- Ensure residential areas are provided with essential services in a timely, cost effective and efficient manner.

Performance Criteria	Acceptable Solutions
<p>P13.1 <a href="#">Development</a> is adequately and safely serviced.</p> <p>P13.2 The design and provision of public utilities, including sewerage, water, electricity, street lighting, telecommunication/ internet and gas services conform to the cost-effective performance measures of the relevant servicing authority.</p> <p>P13.3 Compatible public utility services are co-ordinated in common trenching in</p>	<p>A13.1 Services and utilities including electricity, gas, water, sewer, <a href="#">roads</a> and <a href="#">drainage</a> must be available for the initial <a href="#">development</a> and ongoing <a href="#">development</a> needs.</p> <p>A13.2 Where connection to the services outlined in <b>A13.1</b> is not available, the <a href="#">development</a> application must provide alternatives to <a href="#">Council's</a> satisfaction.</p>

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<p>order to minimise construction costs for underground services.</p> <p>P13.4 Water supply for domestic and firefighting purposes is appropriate for the location and <b>development</b> type.</p>	<p><b>Note:</b> Refer to Chapter G8: Onsite Sewage Management of this <b>Development Control Plan</b> for further details on the management of sewerage in areas without reticulated services.</p>
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**5.10 Water Management and Conservation**

**Note:** Refer to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control of this **Development Control Plan** for further information on stormwater management, and erosion and sediment control.

The specific **objectives** are to:

- Ensure the protection of public health, surrounding land and the natural environment including soils, groundwater and surface waters.
- Encourage harvesting of rainwater and the incorporation of pervious areas.
- Protect the integrity of services, utilities, pipelines and associated infrastructure located within an easement.

Performance Criteria	Acceptable Solutions
<p>P14 Stormwater is appropriately accommodated in the design including:</p> <ul style="list-style-type: none"> <li>Stormwater from roofed areas is collected, stored and/ or conveyed to appropriate discharge points or disposal areas.</li> <li>Paved areas associated with <b>buildings</b> and driveways are graded and drained to minimise the discharge of surface water onto adjoining land.</li> <li>Permeable areas are utilised to reduce stormwater runoff.</li> <li>Stormwater is allowed to permeate into the ground to facilitate healthy levels of ground waters.</li> </ul>	<p>A14.1 Roof water is to be collected by gutter and downpipe systems, or other equivalent means, and conveyed to an approved discharge point in accordance with the requirements of Part 3.1.3 of the <b>Building Code of Australia</b> to an approved discharge point. This could be:</p> <ol style="list-style-type: none"> <li>A gutter or table drain in a <b>road</b> reserve, or</li> <li>A stormwater easement or easement to drain water, or</li> <li>A disposal/absorption trench, where (a) and (b) above are not available, and soil conditions are suitable, or</li> <li>A water tank / on-site detention system with an overflow connected to a disposal method in (a), (b) or (c) above.</li> </ol> <p><b>Note:</b> Harvesting roof water for toilet, laundry and garden use is encouraged.</p>

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BASIX and/or plumbing requirements may apply.

A14.2 Surface water from paved areas in urban areas, including driveways, is to be directed to an approved discharge point (see **A14.1**) that minimises impact on adjoining land.

**Note:** The method selected for the discharge point in **A14.1** and **A14.2** above will be assessed against the suitability and hydraulic capability including pipe size and/or soil type. Pervious paving should be considered for infrequently trafficked areas.

A14.3 Where the area of **buildings**, pavement and other impervious areas exceeds 65% of the **site area**, the proposal is to include details of the methods to be used to harvest rainwater and minimise increased runoff to surrounding land and public stormwater infrastructure. The details are to include assessment of pre-development and post development stormwater flows.

**Note:** The calculation of the 65% area may include reasonable assumption of future paved areas such as driveways not shown on plans at development application stage.

5.11 Waste Management – Demolition and Construction

**Note:** Refer to Chapter G7: Waste Minimisation and Management Controls of this **Development Control Plan** for information on management of demolition and construction waste.

The specific objective is to:

- i. Minimise the impact of the **demolition** and construction of **buildings** on residents, adjoining land, pedestrians and the environment.

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Performance Criteria	Acceptable Solutions
P15 Buildings are demolished or constructed in a manner that minimise the impact upon residents, adjoining land, pedestrians and the environment, especially when they contain or may contain asbestos.	<p>A15.1 A Waste Management Plan is required to be submitted with the development application.</p> <p>A15.2 Demolition shall comply with the requirements of:</p> <ul style="list-style-type: none"> <li>The relevant Australian Standards relating to demolition.</li> <li>Council's Asbestos Policy.</li> </ul>

## 6 Dwelling Houses, Rural Worker's Dwellings and Associated Development

This Section applies to dwelling houses and rural worker's dwellings, including:

- Additions and alterations.
- Relocation of second-hand dwellings.
- Detached habitable rooms.

The Section must be considered in addition to Section 5 of this Chapter.

### 6.1 Principal Controls

#### 6.1.1 Density

**Note:**

- Where an area is mapped on the floor space ratio map in Shoalhaven LEP 2014, the Shoalhaven LEP 2014 floor space ratio provisions for these sites prevail.
- For guidance when calculating floor space ratio (including exclusions), refer to:
  - Figure 5.
  - Gross floor area definition.
  - Clause 4.5 of Shoalhaven LEP 2014 and Shoalhaven LEP (Jerberra Estate) 2014.
- When calculating the site area, the area of any access handle or right of way is to be excluded.

The specific objective is to:

- Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.

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Performance Criteria	Acceptable Solutions
<p>P16 The bulk and <b>scale</b> of new <b>development</b>, particularly on the perimeter of the <b>development</b> site, or where that locality or <b>development</b> site has <b>heritage significance</b> and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>Compatible, consistent and sympathetic to the bulk and <b>scale</b> of existing <b>development</b> in the locality.</li> <li>Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul>	<p>A16.1 The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>R1 General Residential.</li> <li>R2 Low Density Residential.</li> <li>R5 Large Lot Residential, where the <b>site area</b> is less than 2000m<sup>2</sup>.</li> <li>RU5 Village.</li> <li>SP3 Tourist.</li> </ul>

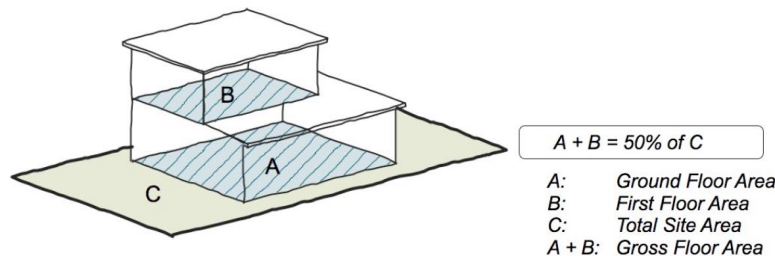


Figure 5: How to calculate floor space ratio (example FSR of 0.5:1)

## 6.1.2 Height and Setbacks

The specific **objectives** are to:

- Minimise the visual impacts of elements of the **development** that exaggerate the built form and impacts negatively on desired future streetscapes.
- Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted.
- Allow adequate separation between **buildings** to promote natural light, **solar access**, ventilation, landscaping and privacy.
- Retain the amenity of the public domain.

Performance Criteria	Acceptable Solutions
<p>P17.1 The height of <b>development</b>:</p> <ul style="list-style-type: none"> <li>Relates to the land form, with minimal cut and <b>fill</b>.</li> </ul>	<p>A17.1 <b>Building heights</b> must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.</p>



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<ul style="list-style-type: none"> <li>Is compatible with the existing or desired future character of the area.</li> <li>Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.</li> </ul>	<p>A17.2 Any two-storey dwelling component is to be located to minimise the shading of adjacent private open space.</p> <p>A17.3 The difference in building height between existing buildings and new development is compatible when viewed from the public domain.</p>
<p>P17.2 In rural zones, environmental and coastal locations, the height and bulk of dwellings is compatible with the rural, environmental or coastal context in which they are located.</p>	
<p>P18.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.</p> <p>P18.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</p> <p>P18.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.</p> <p>P18.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and sunlight access.</p> <p>P18.5 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p> <p>P18.6 The proposal maintains adequate provision for on-site car parking.</p>	<p><b>Note:</b></p> <ol style="list-style-type: none"> <li>The acceptable solutions for setbacks may need to be increased, reduced or modified depending upon factors such as: <ul style="list-style-type: none"> <li>Slope of the land.</li> <li>Requirements for asset protection zones.</li> <li>Foreshore setbacks.</li> <li>The requirement for effluent disposal areas to be contained wholly within the lot boundaries on unsewered residential lots.</li> <li>Location of existing buildings.</li> <li>The shape of the lot.</li> <li>Desire to create streetscape and visual interest.</li> </ul> </li> <li>Down pipes, fascias, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, screens or sunblinds, light fittings, electricity or gas meters may encroach into the side or rear setback.</li> <li>Additional building line and setback controls are included in the following Chapters of this Development Control Plan: <ul style="list-style-type: none"> <li>Chapter G6: Coastal Management Areas.</li> <li>Chapter V2: Building Lines.</li> <li>Chapter V3: Miscellaneous Site Specific Issues.</li> <li>Other area specific chapters.</li> </ul> </li> </ol>

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A18.1 Setbacks shall comply with the provisions in **Table 1**, where the site is located in the following zones:

- RU1 Primary Production.
- RU2 Rural Landscape.
- RU4 Primary Production Small Lots.
- C2 Environmental Conservation.
- C3 Environmental Management.
- C4 Environmental Living.
- R2 Low Density Residential, where the site area is equal to or greater than 2000m<sup>2</sup>.
- R5 Large Lot Residential.

A18.2 Setbacks shall comply with the provisions in **Table 2**, where the site is located in the following zones:

- R1 General Residential.
- R2 Low Density Residential, where the site area is less than 2000m<sup>2</sup>.
- R3 Medium Density Residential.
- RU5 Village.
- SP3 Tourist.

**Note:** Dwelling houses are prohibited in the R3 Medium Density Residential zone. Any dwelling house considered under Division 4.11 Existing uses of the EP&A Act must comply with the setbacks in **Table 2**.

A18.3 Despite **A18.1** and **A18.2**, where the predominant setback of the same street is greater than the setback contained in **Table 1** or **Table 2** (as applicable), the required setback must be compatible with the existing setbacks on the same street in the general vicinity of the subject land (see **Figure 6**).

**Note:** If there is no obvious predominant building line, the setback must comply with **Table 1** or **Table 2** (as applicable).

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Table 1: Setbacks in the RU1, RU2, RU4, C2, C3, C4, R2 (≥ 2000m<sup>2</sup>) and R5 zones

	Front Setback <i>Primary road frontage</i>	Front Setback <i>Secondary road frontage</i>	Side Setback	Rear setback
For lots up to 4,000m <sup>2</sup>	12.5m	50% of the front setback	5m	7.5m
For lots between 4,000m <sup>2</sup> and 10,000m <sup>2</sup>	20m		7.5m	
For lots greater than 10,000m <sup>2</sup> (1ha)	30m		10m	



Legend

- A: Minimum front setback in this Development Control Plan (e.g. 6m).
- B: Predominant front setback of the street (e.g. 7.5m).
- C: Proposed dwelling to align with predominant setback at B.

Figure 6: How to determine the prominent setback in a street

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**Table 2: Setbacks in the R1, R2 (< 2000m<sup>2</sup>), R3, RU5 and SP3 zones**

<b>Front Setback</b> <i>Primary road frontage</i>	<b>Parallel Road Frontage</b>	<b>Side Setback</b> <i>No road frontage and to public reserve</i>	<b>Side Setback</b> <i>Secondary road frontage</i>	<b>Rear setback</b>	<b>Rear/side setback to foreshore reserve</b>
<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 5m to dwellings.</li> <li>• 4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 6m to dwellings.</li> <li>• 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 7.5m to dwellings.</li> <li>• 6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	3m	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/ gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	<p>Lots under 600m<sup>2</sup>: 3m</p> <p>Lots 600m<sup>2</sup> and over: 3.5m</p>	3m (average).	7.5m.

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## 6.2 Amenity

### 6.2.1 Landscaping

The specific **objectives** are to:

- Ensure that landscaping maximises amenity for residents, neighbouring **dwelling**s and the public domain.
- Ensure the provision of adequate and appropriate landscaping that is sympathetic to the local character.
- To ensure appropriate landscaping in bushfire prone areas to reduce the likelihood of building loss during a bushfire event.

Performance Criteria	Acceptable Solutions														
<p>P19.1 Sufficiently dimensioned landscaping provides amenity to residents, effective screening, and enables <b>tree</b> and large shrub planting.</p> <p>P19.2 A suitably sized deep soil planting area encourages:</p> <ul style="list-style-type: none"> <li>Mature <b>tree</b> and shrub growth.</li> <li>Opportunity for surface water to infiltrate naturally to groundwater.</li> </ul> <p>P19.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/<b>drainage</b> conditions.</p> <p>P19.4 The visual impact of ancillary landscaping or retaining <b>structures</b> is considered.</p>	<p>A19.1 A minimum <b>landscaped area</b> is provided that complies with the provisions in <b>Table 3</b>.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Note:</b> The <b>landscaped area</b> excludes any encroachments (i.e. any part of a <b>building</b> or <b>structure</b>), hardstand areas and any areas used for storage, clothes drying, and water tanks.</p> </div> <p><b>Table 3: Minimum landscaped area</b></p> <table> <tr> <th>Lot Area</th><th>Minimum Landscaped Area (of lot area)</th></tr> <tr> <td>200m<sup>2</sup>–300m<sup>2</sup></td><td>10%</td></tr> <tr> <td>&gt;300m<sup>2</sup>–450m<sup>2</sup></td><td>15%</td></tr> <tr> <td>&gt;450m<sup>2</sup>–600m<sup>2</sup></td><td>20%</td></tr> <tr> <td>&gt;600m<sup>2</sup>–900m<sup>2</sup></td><td>30%</td></tr> <tr> <td>&gt;900m<sup>2</sup>–1,500m<sup>2</sup></td><td>40%</td></tr> <tr> <td>&gt;1,500m<sup>2</sup></td><td>45%</td></tr> </table> <p>A19.2 Each <b>landscaped area</b> shall have a minimum dimension of 1.5m in any direction.</p> <p>A19.3 At least 35% of the front setback is to be landscaped.</p>	Lot Area	Minimum Landscaped Area (of lot area)	200m <sup>2</sup> –300m <sup>2</sup>	10%	>300m <sup>2</sup> –450m <sup>2</sup>	15%	>450m <sup>2</sup> –600m <sup>2</sup>	20%	>600m <sup>2</sup> –900m <sup>2</sup>	30%	>900m <sup>2</sup> –1,500m <sup>2</sup>	40%	>1,500m <sup>2</sup>	45%
Lot Area	Minimum Landscaped Area (of lot area)														
200m <sup>2</sup> –300m <sup>2</sup>	10%														
>300m <sup>2</sup> –450m <sup>2</sup>	15%														
>450m <sup>2</sup> –600m <sup>2</sup>	20%														
>600m <sup>2</sup> –900m <sup>2</sup>	30%														
>900m <sup>2</sup> –1,500m <sup>2</sup>	40%														
>1,500m <sup>2</sup>	45%														

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	A19.4 Retaining walls greater than 0.6m within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall, for the entire length of the retaining wall.
	A19.5 In designated bushfire prone areas, non-combustible retaining walls and landscaping shall not abut the dwelling.

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**6.2.2 Private Open Space**

The specific objectives are to:

- i. Ensure that the private open space provided for a dwelling is useable and meets user requirements for privacy, safety, access, active and passive outdoor recreational activities and landscaping.
- ii. Locate private open space to take account of outlook, natural features of the site, solar access and neighbouring buildings or the public domain without compromising the amenity or privacy of adjoining dwellings.

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Performance Criteria	Acceptable Solutions
<p>P20 <b>Private open space</b> is:</p> <ul style="list-style-type: none"> <li>Functional and useable for residents all year round.</li> <li>Dimensioned to suit the projected requirements of the residents, and to accommodate outdoor recreational needs and service functions.</li> <li>Capable of serving as an extension of the function of the <b>dwelling</b> for relaxation, dining, entertainment, active recreation and children's play.</li> <li>Located to take advantage of outlook and natural features of the site.</li> <li>Located to mitigate against external noise.</li> <li>Designed to limit the negative impact of overshadowing and consider privacy impacts on adjoining <b>dwelling</b>s.</li> </ul>	<p>A20.1 A <b>private open space</b> area of at least 50m<sup>2</sup> must be provided that:</p> <ul style="list-style-type: none"> <li>Is located behind the front <b>building line</b> and not within the front setback.</li> <li>Has a gradient no steeper than 1:20.</li> <li>Has a minimum dimension of 2m in any direction.</li> <li>Is adjacent to the <b>dwelling</b> with direct access from a <b>living area</b>.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> The <b>private open space</b> area may be included in the <b>landscaped area</b> at <b>A19.1</b>, except for any hardstand components.</p> <p>The <b>private open space</b> area excludes obstructions such as stairs, storage areas, clothes drying facilities, bin storage areas, hot water systems, <b>effluent</b> disposal, above ground <b>rainwater tanks</b> and the like.</p> </div>

### 6.2.3 Storage and Laundry Facilities

The specific **objectives** are to:

- i. Improve the functionality of **dwelling**s by ensuring adequate storage areas are provided of an appropriate size.
- ii. Ensure that the location of storage areas do not impact on amenity, accessibility or the functionality of other spaces associated with the **dwelling**.
- iii. Ensure laundry and clothes drying facilities are integrated into the **development**, can be conveniently reached, require minimal maintenance and do not detrimentally impact the streetscape.

Performance Criteria	Acceptable Solutions
<p>P21 <b>External clothes drying facilities</b> are provided that are separate to the laundry and are:</p> <ul style="list-style-type: none"> <li>Adequate and easily accessible.</li> <li>Well located.</li> <li>Visually screened from the street.</li> </ul>	<p>A21.1 Separate laundry and <b>external clothes drying facilities</b> shall be provided.</p> <p>A21.2 <b>External clothes drying facilities</b> are to be:</p> <ul style="list-style-type: none"> <li>Provided at a rate of 16m of line per <b>dwelling</b>.</li> </ul>

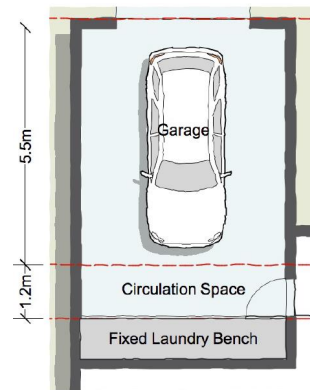
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- Located behind the front [building line](#).
- Screened from [view](#) from the public domain.

P22 Adequate space is provided to accommodate the laundry facilities, vehicle/s and associated circulation space in a garage.

A22.1 Where laundry facilities are provided in a garage, a clear space of at least 1.2m must be provided between any fixed laundry benches/appliances and the car space (minimum of 5.5m long) as shown in **Figure 7**.



**Figure 7: Circulation space required for laundry facilities in garages**

P23.1 Adequate, well-designed storage areas are provided.

P23.2 Storage areas are sympathetically integrated into the [building](#) design.

A23.1 In addition to storage in kitchens, bathrooms and bedrooms, the following storage is encouraged:

- 1 bed: 6m<sup>3</sup>.
- 2 bed: 8m<sup>3</sup>.
- 3+ bed: 10m<sup>3</sup>.

A23.2 Where located in a garage, storage areas must not encroach upon allocated [car parking spaces](#).

#### 6.2.4 Car Parking

**Note:** Refer to Chapter G21: Car Parking and Traffic of this [Development Control Plan](#) for additional information.

Additional vehicle types such as boat trailers, caravans and large recreational vehicles may also be parked or garaged on-site.



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The specific objective is to:

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.

Performance Criteria	Acceptable Solutions
P24 Car parking arrangements are suitable for the <b>development</b> (residents and visitors), amenity of surrounding <b>development</b> and the surrounding <b>road</b> network.	<p>A24.1 Car parking shall be provided in accordance with Chapter G21: Car Parking and Traffic of this <b>Development Control Plan</b>.</p> <p>A24.2 For open car spaces, the maximum allowable grades are:</p> <ul style="list-style-type: none"> <li>• Longitudinal - 5%.</li> <li>• Cross fall - 6.25%.</li> </ul>

### 6.3 Configuration and Design

#### 6.3.1 Building Form, Design and Materials

The specific **objectives** are to:

- i. Ensure that new **development** enhances and makes a positive contribution to the character of existing **buildings** and streetscapes and reinforces the built form and environmental conditions of the locality.
- ii. Ensure opportunities for passive surveillance of the public domain and entrance to the **development**.

Performance Criteria	Acceptable Solutions
P25.1 The frontage, entries and <b>habitable room windows</b> of <b>dwelling</b> s address the street.	<p>A25.1 The <b>dwelling</b> shall:</p> <ul style="list-style-type: none"> <li>• Address the street by having a front door facing the street at the ground level.</li> <li>• Ensure that any walls facing a street frontage (including <b>secondary frontages</b>) include a <b>window</b> to a <b>habitable room</b> on each level.</li> <li>• Ensure upper level <b>windows</b>, balconies or terraces overlook the public domain.</li> <li>• Provide surveillance of the street and entrance to the <b>development</b>.</li> </ul>
<p>P25.2 The design and orientation of the <b>dwelling</b>:</p> <ul style="list-style-type: none"> <li>• Enhances the streetscape.</li> <li>• Complements existing <b>development</b> in the vicinity.</li> <li>• Provides visual interest.</li> <li>• Allow casual surveillance of public or communal streets or public domain.</li> </ul>	

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<p>P26 Attached garages and parking structures are sited and designed to:</p> <ul style="list-style-type: none"> <li>• Add visual interest.</li> <li>• Provide opportunity for passive surveillance.</li> <li>• Not dominate the street frontage.</li> </ul>	<p>A26.1 Attached garages and parking structures shall be compatible with the design of the building.</p> <p>A26.2 The width of garage facades addressing the street shall not exceed 9m or 50% of the length of the frontage, whichever is the lesser.</p>
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**6.3.2 Detached Habitable Rooms and Studios**

**Note:** Detached studios may be considered as complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

A detached habitable room should not be used as a private rental or be used as a bed and breakfast. Conditions may be applied in this regard.

The specific objectives are to:

- i. Ensure detached habitable rooms/studios provide an option for a dwelling to have detached living spaces/bedrooms without being fully self-contained.
- ii. Ensure detached habitable rooms/studios function/operate as part of the principal dwelling and are linked by a continuously roofed or all-weather hard-stand connection.
- iii. Ensure detached habitable rooms/studios fit with the appearance of the principal dwelling.
- iv. Ensure there are no adverse impacts on the amenity, privacy or solar access of adjoining/neighbouring properties.

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Performance Criteria	Acceptable Solutions
<p>P27 <b>Detached habitable rooms/studios:</b></p> <ul style="list-style-type: none"> <li>Are used for residential purposes only.</li> <li>Function as a part of the principal dwelling, and not as a separate dwelling.</li> <li>Are not self-contained.</li> <li>Rely on the principal dwelling for either a laundry, bathroom, or kitchen.</li> </ul>	<p>A27.1 The principal dwelling and the detached habitable rooms/studios shall operate as a single dwelling house.</p> <p>A27.2 An all-weather connection shall be provided between the detached habitable room/studio and the principal dwelling.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> An all-weather connection must include a continuously roofed/covered deck or hard-stand pathway between the principal dwelling and the detached habitable room/studio.</p> </div>

6.3.3 Relocation of Second-Hand Dwellings

**Note:** A dwelling must be suitable for relocation and restoration in accordance with Building Code of Australia requirements and good building practices. Council will require an inspection of the dwelling prior to relocation. Refer to Council's current Fees and Charges.

Buildings that contain bonded and friable asbestos materials may be more difficult or inappropriate to relocate. All asbestos must be removed prior to relocation.

Prior to the building approval being released, the applicant shall enter into an irrevocable bank guarantee in the amount detailed in Council's current Fees and Charges. The guarantee shall include a condition which acknowledges that:

- Council can enter upon the land and carry out the works at its discretion to the value of the bank guarantee; and
- The bank guarantee can be only released upon compliance with all relevant conditions.

The specific objectives are to:

- Minimise adverse visual amenity and character impacts when relocating second-hand dwellings.
- Ensure construction materials are sound and suitable for the intended use.
- Ensure that renovations are completed in a reasonable time frame.

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Performance Criteria	Acceptable Solutions
<p>P28 The <b>dwelling</b> being relocated is:</p> <ul style="list-style-type: none"> <li>Compatible with the existing or desired future character of the area.</li> <li>In good repair.</li> <li>Structurally sound in its previous permanent location.</li> <li>Suitable in terms of any second-hand material.</li> </ul>	<p>A28.1 The <b>dwelling</b> proposed to be relocated shall be capable of being restored and damaged materials replaced before occupation of the <b>dwelling</b>.</p> <p>A28.2 An asbestos clearance certificate must be provided with the development application demonstrating that all asbestos has been removed from the dwelling.</p> <p>A28.3 The materials and external finish shall be sound and compatible with the surrounding <b>development</b>.</p> <p>A28.4 The <b>dwelling</b> shall be suitably refurbished to the satisfaction of <b>Council</b>.</p> <p>A28.5 When required, recladding shall be completed using materials to the satisfaction of <b>Council</b>.</p> <div style="background-color: #f0f0f0; padding: 10px; margin-top: 10px;"> <p><b>Note:</b> <b>Council</b> will strictly enforce conditions of approval, particularly that:</p> <ul style="list-style-type: none"> <li>No <b>dwelling</b> will be occupied until such time as all conditions have been complied with.</li> <li>Where a <b>building</b> or <b>structure</b> being relocated has asbestos wall and/or roof sheeting, these materials are to be removed by a Workcover licensed contractor before relocating to the proposed site.</li> <li>All renovations are to be completed within six months of relocating the <b>dwelling</b> to the proposed site.</li> </ul> </div>

6.3.4 Fences and Walls

**Note:** Certain fencing is considered **exempt development** under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If the proposal does not meet the exempt criteria, **consent** is required from **Council** and the proposal is to comply with the standards below.

**Figure 8** illustrates examples of good **fence** design.

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The specific **objective** is to:

- i. Ensure boundary fencing is of a high quality, promotes safety and surveillance and does not detract from the streetscape or public domain.

Performance Criteria	Acceptable Solutions
<p>P29.1 Front <b>fences</b> and <b>walls</b>:</p> <ul style="list-style-type: none"> <li>• Enable some outlook from <b>buildings</b> to the street for safety and surveillance.</li> <li>• Do not impede the safety of pedestrians and cyclists with the movement of vehicles between the property and the roadway.</li> <li>• Avoid negatively impacting on the aesthetic and spatial quality of the street.</li> <li>• Assist in highlighting entrances and in creating a sense of communal identity within the streetscape.</li> <li>• Are designed and detailed to provide visual interest to the streetscape.</li> <li>• Are constructed of materials compatible with the proposed <b>development</b> and with attractive visible examples of <b>fences</b> and <b>walls</b> in the streetscape to offer a sense of continuity.</li> <li>• Are compatible with facilities in the street frontage area, such as mailboxes.</li> <li>• Do not impede safe sight distances for <b>road</b> users and pedestrians along the adjoining roadway.</li> </ul> <p>P29.2 The use and/or design of <b>fences</b> and <b>walls</b> in streetscapes of significance are appropriate to the heritage or environmental context.</p>	<p>A29.1 Front <b>fences</b> and <b>walls</b> along the <b>primary frontage</b> (see <b>Figure 9</b>), shall be no higher than 1.2m (averaged for sloping sites).</p> <p>A29.2 On a corner <b>lot</b>, the <b>fence</b> or <b>wall</b> along the <b>secondary frontage</b>, behind the front <b>building line</b> (see <b>Figure 9</b>), shall be no higher than 1.8m.</p> <p>A29.3 A <b>fence</b> or <b>wall</b> along a primary or <b>secondary frontage</b> must contain:</p> <ul style="list-style-type: none"> <li>• Open elements that make it at least 50% transparent; or</li> <li>• Where there are solid panels, articulated elements such as landscape screening, <b>setbacks</b> and varied materials.</li> </ul> <p>A29.4 Despite <b>A29.1</b>, front <b>fences</b> and <b>walls</b> higher than 1.2m will only be supported where all the following is satisfied:</p> <ul style="list-style-type: none"> <li>• The site is located on a <b>classified road</b> with high traffic volumes.</li> <li>• The site is not located in an area with an established heritage character.</li> <li>• The <b>fence</b> and/or <b>wall</b> does not exceed 10m in length without some <b>articulation</b> or detailing to provide visual interest.</li> <li>• Landscape planting is included within a 1.5m <b>setback</b> between the <b>fence/wall</b> and the boundary to achieve mature heights of at least 1.5m.</li> </ul> <p>A29.5 <b>Fences</b> and <b>walls</b> along a <b>primary</b> or <b>secondary frontage</b> shall maintain appropriate sight distances for <b>road</b> users and pedestrians in accordance with the relevant Australian Standards.</p>

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A29.6 The design and materials of front fences or walls is to be compatible with the surrounding streetscape.

A29.7 Solid metal fencing shall not be erected along a primary or secondary frontage.



Figure 8: Examples of good fence design

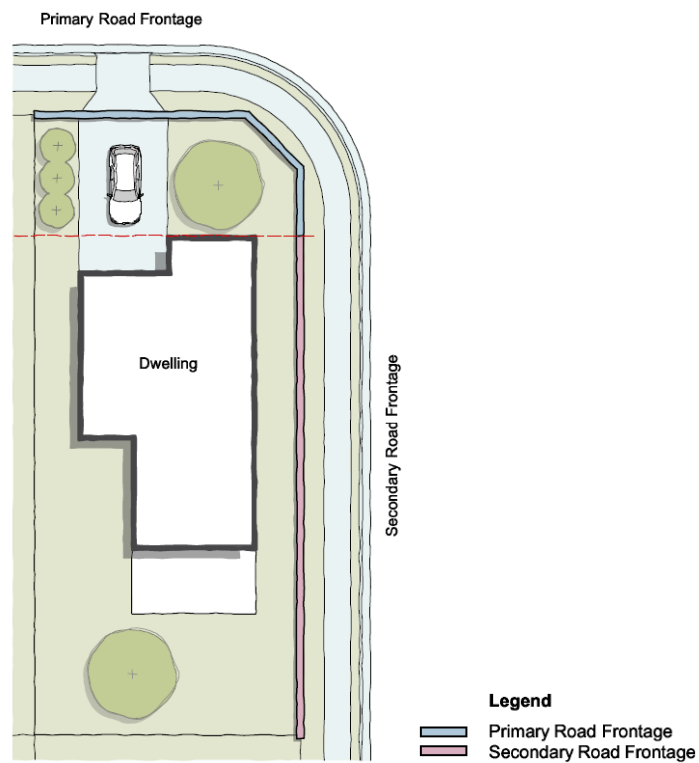


Figure 9: Primary and secondary frontages for fencing

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**6.3.5 Universal Design**

This sub-section does not require a dwelling to include universal design features. It only applies when an applicant designs a dwelling to be accessible or adaptable. Designing a dwelling to be accessible or adaptable is encouraged as it supports changing needs of occupants over the life-time of the dwelling.

The specific objectives are to:

- i. Ensure that where an accessible or adaptable dwelling is proposed, the layout and design features accommodate the changing access and mobility requirements of residents and visitors.
- ii. Promote ageing in place by extending the usability of dwellings to meet 'whole of life' needs of the community.

CL23.277 - Attachment 2

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Performance Criteria	Acceptable Solutions
<p>P30.1 The <b>dwelling</b> achieves appropriate levels of accessibility or is designed to be 'easily and affordably <b>adaptable</b>'.</p> <p><b>Note:</b> 'Easily and affordably <b>adaptable</b>' includes the future installation or alterations of inclusions to comply with the requirements of a silver standard as outlined in the '<a href="#">Livable Housing Design Guidelines</a>'. It does not include alterations and additions resulting in a change to the configuration of a room but may include, for example, the installation of a future domestic elevator or lift meeting compliance with a silver standard as outlined in the '<a href="#">Livable Housing Design Guidelines</a>'.</p> <p>P30.2 Access is provided from the car parking space located on the premises to the principal entrance of the <b>dwelling</b> and access to and within the following areas:</p> <ul style="list-style-type: none"> <li>• A bedroom.</li> <li>• Laundry.</li> <li>• A bathroom that includes a shower, WC and vanity.</li> <li>• Kitchen.</li> <li>• A <b>living area</b>.</li> <li>• An external <b>private open space</b>.</li> </ul>	<p>A30.1 The <b>dwelling</b> shall be designed:</p> <ul style="list-style-type: none"> <li>• To meet a silver standard for accessibility as outlined in the '<a href="#">Livable Housing Design Guidelines</a>'.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• In accordance with an alternative solution report prepared by an accredited access consultant or an A1 accredited Building Surveyor that specifies how the proposal can be 'easily and affordably <b>adaptable</b>' at a silver standard as outlined in the '<a href="#">Livable Housing Design Guidelines</a>'.</li> </ul> <p><b>Note:</b> The alternative solution report is to be submitted with the <b>development</b> application.</p>

6.3.6 Waste Management – Bin Storage, Presentation and Collection

The specific **objectives** are to:

- Ensure **waste storage and recycling areas** are designed to be conveniently reached and require minimal maintenance.
- Ensure **waste storage and recycling areas** are attractive and compliment the streetscape.
- Ensure appropriate kerbside frontage is provided for bin presentation and collection.



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Performance Criteria	Acceptable Solutions
<p>P31.1 Bin storage, presentation and collection arrangements:</p> <ul style="list-style-type: none"> <li>Are appropriate for the nature of the <b>development</b>.</li> <li>Consider site configuration and adequate street frontage, especially <b>lots</b> at the head of <b>cul-de-sacs</b> and battle-axe <b>lots</b>.</li> </ul>	<p>A31.1 The kerbside frontage required for <b>waste</b> collection is at least 1m per bin, 0.5m separation between bins and 1m behind each bin.</p> <p>A31.2 Bin storage areas must be identified on the site plan and located behind the front <b>building line</b>. Where visible from the street, it must be appropriately screened to conceal the contents from the public domain and adjacent properties.</p>
<p>P31.2 Bin storage is sited and designed for attractive visual appearance and for efficient and convenient use.</p>	<p>A31.3 Bins must be able to be easily manoeuvred from the bin storage area for presentation at the kerbside.</p>

## 7 Secondary Dwellings

This Section applies to **secondary dwellings** and must be considered in addition to **Section 5** of this Chapter.

**Note:** A **secondary dwelling** is a self-contained **dwelling** built in conjunction with and located on the same **lot** as a principle **dwelling**. It may be located within, attached to or separate (detached) from the principle **dwelling**. They are often, informally, referred to as 'granny flats'.

A **secondary dwelling** may be considered as complying **development** on land in certain residential zones if it meets the complying **development** provisions in **State Environmental Planning Policy (Housing) 2021 (Housing SEPP)**.

A **secondary dwelling** in certain residential zones may also be considered via a **development** application. Such an application would be assessed and determined in accordance with the provisions contained in the **Housing SEPP** and any relevant **Council** policies, which includes this **Development Control Plan**.

Clause 5.4(9) Secondary dwellings of Shoalhaven LEP 2014 sets a total maximum floor area for **secondary dwellings**. **The Housing SEPP** prevails over any **Development Control Plan** provision to the extent of the inconsistency.

A **secondary dwelling** differs from a **dual occupancy** as they are generally smaller and cannot be subdivided from the principal **dwelling**. Refer to Chapter G13: Medium Density and Other Residential Development of this **Development Control Plan** for

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information and requirements relating to dual occupancy **development**.

**Secondary dwellings** are completely self-contained and therefore cannot be considered as a **detached habitable room** or a **detached studio**.

The specific objective is to:

- i. Ensure the **secondary dwelling** does not impact on the amenity of the principal **dwelling** or adjoining **dwellings**.

Performance Criteria	Acceptable Solutions
P32.1 The location and siting of the <b>building</b> complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.	A32.1 The <b>development</b> complies with: <ul style="list-style-type: none"> <li>Shoalhaven LEP 2014 - Clause 5.4(9) Secondary Dwellings.</li> <li>Division 2 of the <b>Housing SEPP</b>. Additionally, Schedule 1 Development Standards for Secondary Dwellings is to be used as a guide. Where a proposal does not meet Schedule 1 Development Standards, Council will require proponents to demonstrate consistency with the relevant performance criteria within <b>Sections 5 and 6</b> of this Chapter.</li> <li>Any relevant policies of <b>Council</b>, including the provisions within this <b>Development Control Plan</b>.</li> <li>Relevant requirements of the <b>Building Code of Australia</b> and Australian Standards.</li> </ul>
P32.2 Setbacks avoid loss of <b>view</b> , undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.	
P32.3 The <b>development</b> minimises adverse amenity impacts on neighbours, the streetscape and public domain.	

## 8 Ancillary Structures and Non-Habitable Structures on Vacant Land

**Sections 8.1 - 8.3** apply to ancillary **structures** which includes **carports**, **garages**, sheds, freestanding pergolas, **swimming pools**, tennis courts and the like.

**Note:** Although the principal **dwelling** is usually the main **building**, a number of ancillary **structures** may be built to provide additional facilities or features for use by the residents.

**Section 8.4** applies to non-habitable **structures** on vacant land prior to the construction of a **dwelling**. The construction of non-habitable **structures** on vacant land will only be considered where the **structure** is permissible with **development consent**.

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**Note:** Council may consider a proposal for a non-habitable structure on vacant land subject to the owner of the land furnishing Council with a written undertaking that the structure will not be used for habitable/residential purposes.

For rural zoned land, it is appreciated that some structures may be justified to enable maintenance of, or operation of the land, in conjunction with a lawful use.

This Section must be considered in addition to Section 5 of this Chapter.

The objectives of Sections 8.1 – 8.3 are to:

- i. Minimise the impacts of ancillary structures on adjoining properties.
- ii. Ensure that residents have access to ancillary buildings and structures that are consistent with domestic needs.

### 8.1 Density, Height and Setbacks

The specific objectives are to:

- i. Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.
- ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
- iii. Encourage design that ensures that the amenity of surrounding development is properly considered and not adversely impacted.
- iv. Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.
- v. Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.
- vi. Retain the amenity of the public domain.

Performance Criteria	Acceptable Solutions
<p>P33.1 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</li> </ul>	<p>A33.1 The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>R1 General Residential.</li> <li>R2 Low Density Residential.</li> <li>R5 Large Lot Residential, where the site area is less than 2000m<sup>2</sup>.</li> <li>RU5 Village.</li> </ul>

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<ul style="list-style-type: none"> <li>• Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul> <p>P33.2 The size of a <b>garage</b>, or other similar <b>structure</b>, used in conjunction with a <b>dwelling</b> is appropriate for the garaging of resident's vehicles.</p> <p>P33.3 The size of the non-habitable <b>structure</b> is appropriate for its purpose.</p>	<p>A33.2 The <b>gross floor area</b> and eave height of a <b>garage</b>, or other similar <b>structure</b>, complies with the provisions in <b>Table 4</b>.</p> <div data-bbox="877 470 1260 985"> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Where an area is mapped on the floor space ratio map in Shoalhaven LEP 2014, the Shoalhaven LEP 2014 floor space ratio provisions for these sites prevail.</li> <li>• Refer to the following for guidance on calculating floor space ratio (including exclusions): <ul style="list-style-type: none"> <li>- <b>Figure 3 (Section 6.1.1)</b> of this Chapter).</li> <li>- <b>Gross floor area</b> definition.</li> <li>- Clause 4.5 of Shoalhaven LEP 2014 and Shoalhaven LEP (Jerberra Estate) 2014.</li> </ul> </li> <li>• When calculating the <b>site area</b>, the area of any access handle or right of way is to be excluded.</li> </ul> </div>
<p>P34.1 The height of <b>development</b>:</p> <ul style="list-style-type: none"> <li>• Is compatible with the existing or desired future character of the area.</li> <li>• Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.</li> <li>• Relates to the land form, with minimal cut and <b>fill</b>.</li> </ul> <p>P34.2 In rural zones, environmental and coastal locations, the height and bulk of <b>dwellings</b> is compatible with the rural, environmental or coastal context in which they are located.</p>	<p>A34.1 <b>Building heights</b> must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.</p> <p>A34.2 Any <b>two-storey</b> (or equivalent) component is to be located to minimise the shading of adjacent <b>private open space</b>.</p> <p>A34.3 The difference in <b>building height</b> between existing <b>buildings</b> and new <b>development</b> is compatible when viewed from the public domain.</p>
<p>P35.1 The front setback is generally consistent with adjoining <b>development</b> and does not undermine the integrity of the prevailing <b>building lines</b>.</p> <p>P35.2 The location and siting of the <b>building</b> complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</p>	<div data-bbox="877 1456 1260 1688"> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. The acceptable solutions for <b>setbacks</b> may need to be increased, reduced or modified depending upon factors such as: <ul style="list-style-type: none"> <li>• Slope of the land.</li> <li>• Requirements for <b>asset protection zones</b>.</li> </ul> </li> </ol> </div>

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| <p>P35.3 The proposed <b>development</b> is setback and of a <b>scale</b> that is relative to the street reserve width, in such a way to ensure pedestrians do not feel <b>buildings</b> are overbearing.</p> <p>P35.4 Setbacks avoid loss of <b>view</b>, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.</p> <p>P35.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.</p> <p>P35.6 Adequate levels of light and ventilation to adjoining <b>buildings</b>, landscaping, services and infrastructure are protected.</p> <p>P35.7 The proposal maintains adequate provision for on-site car parking.</p> | <ul style="list-style-type: none"> <li>• Foreshore <b>setbacks</b>.</li> <li>• The requirement for <b>effluent</b> disposal areas to be contained wholly within the <b>lot</b> boundaries on unsewered residential <b>lots</b>.</li> <li>• Location of existing <b>buildings</b>.</li> <li>• The shape of the <b>lot</b>.</li> <li>• Desire to create streetscape and visual interest.</li> </ul> <p>2. Down pipes, fascias, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, screens or sunblinds, light fittings, electricity or gas meters may encroach into the side or rear <b>setback</b>.</p> <p>3. Additional <b>building line</b> and <b>setback</b> controls are included in the following Chapters of this <b>Development Control Plan</b>:</p> <ul style="list-style-type: none"> <li>• Chapter G6: Coastal Management Areas.</li> <li>• Chapter V2: Building Lines.</li> <li>• Chapter V3: Miscellaneous Site Specific Issues.</li> <li>• Other area specific chapters.</li> </ul> |
|---|--|
- A35.1 Setbacks shall comply with the provisions in **Table 1 (Section 6.1.2 of this Chapter)**, where the site is located in the following zones:
- RU1 Primary Production.
  - RU2 Rural Landscape.
  - RU4 Primary Production Small Lots.
  - **C2** Environmental Conservation.
  - **C3** Environmental Management.
  - **C4** Environmental Living.
  - R2 Low Density Residential, where the **site area** is equal to or greater than 2000m<sup>2</sup>.
  - R5 Large Lot Residential.

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	<p>A35.2 Setbacks shall comply with the provisions in <b>Table 2 (Section 6.1.2)</b> of this Chapter), where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>• R1 General Residential.</li> <li>• R2 Low Density Residential, where the <b>site area</b> is less than 2000m<sup>2</sup>.</li> <li>• RU5 Village.</li> <li>• SP3 Tourist.</li> </ul> <p>A35.3 Despite <b>A39.1</b> and <b>A39.2</b>, where the predominant setback of the same street is greater than the setback contained in <b>Table 1</b> or <b>Table 2</b> (as applicable, see <b>Section 6.1.2</b> of this Chapter), the required setback must be compatible with the existing setbacks on the same street in the general vicinity of the subject land (see <b>Figure 6, Section 6.1.2</b> of this Chapter).</p> <p><b>Note:</b> If there is no obvious predominant <b>building line</b>, the setback must comply with <b>Table 1</b> or <b>Table 2</b> (as applicable, see <b>Section 6.1.2</b> of this Chapter).</p>
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**Table 4: Gross floor area and wall height**

	<b>Gross Floor Area</b>	<b>Wall Height</b> <i>From ground level (existing) to eave</i>
R1, R2 and SP3 (< 2000m <sup>2</sup> ), R3 and RU5 Zones	110m <sup>2</sup>	3.0m Refer to <b>Figure 10</b>
R2 and SP3 (≥2000m <sup>2</sup> )	To be assessed on merit	To be assessed on merit
RU1, RU2, RU4, <b>C2, C3, C4</b> , and R5 Zones	Site area up to 1 hectare - 140m <sup>2</sup>	To be assessed on merit

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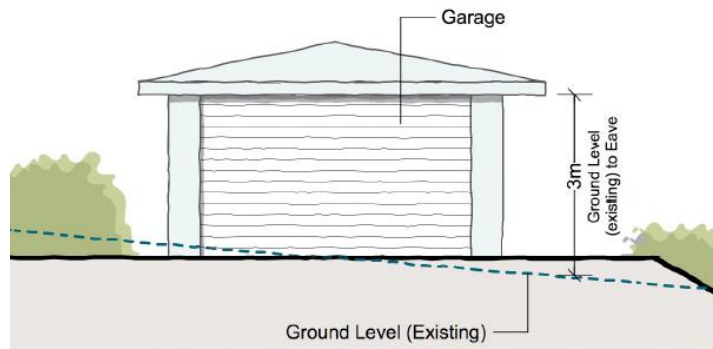


Figure 10: Wall height (example garage)

## 8.2 Building Form and Design

The specific objective is to:

- i. Ensure that new **development** enhances and makes a positive contribution to the character of existing **buildings** and streetscapes and reinforces the built form and environmental conditions of the locality.

Performance Criteria	Acceptable Solutions
P36 Ancillary <b>structures</b> are sited and designed to: <ul style="list-style-type: none"> <li>Add visual interest.</li> <li>Provide opportunity for passive surveillance.</li> <li>Not dominate the street frontage.</li> </ul>	A36.1 Ancillary <b>structures</b> are compatible with the design of the <b>principal dwelling</b> .  A36.2 The width of garage facades addressing the street shall not exceed 9m or 50% of the length of the frontage, whichever is the lesser.

## 8.3 Swimming Pools

The specific objective is to:

- i. Ensure the design of the **swimming pool** is safe and minimises impacts on the amenity of future and adjoining/adjacent **living areas** and principal **private open space** in relation to noise.

Performance Criteria	Acceptable Solutions
P37 The location of a <b>swimming pool</b> and associated noise generating equipment does not:	A37.1 Noise generating equipment associated with a <b>swimming pool</b> (e.g. filters) shall be:

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<ul style="list-style-type: none"> <li>Adversely impact the amenity of the adjoining properties.</li> <li>Negatively impact the structural integrity of adjoining <b>development</b>.</li> </ul>	<ul style="list-style-type: none"> <li>Sited and installed to minimise noise impacts.</li> <li>Located at least 3m away from bedroom <b>windows</b>.</li> <li>Acoustically screened (where appropriate).</li> </ul>
A37.2	The outside edge of a <b>swimming pool</b> wall shall be located at least 1200mm (horizontally) from <b>building</b> walls or foundations.
A37.3	The <b>swimming pool</b> shall comply with the relevant Australian Standards (including safety measures and setback provisions).
<p><b>Note:</b> Refer to the <i>Swimming Pool Act 1992</i> and associated regulations for information relating to <b>swimming pool</b> safety fencing and gate requirements.</p>	

**8.4 Use of Non-Habitable Structures**

The specific **objectives** are to:

- Ensure that non-habitable **structures** on vacant land are not used for habitable/residential purposes.
- Ensure a **dwelling** can be located on the land in the future.
- Minimise the impacts upon the site and surrounding land following construction of non-habitable **structures** before the construction of a **dwelling**.

Performance Criteria	Acceptable Solutions
P38 A non-habitable <b>structure</b> on vacant land:	A38.1 The non-habitable <b>structure</b> on vacant land is located so as not to preclude the <b>development</b> of a <b>dwelling</b> on the land.
<ul style="list-style-type: none"> <li>Is justified, in terms of its use.</li> <li>Is sited to enable further <b>development</b> of the site with a <b>dwelling</b> that complies with this <b>Development Control Plan</b>.</li> <li>Will not be used for habitable/residential purposes.</li> </ul>	A38.2 The <b>development</b> application shall specify that the non-habitable <b>structure</b> on vacant land will not be used for residential purposes.
<p><b>Note:</b> Conditions will be applied in this regard.</p>	



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**Chapter G12: Dwelling Houses and Other Low Density Residential Development**

**9 Advisory Information**

**9.1 Other legislation or policies you may need to check**

**Note:** This Section is not exclusive and the applicant may be required to consider other legislation, policies and documents with the development application.

<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• Shoalhaven Contributions Plan</li> <li>• <a href="#">Asbestos Policy</a></li> <li>• <a href="#">The Shoalhaven Plant Species List</a></li> </ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• Building Code of Australia</li> <li>• <a href="#">Livable Housing Design Guidelines</a></li> <li>• NSW Land &amp; Environment Court Planning Principles</li> <li>• Relevant Australia Standards</li> <li>• Planning for Bushfire Protection</li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Roads Act 1993</li> <li>• Swimming Pool Act 1992 (and associated regulations)</li> <li>• <b>State Environmental Planning Policy (Housing) 2021</b></li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• Shoalhaven Local Environmental Plan (Jerberra Estate) 2014</li> </ul>

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**Draft Chapter G13: Medium Density and Other Residential Development**

**Table of Changes**

Existing Section	Category	Recommended Change	Reason
<i>Note: The Building Code of Australia (BCA) has been incorporated into the National Construction Code (NCC). For consistency across the DCP, references to the BCA have been retained in this Chapter until a comprehensive review of the whole DCP is undertaken.</i>			
Throughout	Amendment	Remove reference to “Multi Dwelling Housing (Terraces)” “Manor Houses” and “Integrated housing development”. (Shown in green highlighting for convenience).	These land uses are not defined within SLEP 2014. Recent government reforms, recent changes to SLEP 2014 and the changes proposed to Chapter G13 as part of this Amendment have clarified/adjusted the approval mechanisms and associated provisions for these uses.  Opportunities for these land uses can be explored via through the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 approval pathway.
		Update figure references to reflect deletion of Figure 5 and insertion of new figures.	To update subsequent figures.
		Replace the following repealed legislation with the consolidated SEPP (Housing) 2021: <ul style="list-style-type: none"><li>SEPP (Affordable Rental Housing) 2009.</li><li>SEPP (Housing for Seniors or People with a Disability) 2004.</li></ul>	To reflect legislative changes/ implementation of consolidated SEPP's.
Section 5.1.2	Amendment	Change B4 Mixed Use zone to MU1 Mixed Use.	To reflect changes to this zone resulting from the NSW Government's recent Employment Zone Reforms.
Section 5.1.3	Amendment	Insert an additional figure reference in A5.1 after Figure 3 to be: <b>“Figure 3 and Figure 4 below.”</b>	To provide consistency with amendments to Table 2 and new Figure 4.
		Amend existing figure references in A5.4 to <b>“Refer to Figure 5 and Figure 6.”</b>	

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Existing Section	Category	Recommended Change	Reason
	Deletion	Delete existing A5.5 and associated heading and note related to integrated housing development.	The integrated housing development land use is not defined within SLEP 2014.
	Insertion	Insert new Figure 4 after Figure 3 with the following title: "Figure 4: Setbacks to dual occupancies."	To provide further graphical guidance to calculating setbacks in accordance with Table 2.
	Amendment	Delete the following from Table 2: <b>Column 3: Side Setback</b> No road frontage and to public reserve <ul style="list-style-type: none"> <li>900mm for single storey structures.</li> <li>1.2m for any two-storey component.</li> </ul> <b>Column 5: Rear Setback</b> <ul style="list-style-type: none"> <li>3m (average).</li> <li>Note: No rear setback applies for the front dwelling (i.e. dwelling closest to the street) in a 'one behind the other' arrangement.</li> </ul> And insert the following provisions: <b>Column 3: Side Setback</b> No road frontage and to public reserve <ul style="list-style-type: none"> <li>900mm to the part of the dwelling located within 20m of the front property boundary with a height less than 4.5m (refer to <b>Figure 4</b>).</li> <li>Where the above does not apply, 1.5m to any other part of the dwelling (refer to <b>Figure 4</b>).</li> <li>900mm to detached non-habitable outbuildings.</li> </ul> <b>Column 5: Rear Setback</b> <ul style="list-style-type: none"> <li>Single storey development (up to 4.5m in height): <ul style="list-style-type: none"> <li>3 metres to dwelling.</li> <li>1.5 metres for rear dwelling on a corner lot.</li> <li>900mm to detached non-habitable outbuildings.</li> </ul> </li> <li>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to <b>Figure 4</b>).</li> <li>1.5m to the front dwelling in a one behind the other arrangement.</li> </ul>	The current 3m (average) provision is confusing for both the Development Industry and Assessment Staff. The proposed changes align setback provisions with the proposed minimum landscape width (1.5m). This is also consistent with the single storey height provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	Amendment	Amend the dual occupancy side setback provisions in Table 3 as follows:	Ensure consistency with chapter G12 of DCP 2014 to ensure

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Existing Section	Category	Recommended Change	Reason
		<ul style="list-style-type: none"> <li>For lots up to 4,000m<sup>2</sup> delete 3m and insert "5m",</li> <li>For lots between 4,000m<sup>2</sup> and 10,000m<sup>2</sup> delete 5m and insert "7.5m"</li> <li>For lots greater than 10,000m<sup>2</sup> (1ha): delete 7.5m and insert "10m."</li> </ul>	consistency of setbacks across development in rural, conservation and R5 zones.
		<p>Adjust the side and rear setback provisions in Table 4 as follows: Delete the following from <b>Column 4: Side setback</b> (no road frontage and to public reserve):</p> <ul style="list-style-type: none"> <li>1.2m to dwellings for wall lengths less than 50% of side the boundary.</li> <li>2m to dwellings for wall lengths greater than 50% of side boundary.</li> </ul> <p>And insert "1.5m."</p> <p>Insert the following in <b>Column 5: Rear setback</b> (including to public reserve):</p> <ul style="list-style-type: none"> <li>"3m to the part of a dwelling up to 4.5m high.</li> <li>6m to the part of the dwelling greater than 4.5m high."</li> </ul>	To align setback provisions with proposed minimum landscape width (1.5m) and to provide rear setback dimension for multi-dwelling housing.
		<p>Replace the existing note 3 in Table 4 with the following: "The overall height is measured from ground level (existing) or ground level (finished), whichever is the lower".</p>	To provide clarity on how overall height is calculated. Clarification regarding wall length is no longer required as the proposed setback provisions no longer use that measure.
	Insertion	Add 'Front setbacks' into Figure 5 caption.	For clarity.
	Insertion	<p>Insert new Figure 6 after Figure 5 with the following title:</p> <p>"Figure 6: Rear setbacks - Multi dwelling housing, attached dwellings and semi-detached dwellings."</p>	To demonstrate revised rear setback controls graphically.

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Existing Section	Category	Recommended Change	Reason
Section 5.1.4	Amendment	<p>In A6.1 replace the following:</p> <ul style="list-style-type: none"> <li>Control - "high quality formal landscaping"</li> <li>Dot point 1- "Has a minimum dimension of 1.5m in any direction".</li> <li>Dot point 2 - "Consists of 100% deep soil planting".</li> </ul> <p>With the following:</p> <ul style="list-style-type: none"> <li>Control - "deep soil landscaping"</li> <li>Dot point 1 - "Has a minimum dimension of 3m in any direction".</li> <li>Dot point 2 - "Is not fragmented by sub-surface drainage infrastructure".</li> </ul>	<p>To reflect industry best practice and recent NSW design guidance on minimum landscaping requirements and private domain canopy targets within the NSW Government's Greener Neighbourhoods Guide and former Local Character and Place Guideline.</p> <p>Deep soil planting provides multiple benefits including opportunities for mature trees and rain penetration.</p>
		<p>In A6.2 replace the following:</p> <ul style="list-style-type: none"> <li>Control – "formal landscaping"</li> <li>Dot point 1 - "Has a minimum dimension of 1m in any direction".</li> <li>Dot point 3 - Can include landscaped areas, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures".</li> </ul> <p>With the following:</p> <ul style="list-style-type: none"> <li>Control - "deep soil landscaping"</li> <li>Dot point 1 - "Has a minimum dimension of 1.5m in any direction".</li> <li>Dot point 3 - Can include permeable surfaces, such as gravel, mulch, turf or similar".</li> </ul>	<p>To provide consistency with SLEP 2014 and minimum requirements for landscaped areas within the Codes SEPP.</p>
	New	<p>Insert new note box under A6.2 as follows:</p> <p>"Note: Where required carparking and vehicle access is provided as gravel, mulch or other pervious surface, these areas are excluded from the minimum landscape area calculations."</p>	
	Amendment	<p>Amend A6.4 to specify that the landscaping is to be distributed evenly across all lots and excludes any areas used for storage, clothes drying, and water tanks.</p>	<p>To be consistent with the SLEP 2014 definition of landscaped area and to ensure that each resulting lot benefits from landscaping and its resulting amenity advantages.</p>

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Existing Section	Category	Recommended Change	Reason
Section 5.2.2	New	Insert "deep soil landscaping" in point 2 of A10.1.	To ensure deep soil landscaping is coordinated at design stage.
Section 5.2.3	Amendment	Insert the following into objective ii after visual impact: "on the public domain"	To respond to community concerns regarding local character.
		Relocate the words " <i>Additional provisions – Dual Occupancy</i> " to after A12.2	To respond to community concerns regarding loss of on-street parking resulting from multiple driveways.
		Amend A12.2 to the following: "The development is designed to have a single access point to a public road unless Council is satisfied that separate access points would result in a better design outcome which will not result in a loss of on-street parking spaces when considering the proximity of adjoining driveways, boundaries and infrastructure."	
		Insert the following dot point two in P13.2: "Minimise impact on the public domain."	
	New	Insert in A13.1 as dot point 1 "Have a maximum combined crossover width of 3 metres for driveways serving two dwellings and 5.5 metres for driveways serving three or more dwellings."	To ensure capability of access is assessed at the development application stage to increase efficiency.
	Amend	Replace the driveway long section paragraph in the note box after A13.1 with the following wording: "A long section of all driveways must be provided with the development application to demonstrate compliance with AS2890.1."	
	Deletion	Delete "Refer to Figure 5 for images of good driveway design" from note below A13.1.	To reflect deletion of Figure 5 outlined below.
		Delete title and images "Figure 5: Examples of good driveway design".	Existing images are inconsistent with some proposed new provisions.

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Existing Section	Category	Recommended Change	Reason
5.3.2	New	Insert the following new provision A16.5: <i>"Additional provisions – Multi dwelling housing and attached dwellings.</i>  "Direct solar access to living area windows and hardstand private open space areas of at least 70% of dwellings within a development is achieved for at least 3 hours between the hours of 9:00am and 3:00pm on 21 June."	To provide further guidance to ensure the NSW Land and Environment Court Planning Principle regarding solar access is achieved to proposed development (i.e., within the development site) in addition to adjacent development.
	Amendment	Amend note box to replace the word "may" with the word "will".	To ensure that the development types that cause greatest impacts to adjoining dwellings demonstrate compliance with minimum requirements.
Section 5.3.3	Amendment	In P17 replace: <ul style="list-style-type: none"> <li>Dot point 5 "Located to mitigate against external noise" with "Located to mitigate against external acoustic and visual privacy impacts".</li> <li>Dot point 6 "Designed to take account of the impact of adjoining dwellings on privacy and overshadowing" with "Designed to ensure that private open space is suitability located considering existing and potential surrounding development and the public domain".</li> </ul>	To provide greater clarity regarding private open space requirements regarding acoustic and visual privacy and open space placement.
	Insertion	In A17.3 add an additional dot point five: "Not be wet for prolonged periods following rainfall."	To ensure increased functionality of private open space areas
		Insert "stormwater infrastructure" after "effluent disposal" in note box following A17.3.	
		In A17.4 replace "it shall have a minimum dimension of 2m x 3m which is covered to provide protection from the elements" with "it shall: <ul style="list-style-type: none"> <li>Have a minimum dimension of 2.4m in any direction and 50% shall be covered, to provide protection from the elements.</li> </ul>	To align with the NSW Government's Residential Apartment Design Guide's minimum private open space areas for balconies and roof terraces.

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Existing Section	Category	Recommended Change	Reason
		<ul style="list-style-type: none"> <li>Be adequately screened to provide privacy to residents.</li> </ul>	
	New	Insert new provision A17.5 "Private open space areas including courtyards, upper-level balconies and decks must not extend further than 1m forward of the front building line".	<p>Consistency with LEP definition that defines the area for 'private outdoor activities.</p> <p>Consistency with the existing front setback provisions permitting a 1m encroachment for verandahs, patios and awnings.</p>
	Amendment	Move 'Semi-detached dwellings' to be grouped with 'Dual occupancy' development.	Consolidating the land uses into groupings with similar private open space needs will enhance amenity outcomes for future residents.
Section 5.3.4	Amendment	Replace "is encouraged" with "must be provided" in A20.1.	To ensure storage is provided to address a range of concerns relating to a lack of internal storage impacting on-site parking provision (i.e., using garage space for storage) leading to more on street parking.
Section 5.3.5	Amendment	Insert "and is not visually prominent" in P21 following "development".	To respond to community concerns regarding adequate provision of parking and on-site circulation and concerns regarding safety impacts from vehicle movements on local streets.
	Insertion	<p>Insert new provision A21.4 "Car parking is located behind the front building line" in relation to Multi dwelling housing.</p> <p>Insert new provision A21.3 (and renumber subsequent provisions) :</p> <p>The minimum internal dimensions of garages shall be:</p> <ul style="list-style-type: none"> <li>6 m (depth) x 3 m (width) for a single garage.</li> <li>6 m (depth) x 6 m (width) for a double garage.</li> </ul>	



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Existing Section	Category	Recommended Change	Reason
		Insert new provision A21.5 "Car parking is located behind the front building line" in relation to Multi dwelling housing.	
Section 5.4.1	Amendment	Replace the existing A25.2 wording with the following: "Where the garage door or doors face the street, the cumulative width must not exceed 50% of the building façade".  Replace the existing wording of A25.3: Co-joining of double garages is not supported unless one double garage is offset from the other by at least 2m.  With the following wording: "Where double garages are side by side facing the street, one double garage is further setback by at least 1 metre."	To correct confusion regarding these provisions. The interpretation of A25.2 was recently identified as a community concern relating to DA21/2359 (32 Yarrowonga Drive, Mollymook Beach).
	Insertion	Insert new Figure 10 with following title: "Figure 10: Example of indented side-by-side double garages."	
Section 5.4.3	Amendment and deletion	Delete P28.1, associated note and P28.2 and replace with the following P28: "Development provides an appropriate proportion of easily accessible homes and homes capable of being 'easily and affordably' adapted.	To provide consistency with the new guidelines developed by the Australian Building Codes Board - National Construction Code (NCC) to incorporate the 'Livable Housing Design Standard' in new development.  The 'Livable Housing Design Standard' has not been adopted in NSW as mandatory, however it represents good universal design outcomes for the community and is therefore considered worthwhile.
		Delete the current wording of A28.1 and replace with the following: "Within multi dwelling housing development, 10% of all dwellings (rounded up) must be designed to be capable of adaption for disabled or elderly residents in accordance with AS4299:1995".	
		Delete the current wording of A28.2 and replace with the following:	

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Existing Section	Category	Recommended Change	Reason
		"All class 1a and 2 developments, as defined in the Building Code of Australia shall provide a minimum of 50% of dwellings that meet the minimum accessibility requirements of the Livable Housing Design Standard. This can be inclusive of dwellings designed to be adaptable in accordance with A28.1"	
Section 5.5.1	Amendment	In A29.2 remove the word "minimises" and replace with the word "avoids".	To respond to community concern regarding stormwater impacts.
	Deletion	Remove A29.3	Duplicates requirements of Chapter G2: Sustainable Stormwater Management and Erosion / Sediment Control.
	Insertion	Insert the following new Acceptable Solution A31.6: "waste servicing must comply with the NSW EPA <a href="#">Better practice guide for resource recovery in residential developments</a> ."	To align with contemporary guidance in relation to waste servicing.
New Section	New	Insert a new Section 9 relating to Manor Houses and Multi dwelling housing (terraces). Renummer subsequent sections accordingly.	The DCP only applies to Manor houses and Multi dwelling housing (terraces) when such development needs to be repaired or replaced after a natural disaster (refer to clause 5.9A of SLEP 2014). These land uses are otherwise only permissible via State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.  To new section seeks to guide repair or replacement when these land uses are damaged or destroyed by natural disaster, to ensure consistency with clause 5.9A of SLEP 2014.

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Existing Section	Category	Recommended Change	Reason
Section 9	Amendment and insertion	Remove reference and hyper link to the Livable Housing Design Guidelines and replace with: "Livable Housing Design Standard" and insert associated hyperlink.	The Livable Housing Design Standard is the contemporary Australian Building Codes Board standard (2022) adapted from the 'Silver' level requirements of the Livable Housing Design Guidelines (fourth edition, 2017).

For convenience, provisions with additions and/or changes are highlighted in yellow. Text where "Multi Dwelling Housing (Terraces)" "Manor Houses" and "Integrated housing development" has been deleted is highlighted in green.

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**Amendment history**

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	28 August 2018	31 October 2018	New
2	25 June 2019	24 July 2019	Amendment
3	7 September 2021	1 October 2021	Amendment
4			Draft

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## Draft Chapter G13: Medium Density and Other Residential Development

### 1 Purpose

This purpose of this Chapter is to ensure that **development** is compatible with the bulk and **scale** of the existing and likely future residential **development** of adjacent lands to ensure a high standard of **development** throughout the Shoalhaven Local Government Area.

**Note:** The controls in this Chapter are supplementary to Shoalhaven Local Environmental Plan (LEP) 2014, Shoalhaven LEP (Jerberra Estate) 2014 and area specific Chapters of this **Development Control Plan**. Shoalhaven LEP 2014, Shoalhaven LEP (Jerberra Estate) 2014 and the area specific Chapters will prevail where there is an inconsistency with a provision in this Chapter.

### 2 Application

This Chapter applies to land where **dual occupancy, multi dwelling housing, attached dwellings, semi-detached dwellings, residential flat buildings, shop top housing, seniors housing, boarding houses, group homes and hostels are permissible with development consent.**

**Note:** Separate controls apply to **dwelling houses**, rural workers dwellings and **secondary dwellings**. See Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures for more information.

**Dual occupancy development** may take the form of:

- Converting part of an existing **dwelling** to a second **dwelling**.
- Additions to an existing **dwelling** for the purpose of a second **dwelling**.
- Construction of a detached second **dwelling**.
- Construction of two **dwellings** that are attached.
- Construction of two detached **dwellings**.

### 3 Context

The **development** of land for residential purposes has become complex due to an increasing number of constraints and controls. Over time, minimum lot sizes have often been reduced while **owner** and occupant needs and aspirations have increased. There are also competing demands by the **community** and neighbourhood for a pleasant environment with high levels of privacy and minimal adverse impacts.

The impact of a proposal on the amenity of adjoining properties is to be a principal consideration of applicants when preparing a development application.

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**Draft Chapter G13: Medium Density and Other Residential Development**

## 4 Objectives

The **objectives** are to:

- i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, **development** and residential amenity.
- ii. Set appropriate environmental criteria for energy efficiency, solar access, light spill, privacy, noise, vehicular access, parking and open space.
- iii. Allow for efficient use of existing services and facilities, including utility services, transport systems and community facilities.
- iv. Maintain and enhance the amenity of existing and future residential areas.
- v. Promote wider and more **affordable housing** choice in Shoalhaven.
- vi. Allow opportunities for home **owners** to receive rental income or provide relatives with self-contained accommodation.
- vii. Implement agreed strategic directions and respond to demographic needs (e.g. the ageing population).

## 5 Medium Density Development

Medium density development is generally considered to be development between the scale of a dwelling house and a residential flat building. This section applies to the following forms of medium density development: **dual occupancy, multi dwelling housing, attached dwellings and semi-detached dwellings**. All provisions will apply unless additional provisions are specified for a specific land use.

**Note:** If the **development** does not meet the requirements of this Section (e.g. car parking, accessibility/adaptability, **setbacks**), it may not be appropriate for the site.

### 5.1 Principle Controls

#### 5.1.1 Minimum Lot Size

The specific **objectives** are to:

- i. Ensure the **development** site is of a sufficient size and shape to achieve required **Development Control Plan** provisions (e.g. **landscaped areas**, **private open space**, car parking, **building** separation, on-site **effluent** disposal (where required), services and the like) in a practical and efficient way.
- ii. Ensure that any **lot** consolidation/ amalgamation avoids the isolation of smaller **lots** surrounded by larger **developments**.
- iii. Encourage **development** that responds to the site and surrounding streetscape characteristics.
- iv. Preserve and enhance the amenity and environmental character of the **locality** and minimise adverse impacts on residents and neighbours.



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- v. Encourage the sharing of facilities and services such as car parking and waste collection.

Performance Criteria	Acceptable Solutions
<p>P1.1 To promote good built form outcomes and the efficient utilisation of land, lot consolidation/ amalgamation avoids the isolation of smaller lots that would prevent future medium density development on those lots.</p> <p>P1.2 To create lots of an appropriate size for the purpose including:</p> <ul style="list-style-type: none"> <li>Provision for building footprint, landscaping, car parking, driveway, private recreation areas, manoeuvring on sites, setbacks, services and the like.</li> <li>Preservation of the integrity of existing or desired future streetscape and neighbourhood character to enable consistent and visually harmonious development within the locality.</li> <li>Provision of high quality amenity for residents and neighbours.</li> <li>Accommodating on-site sewage storage and disposal where a reticulated sewerage scheme is not available.</li> </ul>	<p><i>Additional Provisions - Dual Occupancy</i></p> <p>A1.1 The minimum lot size of the development site meets the requirements of Shoalhaven LEP 2014, and the following minimum standards:</p> <ul style="list-style-type: none"> <li>Dual occupancy (attached) - 500m<sup>2</sup>.</li> <li>Dual occupancy (detached) - 700m<sup>2</sup>.</li> </ul> <p><b>Note:</b> Despite A1.1 above, the minimum lot size of the existing lot for the purpose of a dual occupancy development in the R3 zone must comply with Clause 4.1B of Shoalhaven LEP 2014.</p> <p>A1.2 Minimum lot sizes, where a reticulated sewerage scheme is not available, must be increased to accommodate on-site disposal of effluent in accordance with Chapter G8: Onsite Sewage Management of this Development Control Plan.</p> <p>A1.3 A development application for a dual occupancy in the R3 Medium Density Residential zone must be accompanied by supporting written evidence to Council's satisfaction, showing that lot consolidation/amalgamation is not feasible as a result of negotiations and reasonable financial offers. Written evidence should include (not exclusively) current market valuations, letters of offer and written refusals.</p> <p><b>Note:</b> If the proposed dual occupancy is located in the R3 zone, Clause 4.1B of Shoalhaven LEP 2014 requires the applicant to satisfy Council that the amalgamation of the lot with other land in the R3 zone for the purpose of medium density development is not feasible.</p>

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Additional Provisions – Multi Dwelling Housing

A1.4 The development site for multi dwelling housing must be:

- Of an appropriate size and dimension; or

**Note:** A site may need to be a product of amalgamation with other land in the zone to be considered an appropriate size and dimension.

- Accompanied by supporting written evidence to Council's satisfaction, showing that lot consolidation/ amalgamation is not feasible as a result of negotiations and reasonable financial offers. Written evidence should include (not exclusively) current market valuations, letters of offer and written refusals.

5.1.2 Density

The specific objectives are to:

- Minimise adverse impacts of higher density development in residential areas.
- Ensure that the bulk and scale of new development is compatible with existing streetscape amenity and the existing or desired future character of the area.

Performance Criteria	Acceptable Solutions
<p>P2 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> <li>• Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</li> <li>• Sympathetic with the streetscape and complements the existing and desired future character of the area.</li> </ul>	<p>A2.1 The maximum floor space ratio or gross floor area complies with Table 1 below.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Where an area is mapped on the floor space ratio map in Shoalhaven LEP 2014, the Shoalhaven LEP 2014 provisions for these sites prevail.</li> <li>• For guidance when calculating floor space ratio (including exclusions), refer to: <ul style="list-style-type: none"> <li>- Figure 1.</li> <li>- Gross floor area definition.</li> </ul> </li> </ul>

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- Clause 4.5 of Shoalhaven LEP 2014 and Shoalhaven LEP (Jerberra Estate) 2014.
- A maximum of 50m<sup>2</sup> for the combined total garage floor area in a dual occupancy development may be excluded from the gross floor area calculation where the garages are located within the dwellings.

Table 1: Floor space ratio and gross floor area provisions

	Lot Size or Zone	Floor Space Ratio or Gross Floor Area
Dual occupancy	<1,000m <sup>2</sup>	0.5:1
Semi-detached dwellings	>1,000m <sup>2</sup> – <20,000m <sup>2</sup> (2ha)	500m <sup>2</sup>
	>20,000m <sup>2</sup> (2ha) in rural and environmental zones	600m <sup>2</sup>
Multi dwelling housing	RU5 Village	0.5:1
Attached dwellings	R1 General Residential	0.5:1
	R3 Medium Density Residential	0.7:1
	MU1 Mixed Use	0.7:1

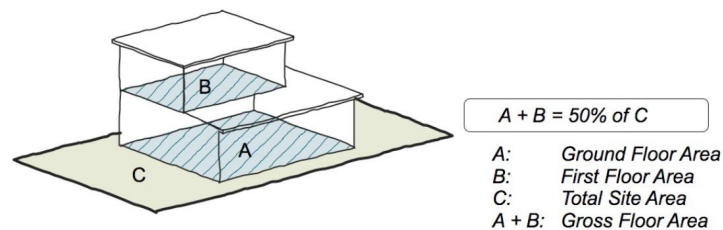


Figure 1: How to calculate floor space ratio (example FSR of 0.5:1)

### 5.1.3 Building Envelope, Heights and Setbacks

The specific objectives are to:

- i. Provide practical building envelopes for development to ensure that the height and scale of new development is not excessive, relates well to the local context/streetscape and is compatible with the existing or desired future environmental character within the locality.

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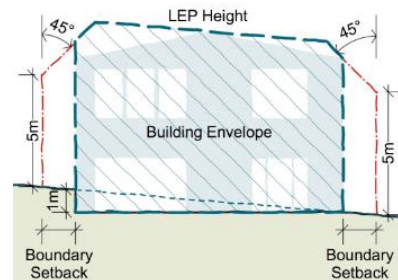
- ii. Minimise the visual impacts of elements of the **development** that exaggerate the built form and impacts negatively on desired future streetscapes.
- iii. Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted.
- iv. Allow adequate separation between **dwelling**s (within the **development**) and adjoining properties to promote natural light, solar access, ventilation, landscaping and privacy.
- v. Retain the amenity of the public domain.

**Performance Criteria**

**Acceptable Solutions**

- P3.1 The bulk and **scale** of **development** is compatible with the existing or desired future character of the area and minimises adverse amenity impacts on neighbours, the streetscape and public domain.
- P3.2 **Development** enables **view** sharing with neighbours and the public domain.

- A3.1 **Buildings** are sited within a **building envelope** determined by the following method: planes are projected at 45 degrees from a height of 5m above **ground level (existing)** at the front, side and rear boundary. See **Figure 2**.



**Figure 2: Building envelope**

**Note:**

1. Exemptions to **building envelope** encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys.
2. For site slopes greater than 10%, or involving cut, **fill** or site **excavations**, the **ground level (existing)** and proposed **building** levels must be clearly identified on the plans and verified by a registered surveyor.

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<p>P4 The height of <b>development</b>:</p> <ul style="list-style-type: none"> <li>Is compatible with the existing or desired future character of the area.</li> <li>Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.</li> <li>Relates to the land form, with minimal cut and <b>fill</b>.</li> </ul>	<p>A4.1 <b>Building heights</b> must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.</p> <p>A4.2 <b>Development</b> on wedged-shaped <b>lots</b> within <b>cul-de-sacs</b> shall maintain a single <b>dwelling</b> street presentation.</p> <p>A4.3 Any two-storey <b>dwelling</b> component is to be located to minimise the shading of adjacent <b>private open space</b>.</p> <p>A4.4 The difference in <b>building height</b> between existing <b>buildings</b> and new <b>development</b> is compatible when viewed from the public domain.</p>
<p><i>Additional Provisions - Dual Occupancy</i></p> <p>A4.5 For <b>dual occupancy (detached)</b>, the <b>dwelling</b> furthest from the street (or adjacent to a side street for a corner <b>lot</b>) shall be of single <b>storey</b> construction unless it can be demonstrated that there will be no adverse amenity impacts (i.e. overlooking and overshadowing).</p> <p>A4.6 For <b>dual occupancy development</b> on a battle-axe <b>lot</b>, both <b>dwellings</b> are to be of single <b>storey</b> construction.</p>	
<p>P5.1 The front <b>setback</b> is generally consistent with adjoining <b>development</b> and does not undermine the integrity of the prevailing <b>building lines</b>.</p> <p>P5.2 The location and siting of the <b>building</b> complements the existing <b>setbacks</b> in proximity to the site, foreshore (if applicable) and the streetscape.</p> <p>P5.3 The proposed <b>development</b> is <b>setback</b> and of a <b>scale</b> that is relative to the street reserve width, in such a way to ensure pedestrians do not feel <b>buildings</b> are overbearing.</p> <p>P5.4 <b>Setbacks</b> avoid loss of <b>view</b>, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.</p>	<p><b>Note:</b></p> <p>1. The acceptable solutions for <b>setbacks</b> may need to be increased or modified depending upon factors such as:</p> <ul style="list-style-type: none"> <li>Slope of the land.</li> <li>Requirements for <b>asset protection zones</b>.</li> <li>Foreshore <b>setbacks</b>.</li> <li>The requirement for <b>effluent</b> disposal areas to be contained wholly within the <b>lot</b> boundaries on unsewered residential <b>lots</b>.</li> <li>Location of existing <b>buildings</b>.</li> <li>The shape of the <b>lot</b>.</li> <li>Desire to create streetscape and visual interest.</li> </ul>

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- P5.5 **Setbacks** are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.
- P5.6 Adequate levels of light and ventilation to adjoining **buildings**, landscaping, services and infrastructure are protected.
- P5.7 The proposal maintains adequate provision for on-site car parking.

2. Down pipes, fascias, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, screens or sunblinds, light fittings, electricity or gas meters may encroach into the side or rear **setback**.
3. Additional **building line** and **setback** controls are included in the following Chapters of this **Development Control Plan**:
  - Chapter G6: Coastal Management Areas.
  - Chapter V2: Building Lines.
  - Chapter V3: Miscellaneous Site Specific Issues.
  - Other area specific chapters.

*Additional Provisions - Dual Occupancy*

- A5.1 **Dual occupancy development** in the R1, R2, R3 and RU5 zones shall comply with the **setback** provisions in **Table 2**, **Figure 3** and **Figure 4** below.
- A5.2 **Dual occupancy development** in the RU1, RU2, RU4, E3, E4 and R5 zones shall comply with the **setback** provisions in **Table 3** below.
- A5.3 Garages must be **setback** a further 1m behind the front **building line**.

**Additional Provisions - Multi Dwelling Housing, Attached Dwellings and Semi-detached Dwellings**

- A5.4 **Setbacks** shall comply with the provisions in **Table 4** below. Refer also to **Figure 5** and **Figure 6**.

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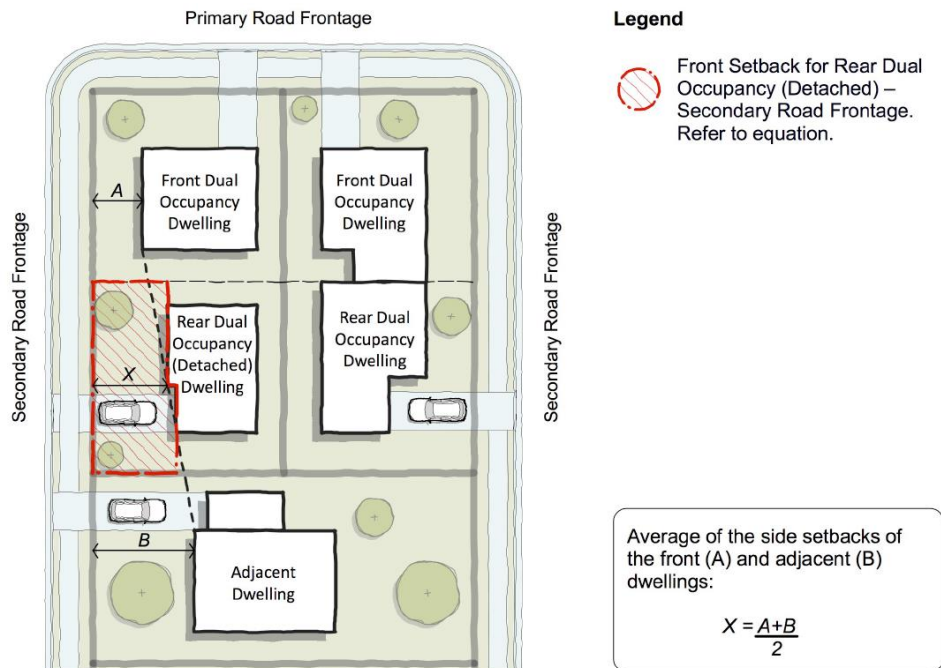


Figure 3: Setback - Rear dual occupancy (detached) dwelling (secondary road frontage)

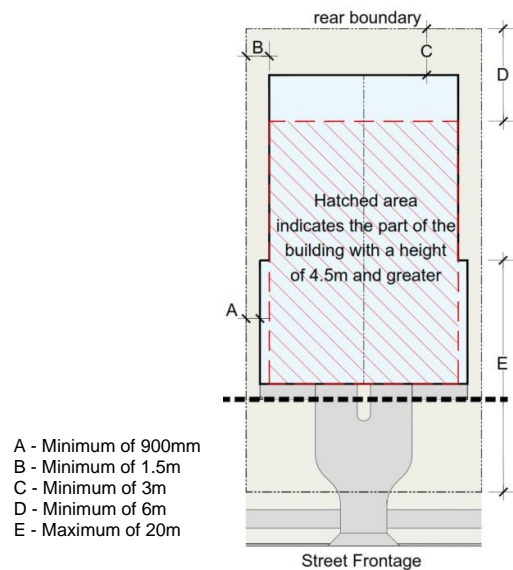


Figure 4: Setbacks to dual occupancies

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**Table 2: Setbacks for dual occupancy development in the R1, R2, R3 and RU5 Zones**

Front Setback <i>Primary road frontage</i>	Front Setback <i>Secondary road frontage (see Figure 3)</i>	Side Setback <i>No road frontage and to public reserve</i>	Side Setback <i>Secondary road frontage</i>	Rear setback	Rear/side setback to foreshore reserve
<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 5m to dwellings.</li> <li>• 4m to verandahs, patios and awnings.</li> </ul> <p>Lots 600m<sup>2</sup> - 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 6m to dwellings.</li> <li>• 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 7.5m to dwellings.</li> <li>• 6.5m to verandahs, patios and awnings.</li> </ul> <p><b>Note:</b> Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	<p>Dual occupancy (detached):</p> <ul style="list-style-type: none"> <li>• Average of the setbacks of the front and adjacent dwelling (calculation at <b>Figure 3</b>) or 5m, whichever is the lesser.</li> </ul> <p>Dual occupancy (attached):</p> <ul style="list-style-type: none"> <li>• 3m to the dwelling.</li> <li>• 5.5m to garages.</li> </ul>	<p>900mm to the part of the dwelling located within 20m of the front property boundary with a height less than 4.5m (refer to <b>Figure 4</b>).</p> <p>Where the above does not apply, 1.5m to any other part of the dwelling (refer to <b>Figure 4</b>).</p> <p>900mm to detached non-habitable outbuildings.</p>	<p>3m.</p>	<p>Single storey development (up to 4.5m in height):</p> <ul style="list-style-type: none"> <li>• 3 metres to dwelling.</li> <li>• 1.5 metres for rear dwelling on a corner lot.</li> <li>• 900mm to detached non-habitable outbuildings.</li> </ul> <p>Multiple storey development (greater than 4.5 m in height): 6m. (Refer to <b>Figure 4</b>).</p> <p>1.5m to the front dwelling in a one behind the other arrangement.</p>	<p>7.5m.</p>



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**Table 3: Setbacks for dual occupancy development in the RU1, RU2, RU4, C3, C4 and R5 zones**

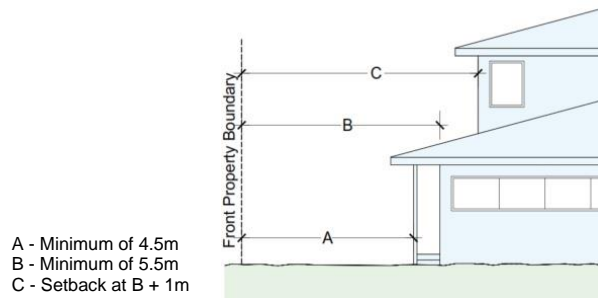
Dual occupancy development in the RU1, RU2, RU4, E3, E4 and R5 zones	<b>Front Setback</b> <i>Primary a frontage</i>	<b>Side Setback</b> <i>Secondary road frontage</i>	<b>Side Setback</b> <i>No road frontage, public reserve or right of way</i>	<b>Side Setback</b> <i>To foreshore reserve</i>	<b>Rear setback</b>
For lots up to 4,000m <sup>2</sup>	12.5m	6m	5m	7.5m	7.5m
For lots between 4,000m <sup>2</sup> and 10,000m <sup>2</sup>	20m	10m	7.5m		
For lots greater than 10,000m <sup>2</sup> (1ha)	30m	15m	10m		

**Table 4: Multi dwelling housing, attached dwellings and semi-detached dwellings.**

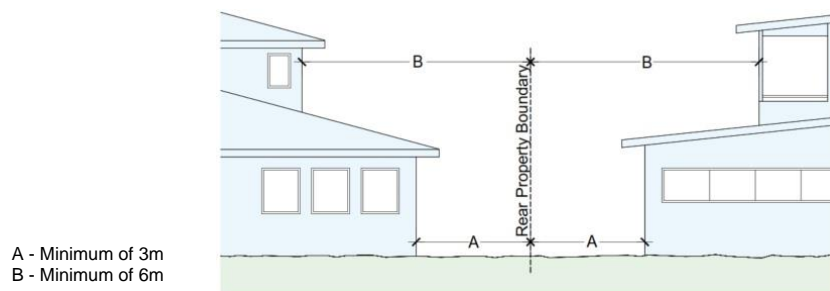
	<b>Front Setback</b> <i>Primary road frontage</i>	<b>Side Setback</b> <i>Secondary road frontage</i>	<b>Side Setback</b> <i>No road frontage and to public reserve</i>	<b>Rear setback</b> <i>Including to public reserve</i>	<b>Rear/side setback to foreshore reserve</b>
Multi dwelling housing, attached dwellings and semi-detached dwellings.	Ground level – <ul style="list-style-type: none"> <li>4.5m to verandahs, awnings and patios.</li> <li>5.5m to dwellings.</li> </ul> First storey - A further 1m from the dwelling setback at the ground level. Refer to <b>Figure 5.</b>	3m	1.5m 900mm to detached non-habitable outbuildings.	3m to the part of a dwelling up to 4.5m high. 6m to the part of the dwelling greater than 4.5m high. (Refer to <b>Figure 6.</b> ) 900mm to detached non-habitable outbuildings.	7.5m to dwellings and detached outbuildings.
<b>Note:</b> <ol style="list-style-type: none"> <li>The setback to a verandah, awning or patio is measured from the posts, or in the case of a cantilevered structure, the furthest most point.</li> <li>Setbacks to dwellings includes attached outbuildings, garages, carports and the like.</li> <li>The overall height is measured from ground level (existing) or ground level (finished), whichever is the lower.</li> </ol>					

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**Figure 5: Front Setbacks - Multi dwelling housing, attached dwellings and semi-detached dwellings**



**Figure 6: Rear setbacks - Multi dwelling housing, attached dwellings and semi-detached dwellings**

#### 5.1.4 Landscaping

The specific **objectives** are to:

- Ensure that landscaping maximises amenity for future residents, neighbouring **dwellings** and the public domain.
- Ensure the provision of adequate and appropriate landscaping that is sympathetic to the local character.

**Note:**

- Refer to Chapter G3: Landscaping Design Guidelines of this **Development Control Plan** for further information on landscaping requirements.
- In bushfire prone areas, careful plant selection is required to meet bushfire requirements for **asset protection zones**. Plant selection must be clearly specified on the landscape plan.

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Performance Criteria	Acceptable Solutions
P6.1 Sufficiently dimensioned landscaping provides amenity to residents, effective screening and enables tree and large shrub planting.	A6.1 At least 10% of the site area is to include deep soil landscaping, which: <ul style="list-style-type: none"> <li>Has a minimum dimension of 3m in any direction.</li> </ul>
P6.2 A suitably sized deep soil planting area encourages: <ul style="list-style-type: none"> <li>Mature tree and shrub growth.</li> <li>Opportunity for surface water to infiltrate naturally to groundwater.</li> </ul>	<ul style="list-style-type: none"> <li>Is not fragmented by sub-surface drainage infrastructure.</li> <li>Is provided with an automated watering system.</li> </ul>
P6.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/drainage conditions.	A6.2 In addition to the deep soil landscaping area required at A6.1, a further landscaped area of at least 20% of the site is to be provided, which: <ul style="list-style-type: none"> <li>Has a minimum dimension of 1.5m in any direction.</li> <li>Can include permeable surfaces, such as gravel, mulch, turf or similar.</li> </ul>
P6.4 Major existing trees are retained wherever practicable through appropriate siting of dwellings, structures and driveways.	
P6.5 Provision is made for appropriate street tree planting having regard to the appearance and role of the street, solar access requirements and utility services.	<p><b>Note:</b> Where required carparking and vehicle access is provided as gravel, mulch or other pervious surfaces, these areas are excluded from the minimum landscape area calculations.</p>
P6.6 The visual impact of ancillary landscaping or retaining structures is considered.	A6.3 At least 35% of the front setback is to be landscaped. A6.4 The landscaping provided at A6.1, A6.2 and A6.3 must be evenly distributed across all lots and excludes any areas used for storage, clothes drying, and water tanks. A6.5 Retaining walls greater than 0.6m within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall, for the entire length of the retaining wall.

## 5.2 Siting the Development

### 5.2.1 Local Character and Context

The specific objectives are to:

- Ensure that development enhances and makes a positive contribution to the character of existing buildings and streetscapes.

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- ii. Ensure that development is sensitive to the landscape, built form and environmental conditions of the locality, particularly where there is a distinctive character, **view** or **heritage significance**.
- iii. Retain, incorporate and sympathetically treat existing **dwelling**s or **building**s that contribute to streetscape character (including items of heritage or conservation significance).
- iv. Encourage the sharing of **view**s, while not restricting the reasonable **development** potential of a site.
- v. Minimise the impact on adjoining or adjacent properties by considering the cumulative impacts of **development** (including cluster or grouped **development**).

Performance Criteria	Acceptable Solutions
<p>P7 The <b>scale</b> and appearance of new <b>development</b> is compatible with, and sympathetic to, existing and future desired:</p> <ul style="list-style-type: none"> <li>• <b>Development</b> in the locality; and</li> <li>• Amenity and character of the locality;</li> </ul> <p>Particularly where the <b>development</b> site or its surrounds has some <b>heritage significance</b> or distinctive character.</p>	<p>A7.1 The development must consider/ address the following:</p> <ul style="list-style-type: none"> <li>• The local character/context of the area and streetscape.</li> <li>• How the proposal is sympathetic and compatible with the existing or future desired character, development, and amenity of the locality.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Note:</b> Where planning controls anticipate a change of character for an area, compatibility with the desired future character of the area should be regarded as more relevant than compatibility with the existing character.</p> </div> <ul style="list-style-type: none"> <li>• How the visual appearance and <b>articulation</b> of the <b>development</b> contributes to the existing streetscape and character of the local area.</li> </ul> <p>A7.2 The <b>development</b> must demonstrate that items of heritage or conservation significance are retained and sympathetically treated.</p>

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		<p><b>Note:</b> If the property is a <a href="#">heritage item</a>, within a <a href="#">heritage conservation area</a> or in the <a href="#">vicinity of a heritage item</a>, the applicant must comply with Clause 5.10 Heritage Conservation of Shoalhaven LEP 2014. Area Specific chapters of this <a href="#">Development Control Plan</a> may also include additional provisions relating to heritage (e.g. Kangaroo Valley, Berry, Milton).</p>
P8	Existing <a href="#">views</a> from the private or public domain (including heritage or familiar dominant landmarks that are recognised and valued by the <a href="#">community</a> ) are not substantially or unreasonably affected where it is possible to design for the sharing of <a href="#">views</a> .	<p>A8.1 Any reduction in <a href="#">views</a> from existing <a href="#">dwellings</a> or the public domain is not to be severe or devastating based on the following <a href="#">NSW Land &amp; Environment Court Planning Principles</a>:</p> <ul style="list-style-type: none"> <li>Views – General principles.</li> <li>Views - Impact on public domain views.</li> </ul>
P9	The number, location and distribution of existing and proposed <a href="#">developments</a> do not significantly alter the amenity and character of the area through concentrated localised areas of higher density <a href="#">development</a> .	<p><b>Additional Provisions - Dual Occupancy and Multi Dwelling Housing</b></p> <p>A9.1 With the exception of land in the R3 Medium Density Residential zone, the cumulative impact of the <a href="#">development</a> must be considered where:</p> <ul style="list-style-type: none"> <li>More than three (3) consecutive <a href="#">dual occupancy</a> or <a href="#">multi dwelling housing</a> developments (total, not per development type) are proposed within a street, including in a <a href="#">cul-de-sac</a>; and/or</li> <li>Neighbouring <a href="#">dual occupancies</a> or <a href="#">multi dwelling housing</a> is proposed in the head of a <a href="#">cul-de-sac</a>.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li><a href="#">Secondary dwellings</a> under State Environmental Planning Policy (Housing) 2021 are considered a <a href="#">dual occupancy</a> for the purpose of limiting clusters of <a href="#">development</a>.</li> <li><a href="#">Cul-de-sac</a> in this context also includes the entire street leading to and including the turning area of the <a href="#">cul-de-sac</a>.</li> </ul>

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- A9.2 A development application that proposes clustering of **development** must satisfy **Council** that **waste** servicing, parking and amenity considerations can be achieved.
- A9.3 **Building** design shall attempt to reduce the impact of clustering by providing individual **dwelling** architecture that is sympathetic with the existing or desired future streetscape.

**5.2.2 Orientation and Siting**

The specific **objectives** are to:

- i. Encourage the concurrent planning of the subdivision layout and the **dwelling** siting and design.
- ii. Allow flexibility in the siting of **dwellings**.
- iii. Ensure that design and site placement of **dwellings** is compatible with and enhances the existing and future streetscape.
- iv. Locate **dwellings** to ensure minimal loss of amenity (e.g. privacy, **views**, overshadowing, solar access or the like) to adjoining **development**.
- v. Achieve a site layout that provides a pleasant, attractive, manageable and resource efficient living environment.

Performance Criteria	Acceptable Solutions
P10.1 The site analysis informs the site design and layout.	A10.1 A site analysis plan is submitted with the development application which:
P10.2 The site layout integrates with the surrounding environment through: <ul style="list-style-type: none"> <li>Adequate pedestrian, cycle and vehicle links to street and open space networks.</li> <li><b>Buildings</b> that face and address streets and the public domain.</li> <li><b>Buildings</b>, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</li> </ul>	<ul style="list-style-type: none"> <li>Meets the requirements of Chapter G1: Site Analysis, Sustainable Design and Building Materials Rural, Coastal and Environmental Areas of this <b>Development Control Plan</b>.</li> <li>Clearly provides the following detail for the site and adjoining/adjacent <b>development</b>: <ul style="list-style-type: none"> <li>Height and use of <b>buildings</b>.</li> <li>Front <b>setbacks</b>.</li> <li>Driveways.</li> <li><b>Deep soil landscaping</b>.</li> <li>Boundary treatments (including retaining walls).</li> <li>Easements.</li> <li>Stormwater management.</li> </ul> </li> </ul>
P10.3 The site layout enhances personal safety and minimises potential for crime and vandalism.	

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	A10.2 The proposed site layout responds to and implements the findings of the site analysis prepared in accordance with <b>A10.1</b> .
P11.1 The frontage, entries and <b>habitable room windows</b> of <b>dwelling</b> s address the street.	A11.1 Each <b>dwelling</b> adjacent to the street frontage must: <ul style="list-style-type: none"> <li>• Address the street by having a front door facing the street at the ground level where <b>dwelling</b>s are adjacent to the <b>primary frontage</b>.</li> <li>• Ensure that any walls facing a street frontage (including <b>secondary frontages</b>) include a <b>window</b> to a <b>habitable room</b> on each level.</li> <li>• Ensure upper level <b>windows</b>, balconies or terraces overlook the public domain.</li> <li>• Provide surveillance of the street and entrance to the <b>development</b>.</li> </ul>
P11.2 The design and orientation of the <b>dwelling</b> s: <ul style="list-style-type: none"> <li>• Enhance the streetscape.</li> <li>• Complement existing <b>development</b> in the vicinity.</li> <li>• Provide visual interest.</li> <li>• Allow casual surveillance of public or communal streets or public domain.</li> </ul>	A11.2 In addition to <b>A11.1</b> and where practical, the front door of all other <b>dwelling</b> s are to be visible from the street.  <i>Additional Provisions - Dual Occupancy</i> A11.3 On corner <b>lots</b> where practicable, one <b>dwelling</b> is to address the <b>primary frontage</b> and the other <b>dwelling</b> is to address the <b>secondary frontage</b> .

**5.2.3 Vehicle and Pedestrian Access**

**Note:**

- Refer to Chapter G21: Car Parking and Traffic of this **Development Control Plan** for additional information.
- All works in the **road** reserve require approval from **Council** (s138 of the *Roads Act 1993*).
- Vehicular access (driveway and associated footpath crossing) must be designed in accordance with the relevant Australian Standards.

The specific **objectives** are to:

- Allow service vehicles access where necessary.

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- ii. Encourage driveway design that minimises visual impact **on the public domain**, stormwater runoff and retains established **trees** and vegetation.
- iii. Encourage an approach to access design that considers the site and its elements holistically (e.g. landscaping).
- iv. Provide adequate and safe vehicular and pedestrian access from the street to the site, all **dwelling**s and **parking spaces**.

Performance Criteria	Acceptable Solutions
P12.1 Access arrangements are suitable for the <b>development</b> .	A12.1 The site is designed to encourage pedestrian access by providing a continuous path of travel from the street to each dwelling.
P12.2 The design of the site and driveways, including manoeuvring areas, has regard to the safety of pedestrians, cyclists and vehicles.	A12.2 The <b>development</b> is designed to have a single access point to a <b>public road</b> unless <b>Council</b> is satisfied that separate access points would result in a better design outcome which will not result in any loss of on-street parking spaces when considering the proximity of adjoining driveways, boundaries and infrastructure.
P12.3 Multiple driveways are avoided.	
	<b>Additional Provisions - Dual Occupancy</b>
	A12.3 For corner <b>allotments</b> , each <b>dwelling</b> is to have a separate <b>road</b> presentation and driveway access.
P13.1 The visual dominance of driveways is minimised by: <ul style="list-style-type: none"> <li>The selection of paving materials e.g. decorative paving and brick banding.</li> <li>Breaking up the appearance of driveways with landscaping and screen planting.</li> </ul>	A13.1 Driveways must be designed to: <ul style="list-style-type: none"> <li>Have a maximum combined crossover width of 3 metres for driveways serving two dwellings and 5.5 metres for driveways serving three or more dwellings.</li> <li>Be all-weather and service every <b>dwelling</b>.</li> <li>Minimise the hardstand/paved footprint.</li> <li>Be setback a minimum of 0.5m from the side and/or rear boundary to accommodate appropriate landscape elements.</li> <li>Accommodate all public services and infrastructure (e.g. street gully pits).</li> </ul>
P13.2 Driveways are designed to: <ul style="list-style-type: none"> <li>Minimise the volume of stormwater runoff.</li> <li><b>Minimise impact on the public domain.</b></li> <li>Increase the area available for landscaping.</li> <li>Retain established <b>trees</b> and vegetation.</li> </ul>	



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- Accommodate public services and infrastructure.
- Avoid a gun-barrel effect down the side boundary. Where a gun-barrel driveway cannot be avoided, the driveway must be curved and landscaped to Council's satisfaction to break up the appearance of the gun-barrel design.
- A grade no greater than 20%.
- Maximise the availability of on-street parking.
- Achieve minimum sight lines for pedestrian safety in accordance with AS2890.1 (Figure 3.3).

**Note:** A long section of all driveways must be provided with the development application to demonstrate compliance with AS2890.1.

### 5.3 Amenity

#### 5.3.1 Building Separation and Visual/Acoustic Privacy

**Note:** Building separation is measured between the walls of buildings within the site and also across lot boundaries.

The specific objectives are to:

- i. Enable adequate solar access, natural ventilation and landscaped areas between dwellings.
- ii. Ensure the design of the site and buildings minimises impacts on the amenity of future and adjoining residents in relation to visual privacy, overlooking and noise.
- iii. Ensure the thoughtful location of noise generating plant, equipment and sources.

Performance Criteria	Acceptable Solutions
P14.1 Adequate separation between buildings is provided in proportion to the height and scale of the building.	A14.1 All dwellings shall be designed and orientated to minimise overlooking of adjoining/ surrounding dwellings and private open space.
P14.2 Direct overlooking of main internal living areas and private open space of other dwellings and adjoining properties is minimised by building layout, location	A14.2 Habitable windows shall not be located adjacent to a shared driveway at the ground level.

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and design of windows, balconies, screening devices, landscaping or other effective means.

**Note:**

- Direct views may be obscured by fencing, dense landscape screening (effective in 3 years), offsetting or splaying windows, 1.7m sill heights, fixed translucent glazing and/or vertical or horizontal fixed louvres or the like.
- Privacy screens can also provide a screen or visual barrier between a window of a habitable room or an outdoor area and will only be considered when building separation and orientation cannot reduce privacy impacts. Privacy screens are to be up to a maximum 1.5m high to avoid restricting minimum daylight/solar access requirements or natural ventilation.
- Refer also to the Privacy Screen Development Standards in Clause 2.62 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

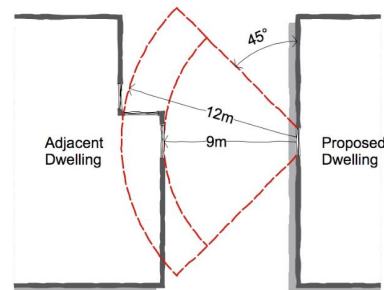
A14.3 Direct views between living area windows of adjacent dwellings shall be screened or obscured where:

- Ground and first floor windows are located within the privacy sensitive zone area, being a 9m radius from any part of the window of the adjacent dwelling (Figure 7).
- In the case of a dwelling with three or more storeys, windows are within the privacy sensitive zone described by a 12m radius (Figure 7).

A14.4 Direct views from living areas of dwellings into the principal area of private open space of adjacent dwellings shall be screened or obscured where located within a privacy sensitive zone within a 12m radius from the living area windows (Figure 8).

A14.5 Separation distances for dwellings with three or more storeys shall meet the following minimum standards:

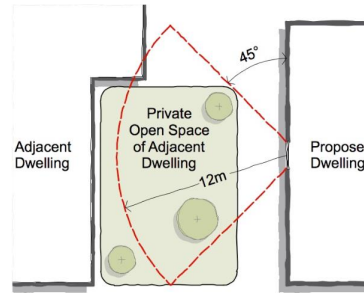
- 9m between walls with windows to habitable rooms, where adequate privacy and solar access is demonstrated.
- 12m between walls with windows to habitable rooms.



**Figure 7:** Privacy sensitive zone between living area windows

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**Figure 8:** Privacy sensitive zone from living area windows to private open space

- P15 Site layout and building design protects the amenity of residents and/or adjoining properties by minimising noise transfer and nuisance.
- A15.1 Dwellings adjacent to high levels of external noise shall be designed to minimise the entry of that noise.
- A15.2 The following shall be located away from the habitable rooms and private open space of dwellings:
- Communal swimming pools and ancillary facilities.
  - Communal open space areas.
  - Parking areas and vehicle access.
- A15.3 Shared walls and floors between dwellings shall be constructed to limit noise transmission and, where possible, bedrooms of one dwelling are not to adjoin living area or garages of adjacent dwellings.
- A15.4 All noise generating (mechanical) plant and equipment must:
- Not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
  - Be acoustically screened (where appropriate).
  - Be sited to minimise noise impacts.
  - Be located at least 3m away from bedroom windows.

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**Note:** Noise generating equipment includes, but is not limited to, air conditioning units, swimming pool filters, hot water systems, fixed vacuum systems, driveway entry shutters, plant rooms, service areas, building services and the like.

**Additional Provisions - Multi Dwelling Housing**

A15.5 Where visitor parking areas are required, they are to be located at least 3m away from bedroom windows or the affected windows are to be provided with double glazing or other suitable acoustic treatments.

**5.3.2 Solar and Daylight Access**

The specific objectives are to:

- i. Ensure that appropriate levels of solar and daylight access are provided to residents and maintained for surrounding development.

**Note:** Refer to the [NSW Land and Environment Court – Planning Principle: Sunlight – Access to Sunlight](#).

Performance Criteria	Acceptable Solutions
P16 Dwellings are sited and designed to maximise solar access to living areas and private open space of the development and surrounding development.	<p>A16.1 Dwellings are to be:</p> <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy by maximising solar access to north-facing windows.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>Designed to locate living areas and private open space on the northern side of the development and non-habitable areas to the south and west of dwellings.</li> </ul> <p>A16.2 The number of single aspect south facing dwellings shall be limited.</p>

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A16.3 Direct solar access to the following must be maintained for at least 3 hours between 9am and 3pm on 21 June:

- Existing rooftop solar systems;
- 10m<sup>2</sup> of north facing roofs where a rooftop solar system is not yet in place.

**Note:** North facing roofs are considered to be between the axes of 45° west and 45° east.

A16.4 Certain medium density development may require shadow diagrams to show the impact of shadows resulting from existing and proposed building works.

*Additional provisions – Multi dwelling housing and attached dwellings.*

A16.5 Direct solar access to living area windows and hardstand private open space areas of at least 70% of dwellings within a development is achieved for at least 3 hours between the hours of 9:00am and 3:00pm on 21 June.

**Note:** A reliable and accurate shadow diagram will be required for:

- Two storey developments, particularly development of streets running north-south.
- Development on sloping lots with south-east to south-west aspects.
- Development within the minimum setbacks to southern boundaries.

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The shadow diagram shall demonstrate compliance with the solar access requirements in this Chapter, including the location of adjacent buildings affected by shadow, as well as the location of its living areas, private open space areas and any rooftop solar systems. Rooftop solar systems may require more than 3 hours of continuous direct sunlight for proper functioning. Building design and boundary setbacks should not unreasonably compromise existing performance of rooftop solar systems on adjoining developments. New development may need to be modified to protect solar access to existing rooftop solar systems.

In determining the extent of overshadowing, the impact of fences, roof overhangs and changes in level should be taken into consideration. Where sunlight to living areas and private open space is restricted, the setbacks of the proposal may need to be increased accordingly until the minimum requirement is met.

Where a development is proposed to be staged, the completed development must meet the minimum requirements.

**5.3.3 Private Open Space**

The specific objectives are to:

- i. Ensure that the private open space provided for a dwelling is useable and meets user requirements for privacy, safety, access, active and passive outdoor recreational activities and landscaping.
- ii. Locate private open space to take account of outlook, natural features of the site, solar access and neighbouring buildings or public domain.

Performance Criteria	Acceptable Solutions
<p>P17 Private open space is:</p> <ul style="list-style-type: none"> <li>Functional and useable for residents all year round.</li> <li>Dimensioned to suit the projected requirements of the residents, and to accommodate outdoor recreational needs and service functions.</li> </ul>	<p>A17.1 A minimum area of private open space shall be provided for each dwelling in accordance with Table 5.</p> <p>A17.2 Private open space shall have direct access from a living area.</p> <p>A17.3 Where the private open space of a dwelling is provided at the ground level, it shall:</p>

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- Capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, active recreation and children's play.
- Located to take advantage of outlook and natural features of the site.
- Located to mitigate against external acoustic and visual privacy impacts.
- Designed to ensure that private open space is suitably located considering existing and potential surrounding development and the public domain.
- Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which:
  - Is setback at least 1.2m from an external boundary.
  - Has a minimum dimension of 5m x 4m, of which 50% shall be covered to provide protection from the elements.
- Have a minimum dimension of 2m for all other areas.
- Have a gradient no steeper than 1:20.
- Be adequately screened to provide privacy to residents.
- Not be wet for prolonged periods following rainfall.

**Note:** The usable private open space area excludes obstructions such as stairs, storage areas, clothes drying facilities, bin storage areas, hot water systems, effluent disposal, stormwater infrastructure, above ground rainwater tanks and the like.

A17.4 Where the private open space of a dwelling is provided at an upper level, it shall:

- Have a minimum dimension of 2.4m in any direction and 50% shall be covered, to provide protection from the elements.
- Be adequately screened to provide privacy to residents.

A17.5 Private open space areas including courtyards, upper-level balconies and decks must not extend further than 1m forward of the front building line.

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Table 5: Private open space provisions

	Private Open Space for dwellings with a ground floor component	Private Open Space for dwellings without a ground floor component <i>Example: Upper floor dwellings in a manor house or 'one above the other' dual occupancy development</i>
Dual occupancy Semi-detached dwellings	50m <sup>2</sup> or 50% of the gross floor area, whichever is the lesser	<ul style="list-style-type: none"> <li>Studio/1bed – 10m<sup>2</sup></li> <li>2 bed – 14m<sup>2</sup></li> <li>3+ beds – min 18m<sup>2</sup></li> </ul>
Multi dwelling housing Attached dwellings	35m <sup>2</sup>	

### 5.3.4 Storage and Laundry Facilities

The specific objectives are to:

- Improve the functionality of dwellings by ensuring adequate storage areas are provided.
- Ensure that the location of storage areas does not impact on amenity, accessibility or the functionality of other spaces associated with the dwelling.
- Ensure laundry and clothes drying facilities are integrated into the development, can be conveniently reached, require minimal maintenance and do not detrimentally impact the streetscape.
- Ensure internal storage of an appropriate size is provided to each dwelling.

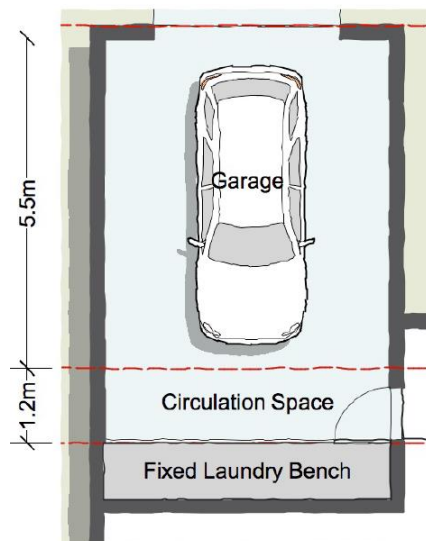
Performance Criteria	Acceptable Solutions
<p>P18.1 External clothes drying facilities are provided for each dwelling that are:</p> <ul style="list-style-type: none"> <li>Adequate and easily accessible.</li> <li>Well located.</li> <li>Visually screened from the public domain.</li> </ul> <p>P18.2 A laundry is provided within each dwelling.</p>	<p>A18.1 Separate laundry and external clothes drying facilities shall be provided for each dwelling.</p> <p>A18.2 External clothes drying facilities are to be:</p> <ul style="list-style-type: none"> <li>Provided at a rate of 16m of line per dwelling.</li> <li>Located behind the front building line.</li> <li>Screened from view from the public domain.</li> </ul>



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| <p>P19 Adequate space is provided to accommodate the laundry facilities, vehicle/s and associated circulation space in a garage.</p>                                   | <p>A19.1 Where laundry facilities are provided in a garage, a clear space of at least 1.2m must be provided between any fixed laundry benches/appliances and the car space (minimum of 5.5m long) as shown in <b>Figure 9</b>.</p>   |
| <p>P20.1 Adequate, well-designed storage areas are provided for each dwelling.</p> <p>P20.2 Storage areas are sympathetically integrated into the building design.</p> | <p>A20.1 In addition to storage in kitchens, bathrooms and bedrooms, the following storage <b>must be provided</b> per dwelling:</p> <ul style="list-style-type: none"> <li>• 1 bed: 6m<sup>3</sup>.</li> <li>• 2 bed: 8m<sup>3</sup>.</li> <li>• 3+ bed: 10m<sup>3</sup>.</li> </ul> <p>A20.2 Storage areas not located in a dwelling are to be secure and clearly allocated to specific dwellings if in a common area.</p> <p>A20.3 Where located in a garage or basement car park, storage areas must not encroach upon allocated car parking spaces.</p> |



**Figure 9: Circulation space required for laundry facilities in garages.**

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### 5.3.5 Car and Bicycle Parking

The specific objectives are to:

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.

Performance Criteria	Acceptable Solutions
P21 Parking is suitable for the development and is not visually prominent.	<p>A21.1 Car parking is:</p> <ul style="list-style-type: none"> <li>• Provided in accordance with Chapter G21: Car Parking and Traffic of this Development Control Plan.</li> <li>• Wholly accommodated within the site.</li> </ul> <p><b>Note:</b> Bedrooms and rooms capable of adaptation for bedrooms (e.g. study, media room) will be counted for parking and contributions requirements.</p> <p>A21.2 For open car spaces, the maximum allowable grades are:</p> <ul style="list-style-type: none"> <li>• Longitudinal - 5%.</li> <li>• Cross fall - 6.25%.</li> </ul> <p>A21.3 The minimum internal dimensions of garages shall be:</p> <ul style="list-style-type: none"> <li>• 6m (depth) x 3m (width) for a single garage.</li> <li>• 6m (depth) x 6m (width) for a double garage.</li> </ul> <p><b>Additional Provisions - Multi Dwelling Housing</b></p> <p>A21.4 Secure undercover bicycle parking/storage shall be provided at a rate of 1 bicycle per dwelling.</p> <p><b>Note:</b> This space may be included in the storage space required at A20.1 and A20.2.</p> <p>A21.5 Car parking is to be located behind the front building line.</p>

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<p>P22 Car parking arrangements are suitable for, and consider, the surrounding road network.</p>	<p><i>Additional Provisions - Dual Occupancy</i></p> <p>A22.1 To mitigate the adverse impacts on the surrounding road network, tandem parking in a dual occupancy development shall be limited to access streets and laneways only.</p> <p>A22.2 Where tandem parking is proposed within the front setback, the setback must be increased to at least 5.5m to promote accessibility and accommodate the front vehicle wholly within the site.</p> <p>A22.3 A vehicle parked in a tandem parking space must not impede access to an approved parking space for another dwelling.</p>
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## 5.4 Configuration and Design

### 5.4.1 Building Form, Design and Materials

The specific objectives are to:

- Ensure the provision of low maintenance development that will retain an attractive appearance.
- Ensure that new development enhances and makes a positive contribution to the character of existing buildings and streetscapes and reinforces the built form and environmental conditions of the locality.
- Ensure that in rural/environmental areas or areas of scenic value, buildings complement the existing landscape value rather than detracting from it, particularly where visible from public vantage points.
- Ensure mailboxes are designed to be conveniently reached and require minimal maintenance.

Performance Criteria	Acceptable Solutions
<p>P23.1 A dual occupancy (attached) appears as a single dwelling.</p>	<p><i>Additional Provisions - Dual Occupancy (Attached)</i></p>
<p>P23.2 Within rural and environmental protection zones, buildings are of a size and bulk that is compatible with the surrounding rural or environmental context in which they are located.</p>	<p>A23.1 A dual occupancy (attached) is physically attached by a shared wall or connected by a roofed over structure that provides an all-weather link between the dwellings, and integrates the total development giving the outward appearance of a single dwelling. A covered walkway/breezeway will not be supported as an attachment.</p>

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	<p>A23.2 In the RU1, RU2, RU4, E3, E4 and RU5 zones and in addition to <b>A23.1</b>, both <b>dwelling</b>s must form an integrated <b>building</b> design. The linkage shall form part of the roofline and result in a continuous roof profile with identical pitch and continuity of design for the whole <b>building</b>.</p> <p>A23.3 Despite <b>A23.2</b>, any extension to an existing <b>dwelling</b> to enable a <b>dual occupancy (attached)</b> in the RU1, RU2, RU4, E3, E4 and RU5 zones must have a compatible design relationship with the existing <b>dwelling</b>. This shall be characterised by a continuous or complementary roof profile with similar pitch and continuity of design for the whole <b>building</b>.</p>
<p>P24.1 The selection of <b>building</b> materials and design complements existing <b>development</b>, and is sympathetic to the streetscape and existing landscape.</p> <p>P24.2 Roof treatments are integrated into the <b>building</b> design and make a positive contribution to the streetscape.</p> <p>P24.3 <b>Building</b> walls use modulation and <b>articulation</b>, and are limited in length to minimise massing and bulk issues as well as impact on neighbours and the public domain/streetscape.</p> <p>P24.4 The <b>building</b> design, detailing and finish provide an appropriate <b>scale</b> to the street, add visual interest and enable differentiation between <b>dwelling</b>s when viewed from the public domain.</p> <p>P24.5 External metallic wall and roof materials are suitable and minimise reflectivity.</p> <p>P24.6 The <b>development</b> incorporates passive environmental design.</p>	<p>A24.1 New <b>development</b>, including alterations and additions, shall complement existing built form and be sympathetic to the streetscape.</p> <p>A24.2 Roof design is to be integrated harmoniously with the overall <b>building</b> form through the incorporation of:</p> <ul style="list-style-type: none"> <li>• Complimentary <b>building</b> materials.</li> <li>• Design proportionate to overall <b>building</b> size, <b>scale</b> and form.</li> <li>• Balanced composition of solid and void elements.</li> <li>• Integration of service elements.</li> </ul> <p>A24.3 <b>Building</b> design shall use detail, modulation and <b>articulation</b> of <b>building</b> elements to:</p> <ul style="list-style-type: none"> <li>• Enable each <b>dwelling</b> to be identified from a <b>public road</b>.</li> <li>• Articulate facades and to minimise the length of unbroken walls and glazed areas.</li> </ul> <p>A24.4 <b>Buildings</b> shall have a maximum unarticulated length of 15m to a public street frontage.</p> <p>A24.5 In rural/environmental areas or areas of scenic value, the external <b>building</b> materials and colours are to blend with the surrounding landscape.</p>

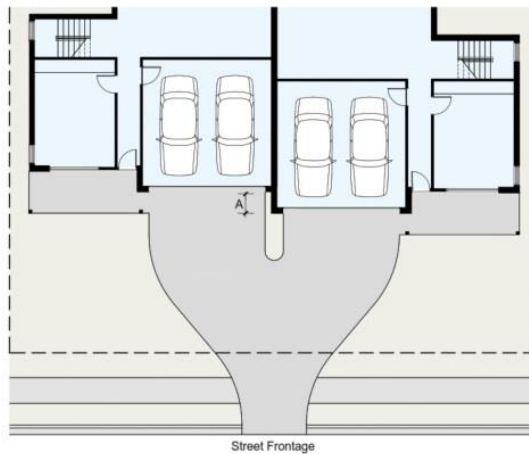
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	<p>A24.6 External metallic walls and roof surfaces shall consist of colours and finishes that will minimise the reflectivity of the surface when viewed from the public domain or another dwelling.</p>
	<p><i>Additional Provisions - Dual Occupancy</i></p>
	<p>A24.7 Variation to each dwelling must be provided to present different but compatible design elements.</p>
	<p>A24.8 Mirror reversed facades fronting the street are to be avoided.</p>
	<p>A24.9 Both dwellings in a dual occupancy (attached) shall be constructed using the same materials and colours. Where a second dwelling is attached to an existing dwelling, similar materials and colours shall be used if identical materials are unavailable.</p>
<p>P25 Garages and parking structures are sited and designed to:</p> <ul style="list-style-type: none"> <li>• Add visual interest.</li> <li>• Provide opportunity for passive surveillance.</li> <li>• Not dominate the street frontage.</li> </ul>	<p>A25.1 Garages are compatible with design of the building.</p> <p><i>Additional Provisions - Dual Occupancy</i></p> <p>A25.2 Where the garage door or doors face the street, the cumulative width must not exceed 50% of the building façade.</p> <p>A25.3 Where double garages are side by side facing the street, one double garage is further setback by at least 1 metre as shown in Figure 10.</p>

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A - Minimum of 1m

Figure 10: Example of indented side-by-side double garages

P26 Mailboxes, numbering and external storage facilities, as well as associated signage, are sited and designed for attractive visual appearance and efficient and convenient use.

A26.1 Individual mailboxes shall be located close to each dwelling entry, or a mailbox structure located close to the major pedestrian entry to the site, that complies with the requirements of Australia Post.

A26.2 Adequate numbering system and signage is to be provided.

#### 5.4.2 Fences and Walls

**Note:**

- Certain fencing is considered exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If the proposal does not meet the exempt criteria, consent is required from Council and the proposal is to comply with the standards below.
- Figure 13 illustrates examples of good fence design.

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The specific **objectives** are to:

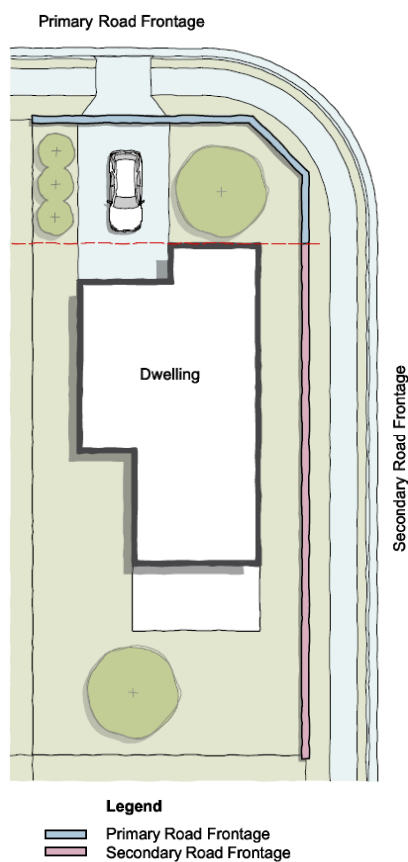
- i. To ensure boundary fencing is of a high quality, promotes safety and surveillance and does not detract from the streetscape or public domain.

Performance Criteria	Acceptable Solutions
<p>P27.1 Front <b>fences</b> and <b>walls</b>:</p> <ul style="list-style-type: none"> <li>• Enable some outlook from <b>buildings</b> to the street for safety and surveillance.</li> <li>• Do not impede the safety of pedestrians and cyclists with the movement of vehicles between the property and the roadway.</li> <li>• Avoid negatively impacting on the aesthetic and spatial quality of the street.</li> <li>• Assist in highlighting entrances and in creating a sense of communal identity within the streetscape.</li> <li>• Are designed and detailed to provide visual interest to the streetscape.</li> <li>• Are constructed of materials compatible with the proposed <b>development</b> and with examples of <b>fences</b> and <b>walls</b> in the streetscape to offer a sense of continuity.</li> <li>• Are compatible with facilities in the street frontage area, such as mailboxes and <b>waste collection areas</b>.</li> <li>• Do not impede safe sight distances for <b>road</b> users and pedestrians along the adjoining roadway.</li> </ul> <p>P27.2 The use and/or design of <b>fences</b> and <b>walls</b> in streetscapes of significance are appropriate to the heritage or environmental context.</p>	<p>A27.1 Front <b>fences</b> and <b>walls</b> along the <b>primary frontage</b> (see <b>Figure 11</b>), shall be no higher than 1.2m (averaged for sloping sites).</p> <p>A27.2 On a corner <b>lot</b>, the <b>fence</b> or <b>wall</b> along the <b>secondary frontage</b>, behind the front <b>building line</b> (see <b>Figure 11</b>), shall be no higher than 1.8m.</p> <p>A27.3 Despite <b>A27.2</b>, the front <b>fence</b> or <b>wall</b> for a rear <b>dual occupancy dwelling</b> on a corner <b>lot</b> shall be no higher than 1.2m (see <b>Figure 12</b>).</p> <p>A27.4 A <b>fence</b> or <b>wall</b> along a primary or <b>secondary frontage</b> must contain:</p> <ul style="list-style-type: none"> <li>• Open elements that make it at least 50% transparent; or</li> <li>• Where there are solid panels, articulated elements such as landscape screening, <b>setbacks</b> and varied materials.</li> </ul> <p>A27.5 Despite <b>A27.1</b> and <b>A27.3</b>, front <b>fences</b> and <b>walls</b> higher than 1.2m will only be supported where all the following is satisfied:</p> <ul style="list-style-type: none"> <li>• The site is located on a <b>classified road</b> with high traffic volumes.</li> <li>• The site is not located in an area with an established heritage character.</li> <li>• The <b>fence</b> and/or <b>wall</b> does not exceed 10m in length without some <b>articulation</b> or detailing to provide visual interest.</li> <li>• Landscape planting is included within a 1.5m <b>setback</b> between the <b>fence/wall</b> and the boundary to achieve mature heights of at least 1.5m.</li> </ul>

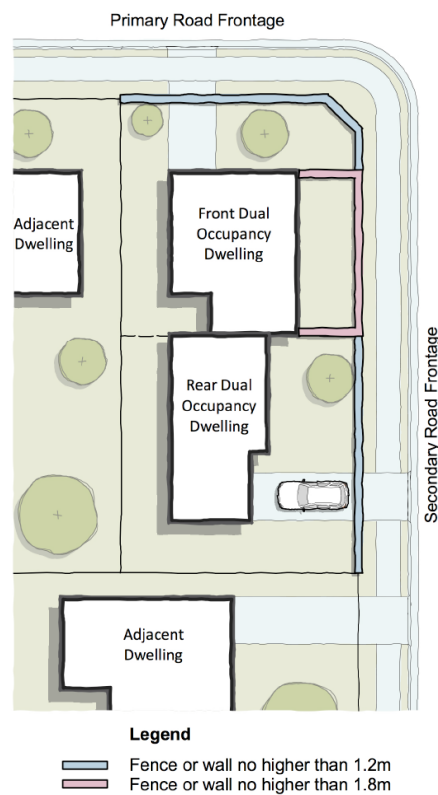
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- A27.6 Fences and walls along a **primary** or **secondary frontage** shall maintain appropriate sight distances for **road** users and pedestrians in accordance with the relevant Australian Standards.
- A27.7 The design and materials of front **fences** or **walls** is to be compatible with the surrounding streetscape.
- A27.8 Solid metal fencing shall not be erected along a **primary** or **secondary frontage**.



**Figure 11:** Primary and secondary frontages for fencing



**Figure 12:** Fencing for dual occupancy development on a corner lot



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Figure 13: Examples of good fence design

### 5.4.3 Universal Design

The specific objectives are to:

- i. Ensure a suitable proportion and wider variety of dwellings include layouts and design features to accommodate the changing access and mobility requirements of residents and visitors.
- ii. Promote ageing in place by extending the usability of dwellings to meet 'whole of life' needs of the community.

Performance Criteria	Acceptable Solutions
P28 Development provides an appropriate proportion of easily accessible homes and homes designed to be 'easily and affordably' adapted.	A28.1 Within multi dwelling housing development, 10% of all dwellings (rounded up) must be designed to be capable of adaption for disabled or elderly residents in accordance with AS4299:1995.

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A28.2	All class 1a and 2 developments, as defined in the <a href="#">Building Code of Australia</a> shall provide a minimum of 50% of dwellings that meet the minimum accessibility requirements of the <a href="#">Livable Housing Design Standard</a> . This can be inclusive of dwellings designed to be adaptable in accordance with <b>A28.1</b> .
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## 5.5 Environment

### 5.5.1 Water Management and Conservation

**Note:** Refer to Chapter G2: Sustainable Stormwater Management and Erosion Sediment Control of the [Development Control Plan](#) for further information on stormwater management, and erosion and sediment control.

The specific [objectives](#) are to:

- Ensure the protection of public health, surrounding land and the natural environment including soils, groundwater and surface waters.
- Encourage harvesting of rainwater and the incorporation of pervious areas.

Performance Criteria	Acceptable Solutions
<p>P29 Stormwater is appropriately accommodated in the design including:</p> <ul style="list-style-type: none"> <li>Stormwater from roofed areas is collected, stored and/ or conveyed to appropriate discharge points or disposal areas.</li> <li>Paved areas associated with <a href="#">buildings</a> and driveways are graded and drained to minimise the discharge of surface water onto adjoining land.</li> <li>Permeable areas are utilised to reduce stormwater runoff.</li> </ul>	<p>A29.1 Roof water is to be collected by gutter and downpipe systems, or other equivalent means, and conveyed to an approved discharge point in accordance with the requirements of Part 3.1.2 of the <a href="#">Building Code of Australia</a>. This could be:</p> <ol style="list-style-type: none"> <li>A gutter or table drain in a <a href="#">road</a> reserve, or</li> <li>A stormwater easement or easement to drain water, or</li> <li>A disposal/absorption trench, where (a) and (b) above are not available, and soil conditions are suitable, or</li> <li>A water tank / on-site detention system with an overflow connected</li> </ol>

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	to a disposal method in (a), (b) or (c) above.
A29.2	Surface water from paved areas including driveways is to be directed to an approved discharge point (see <b>A29.1</b> ) that avoids impact on adjoining land.
	<b>Note:</b> The method selected for the discharge point in <b>A29.1</b> and <b>A29.2</b> above will be assessed against the suitability and hydraulic capability including pipe size and/or soil type.

**5.5.2 Servicing**

The specific objectives are to:

- i. Ensure residential areas are provided with essential services in a timely, cost effective and efficient manner.

Performance Criteria	Acceptable Solutions
P30.1 Development is adequately and safely serviced.	A30.1 Services and utilities including electricity, gas, water, sewer, roads and drainage must be available for the initial development and ongoing development needs.
P30.2 The design and provision of public utilities, including sewerage, water, electricity, street lighting, telecommunication/ internet and gas services conform to the cost-effective performance measures of the relevant servicing authority.	A30.2 Where connection to the services outlined in <b>A30.1</b> is not available, the development application must provide alternatives to Council's satisfaction.
P30.3 Compatible public utility services are co-ordinated in common trenching in order to minimise construction costs for underground services.	<b>Note:</b> Refer to Chapter G8: Onsite Sewage Management of this Development Control Plan for further details on the management of sewerage in areas without reticulated services.
P30.4 Water supply for domestic and firefighting purposes is appropriate for the location and development type.	A30.3 Individual water meters will be required to assist the individual billing of each dwelling.
	<i>Additional Provisions - Dual Occupancy</i>
	A30.4 In the case of dual occupancy (detached), the electricity service to the dwelling furthest from the street is to be underground (excluding corner lots).

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**5.5.3 Waste Management**

The specific **objectives** are to:

- i. Ensure **waste storage and recycling areas** are designed to be conveniently reached and require minimal maintenance.
- ii. Ensure **waste storage and recycling areas** are attractive and compliment the streetscape.
- iii. Ensure appropriate kerbside frontage is provided for bin presentation and collection.

Performance Criteria	Acceptable Solutions
<p>P31.1 Bin storage, presentation and collection arrangements:</p> <ul style="list-style-type: none"> <li>Are appropriate for the nature of the <b>development</b>.</li> <li>Consider site configuration and adequate street frontage, especially <b>lots</b> at the head of <b>cul-de-sacs</b> and battle-axe <b>lots</b>.</li> </ul> <p>P31.2 Bin storage is sited and designed for attractive visual appearance and for efficient and convenient use.</p>	<p>A31.1 For each <b>dwelling</b> in a <b>development</b>, the kerbside frontage required for <b>waste</b> collection is at least 1m per bin, 0.5m separation between bins and 1m behind each bin.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><b>Note:</b> If kerbside bin collection is not a suitable option, alternative <b>waste</b> collection options must be considered including an onsite storage and <b>collection area</b> (including safe access and/or turning circle). Refer to Chapter G7: Waste Minimisation and Management Controls of this <b>Development Control Plan</b> for more information.</p> </div> <p>A31.2 Bin storage area/s are required and must be identified on the site plan for all <b>developments</b>, regardless of whether <b>waste</b> is collected from the kerbside or via alternative <b>waste</b> servicing options.</p> <p>A31.3 Bin storage areas must be located behind the front <b>building line</b> and where visible from the street, must be appropriately screened to conceal the contents from the public domain and adjacent properties.</p> <p>A31.4 Where a bin storage area is also the <b>waste collection area</b> or where a communal <b>waste storage and recycling area</b> is provided, it shall be:</p> <ul style="list-style-type: none"> <li>Provided with a water tap for wash down purposes and drained to connect to the main sewer.</li> <li>Roofed to comply with <b>Council's</b> requirements.</li> </ul>

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	<ul style="list-style-type: none"> <li>Readily accessible from within the site and serviceable from the adjoining roadway.</li> </ul>
A31.5	Bins must be able to be easily manoeuvred from the bin storage area for presentation at the kerbside.
A31.6	Waste servicing must comply with the NSW EPA <a href="#">Better practice guide for resource recovery in residential developments</a> .

## 6 Residential Flat Buildings and Shop Top Housing

This Section applies to [residential flat buildings](#) and [shop top housing](#). The specific objectives are to:

- Increase the supply and diversity of [dwelling](#) types across Shoalhaven.
- Make efficient use of existing infrastructure and services.
- Feature good design.
- Ensure that the open space provided for [dwellings](#) is useable and meets user requirements for privacy, safety, access, outdoor activities and landscaping.
- Locate open spaces to take account of outlook, natural features of the site, solar access and neighbouring [buildings](#) or public domain.

Performance Criteria	Acceptable Solutions
P32.1 <a href="#">Development</a> responds appropriately to the character of the area, landscape setting and surrounding built form.	A32.1 The <a href="#">development</a> is designed in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.
P32.2 <a href="#">Development</a> is liveable, protects surrounding amenity and promotes resident amenity.	A32.2 Where SEPP 65 does not apply (see clause 4 of SEPP 65), the <a href="#">development</a> must be designed in accordance with the Apartment Design Guide.
P33 Telecommunications/TV antennas do not detract from the streetscape.	A33.1 Only one telecommunications/TV antenna will be permitted per <a href="#">building</a> . Where possible, common antennas shall be utilised.

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## 7 Housing for Seniors or People with a Disability

This Section applies to [seniors housing](#) and housing for people with a disability. The specific [objectives](#) are to encourage the provision of housing (including [residential care facilities](#)) that will:

- i. Increase the supply and diversity of residences that meet the needs of seniors or people with a disability.
- ii. Make efficient use of existing infrastructure and services.
- iii. Feature good design.

Performance Criteria	Acceptable Solutions
P34.1 The <a href="#">development</a> is designed for use by seniors or people with a disability.	A34.1 The <a href="#">development</a> is designed in accordance with <a href="#">Part 5 of State Environmental Planning Policy (Housing) 2021</a> and the <a href="#">Seniors Housing Guidelines</a> .
P34.2 The <a href="#">development</a> does not adversely impact on the amenity of adjoining <a href="#">development</a> .	

## 8 Boarding Houses, Group Homes and Hostels

This Section applies to [boarding houses](#), [group homes](#) and [hostels](#). The specific [objectives](#) are to encourage the provision of housing that will:

- i. Increase the supply and diversity of [affordable housing](#).
- ii. Make efficient use of existing infrastructure and services.
- iii. Feature good design.

Performance Criteria	Acceptable Solutions
P35 <a href="#">Boarding houses</a> are designed to be compatible with surrounding <a href="#">development</a> and caters for the amenity of residents.	A35.1 The <a href="#">boarding house</a> is designed in accordance with Part 2 Division 2 of State Environmental Planning Policy (Housing) 2021.
P36 <a href="#">Group homes</a> are designed to provide for the needs of people with a disability or who are socially disadvantaged.	A36.1 The <a href="#">group home</a> is designed in accordance with the relevant parts State Environmental Planning Policy (Housing) 2021.
P37 <a href="#">Hostels</a> are designed to be compatible with surrounding <a href="#">development</a> , liveable, protect surrounding amenity and promote resident amenity.	A37.1 The <a href="#">hostel</a> accommodation is designed in accordance with the relevant parts of State Environmental Planning Policy (Housing) 2021.

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## 9 Manor Houses and Multi Dwelling Housing (Terraces)

This Section applies to the re-building of **Manor houses** and **Multi dwelling housing (terraces)** originally approved under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, that have been damaged or destroyed by natural disaster.

The specific **objective** is to:

- i. Enable repair or replacement of lawfully erected **Manor houses** and **Multi dwelling housing (terraces)** that have been damaged or destroyed by natural disaster.

Performance Criteria	Acceptable Solutions
P38 <b>Manor houses and multi dwelling housing (terraces) development is compatible with surrounding development, protects surrounding amenity and minimises impacts on neighbours, the streetscape and the public domain.</b>	<p>A38.1 A <b>Manor house</b> is designed in accordance with Part 3B Division 1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>A38.2 <b>Multi dwelling housing (terraces)</b> is designed in accordance with Part 3B Division 4 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Note:</b> Where a proposal does not meet the development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Council will require proponents to demonstrate consistency with the relevant performance criteria within Section 5 of this Chapter.</p>

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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 the applicant may be required to consider other legislation, policies and documents with the development application.

<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• Shoalhaven Contributions Plan</li> </ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• Access to Premises Standard</li> <li>• Apartment Design Guide</li> <li>• <a href="#">Building Code of Australia</a></li> <li>• <a href="#">Livable Housing Design Standard</a></li> <li>• NSW Land and Environment Court Planning Principles</li> <li>• Relevant Australia Standards</li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Disability Discrimination Act 1992</li> <li>• Roads Act 1993</li> <li>• State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development</li> <li>• <a href="#">SEPP (Housing) 2021</a></li> <li>• SEPP (Building Sustainability Index: BASIX) 2004</li> <li>• SEPP (Exempt and Complying Development Codes) 2008</li> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• Shoalhaven Local Environmental Plan (Jerberra Estate) 2014</li> </ul>



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**Table of Changes**

Existing Section	Category	Recommended Change	Reason
Throughout	Deletion, Addition	Remove reference to “State Environmental Planning Policy (Affordable Rental Housing) 2009” and “State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004” with “State Environmental Planning Policy (Housing) 2021.”	To reflect the implementation of the new (consolidated) State Environmental Planning Policy (Housing) 2021 and State Environmental Planning Policy (Transport and Infrastructure) 2021, as well as the new Local Government Regulations.
	Amendment	Replace “State Environmental Planning Policy (Infrastructure) 2007” with “State Environmental Planning Policy (Transport and Infrastructure) 2021”.  Replace Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 with 2021 date.	
		Changes references to “B” Business zones to “E” Employment and “MU” Mixed Use zones.	To reflect the NSW Government’s Employment Zone Reform changes that commenced in April 2023.
Section 5.1	Deletion	Remove reference to “Multi Dwelling Housing (Terraces)”, “Manor Houses” and “Integrated housing development”.	These land uses are not defined within SLEP 2014. Recent government reforms, recent changes to SLEP 2014 and the changes proposed to Chapter G13 as part of this Amendment have clarified/adjusted the approval mechanisms and associated provisions for these uses.  Opportunities for these land uses can be explored via through the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 approval pathway.
	Consolidation, Additions, Deletion	Consolidate the following land uses into a new category: <ul style="list-style-type: none"> <li>Attached dwellings (fronting a public road).</li> <li>Dual occupancy.</li> <li>Semi-detached dwellings.</li> </ul> Insert the following in the note column: At least one parking space for each	The proposed changes seek to respond to the following community concerns regarding: <ul style="list-style-type: none"> <li>Provision of adequate parking and on-site circulation.</li> <li>Minimisation of impacts on adjoining dwellings and character of an area.</li> </ul>

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Existing Section	Category	Recommended Change	Reason
		<p>dwelling with up to three bedrooms must be provided behind the building line.</p> <p>At least two parking spaces for each dwelling containing four or more bedrooms must be provided behind the building line.</p> <p>Retain existing:</p> <ul style="list-style-type: none"> <li>Parking rates.</li> <li>Definition of a bedroom.</li> </ul>	<ul style="list-style-type: none"> <li>Safety impacts from vehicle movements on local streets.</li> <li>Provision of visitor parking for uses that have a significant demand for carparking.</li> </ul> <p>The above is more easily achieved by consolidating the land uses into groupings with similar characteristics and parking needs/demands.</p>
		<p>Consolidate the following land uses into a new category:</p> <ul style="list-style-type: none"> <li>Attached dwellings (not fronting a public road).</li> <li>Multi dwelling housing.</li> <li>Residential flat buildings.</li> <li>Shop top housing.</li> </ul> <p>Insert visitor parking requirements.</p> <p>Retain existing:</p> <ul style="list-style-type: none"> <li>Parking rates.</li> <li>Definition of a bedroom.</li> <li>Merit consideration of the arrangement and layout of the required parking.</li> </ul>	
		<p>Consolidate the following land uses into a new category:</p> <ul style="list-style-type: none"> <li>Boarding house.</li> <li>Group homes.</li> <li>Hostels.</li> <li>Seniors Housing.</li> </ul> <p>Insert requirement that the parking is to be consistent with requirements of State Environmental Planning Policy (Housing) 2021.</p> <p>Delete all other existing commentary relating to these uses.</p>	
	Deletion	<p>Remove the following provision that currently relates to the majority of medium density land uses:</p> <p>“The parking rates specified above includes visitor spaces. At least one space per dwelling should be provided for the sole benefit of each dwelling. Any parking on site exceeding the minimum requirements is to be provided as visitor spaces”</p>	<p>The proposed new visitor parking rates above negate the need for this provision.</p> <p>Development types that cause the greatest impacts to adjoining dwellings and the character of an area should provide adequate on-site vehicle parking.</p>

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Existing Section	Category	Recommended Change	Reason
	Deletion	Remove the following note that currently relates to the majority of medium density land uses: “Visitor parking within new developments may be catered for within driveways of individual dwellings where it can be demonstrated that other dwellings within the complex are not impacted upon. Alternatively, visitor parking may be provided on a communal basis and upon common property.”	Parking within driveways of individual dwellings is generally not a good outcome, especially for larger medium density developments. This change ensures consistency with the controls relating to carparking and access within Chapter G13. The related provision notes that the location arrangement and layout of the required parking will be considered on merit. This is considered a better procedure as it considers the development in its context.
	Deletion and addition	Insert the following note in the notes column applying to the following land uses: <ul style="list-style-type: none"> <li>• Attached dwellings (not fronting a public road)</li> <li>• Multi dwelling housing</li> <li>• Residential flat buildings</li> <li>• Shop top housing</li> </ul> “Where the development is located within 400m (measured along an existing pedestrian path of travel) of a traditional retail centre identified in Section 5.2.2 of this Chapter and where more than 50 publicly accessible carparking spaces are available in that centre, the visitor parking provision may be reduced on merit.”	To incentivise compact and diverse housing close to town centres which is consistent with the following: <ul style="list-style-type: none"> <li>• NSW Government’s Urban Design Guide for Regional Areas: <ul style="list-style-type: none"> <li>- Prioritise connectivity, walkability, and cycling opportunities.</li> <li>- Balancing urban growth.</li> </ul> </li> <li>• Shoalhaven Local Strategic Planning Statement’s Planning Priority 1: Providing homes to meet all needs and lifestyles.</li> </ul>
Sections 5.2.5	Amendment	Insert the word “commercial” after “discretion”.	To ensure residential carparking provision is not reduced. End user facilities are not normally associated with residential development of this nature.
5.3	Amendment	Reword A1.2 to remove as follows: Where a loss of on-street car parking is directly related to a proposed development, these spaces are to be replaced on site.	To respond to community concerns regarding the loss of on-street parking.
		Reword A3.1 as follows: Electrical conduits for electric vehicle charging shall be installed for each dwelling where the development proposes three or more dwellings to facilitate cost	To increase clarity and apply to all dwellings.

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Existing Section	Category	Recommended Change	Reason
		effective installation at a later date.	
6.2	Amendment	Amend title from "Access" to "Vehicle and Pedestrian Access".	To increase clarity.
		Reword A10.3 as follows: Remove "50" and replace with "100".	To be compatible with AS2890.1 which requires separated access only when greater than 100 spaces is proposed.
6.3	Deletion	Delete A12.3	To remove duplication/contradiction with other chapters of the DCP.
Section 7.2	Addition	Insertion of: <ul style="list-style-type: none"> <li>NSW Government's Apartment Design Guide.</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.</li> </ul>	To reflect references already within the Chapter.

For convenience, provisions with additions and/or changes are highlighted in yellow.

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## Draft Chapter G21: Car Parking and Traffic

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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	28 October 2014	26 November 2014	Amendment
3	23 June 2015	1 July 2015	Amendment
4	6 October 2020	23 October 2020	Amendment
5	7 September 2021	1 October 2021	Amendment
6			Draft

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## **1 Purpose**

The purpose of this Chapter is to outline controls for car parking, traffic, access, manoeuvring, servicing and construction.

## **2 Application**

This Chapter applies to all **development** in the Shoalhaven Local Government Area.

## **3 Context**

The provision of car parking, access to **development** and servicing requirements are all important to providing a balance between using vehicles and the impacts that they may have on our urban form, people and fellow **road** users. This Chapter is therefore designed to acknowledge the ongoing presence of the private car and other vehicles that are used to access **development**, and to ensure that the allowances made for these are consistent with achieving this balance.

## **4 Objectives**

The **objectives** are to:

- i. Ensure that adequate off street parking is provided in conjunction with **development** throughout the City, including any overflow parking.
- ii. Discourage the use of on street parking for new **development**.
- iii. Ensure that car parking areas are visually attractive, functional, operate efficiently, are safe and meet the needs of users.
- iv. Ensure that all vehicles enter and leave a site in forward direction and that the manoeuvring of vehicles does not take place within the **road** reserve, but within the subject site.
- v. To encourage **developments** that contribute to the vitality and liveability within **CBD** areas.
- vi. Address the principles of ecologically sustainable **development**.
- vii. To ensure that the traffic and **road** safety implications of **development** are adequately assessed in accordance with current guidelines and standards.
- viii. To minimise any adverse traffic and **road** safety impacts of **development**.

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## 5 Car Parking Controls

### 5.1 Car Parking Schedule

This Section sets out car parking requirements for a range of specified uses.

A Traffic Statement and/or Traffic Study (as required) must demonstrate that the parking **objectives** of this Chapter have been met and also consider the variation in annual demands for a range of likely vehicle types. In addition to light vehicle parking, this may also require the provision for long vehicle parking, bus pick up/drop off, bus parking, vehicle / trailer combinations etc, depending on the **development** type and likely parking demands generated. Acceptance of final parking layout will be at **Council's** discretion.

The car parking rates in the following car parking schedule is a guide to typical minimum requirements that need to be provided onsite.

**Note:** A **mixed use development** will have a different assessment ratio based on the intended use. For example, a **development** comprising retail at ground level and office space above will be assessed at 1 space per 24m<sup>2</sup> for the retail component and 1 space per 40m<sup>2</sup> for the office component.

Refer to Part 3J-1 of the Apartment Design Guide in relation to car parking requirements for **development** subject to State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development in the Nowra **CBD** on land zoned, and sites within 400 metres of land zoned, **E2 Commercial Centre and MU1 Mixed Use**.

All on-site car **parking spaces** must be available in accordance with the **development consent** for use by patrons/clients of the **development** at all times during operating hours and clearly signposted. If car **parking spaces** are required for the exclusive use of an **owner**, operator or staff, then such spaces must be provided over and above those required in this Section.

In calculating the total parking requirement for a **development** proposal, a fractional answer should be rounded to the nearest whole number. For example, 5.4 will equal 5, where 5.5 or 5.6 will equal 6. The "rounding off" of fractions will not apply however in the calculation of **development** contributions.

For **car parks** associated with the regular use by long and heavy vehicles, an appropriate number of spaces are required.



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Land Use Type	Standard	Notes
<b>Residential</b>		
Attached dwellings (fronting a public road) Dual occupancy Semi-detached dwelling	1 space per one bedroom dwelling. 1.5 spaces per two bedroom dwelling. 2 spaces per dwelling containing three or more bedrooms.	A bedroom includes a room or rooms capable of use as a bedroom. At least one parking space for each dwelling containing up to three bedrooms must be provided behind the building line. At least two parking spaces for each dwelling containing four or more bedrooms must be provided behind the building line.
Attached dwellings (not fronting a public road) Multi dwelling housing Residential flat buildings Shop top housing	1 space per one bedroom dwelling. 1.5 spaces per two bedroom dwelling. 2 spaces per dwelling containing three or more bedrooms. 0.2 spaces per dwelling must be provided for visitor parking (rounded up).	Where the development is located within 400m (measured along an existing pedestrian path of travel) of a traditional retail centre identified in Section 5.2.2 of this Chapter and where more than 50 publicly accessible carparking spaces are available in that centre, the visitor parking provision may be reduced on merit.
Boarding house Group homes Hostels Seniors Housing	As per the requirements of State Environmental Planning Policy (Housing) 2021.	
Dwelling house	2 spaces.	One of these spaces may be forward of the building line, in a tandem arrangement with the other space, where the setback is at least 5.5m to promote accessibility and to accommodate the vehicle wholly within the site.
<b>Business, Commercial and Retail Development</b>		
Specialised retail premises	1 space per 50m <sup>2</sup> of gross leaseable floor area.	Refer to the 'Designated stock storage area' parking rate for any stock storage component which will be calculated separately.
Car tyre outlet	3 spaces per 100m <sup>2</sup> of gross floor area or 3 spaces per work bay, whichever is greater.	
Commercial premises (Business premises, Office premises, Retail premises)	Land zoned E2 Commercial Centre: <ul style="list-style-type: none"> <li>1 space per 24m<sup>2</sup> of gross floor area: <ul style="list-style-type: none"> <li>At ground level; or</li> <li>Where access to the development is from ground level above an</li> </ul> </li> </ul>	

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		<p>underground level of car parking.</p> <ul style="list-style-type: none"> <li>1 space per 40m<sup>2</sup> of <b>gross floor area</b> at first floor and above.</li> </ul> <p>Elsewhere, 1 space per 40m<sup>2</sup> of <b>gross floor area</b>.</p>	
<b>Designated storage (retail)</b>	<b>area</b>	1 space per 50m <sup>2</sup> .	This rate needs to be considered for all retail development that includes a designated storage area.
<b>Drive-in store</b>	<b>liquor</b>	<p>1 space per employee.</p> <p>Internal <b>roadway</b> to be a minimum 2 lanes wide (minimum of 6m subject to swept path analysis) with one way circulation. Vehicles must travel a minimum distance of 30m (i.e. queuing distance) before reaching the serving area.</p>	
<b>Drive-in take away food and drink premises</b>		<p>12 spaces per 100m<sup>2</sup> <b>gross floor area</b> where no on-site seating is provided.</p> <p><b>Development</b> with on-site seating and no drive through facility:</p> <ul style="list-style-type: none"> <li>12 spaces per 100m<sup>2</sup> <b>gross floor area</b>; plus</li> <li>1 space per 5 seats (internal and external), or 1 space per 2 seats (internal) whichever is the greater.</li> </ul> <p><b>Development</b> with on-site seating and drive through facilities:</p> <ul style="list-style-type: none"> <li>1 space per 2 seats (internal) or 1 space per 3 seats (internal and external), whichever is the greater; plus</li> <li>Queuing area of 10-24 cars within the drive through as measured from the pick-up point.</li> </ul>	<p>Local evidence suggests a longer queue length in Shoalhaven (20-24 B99 vehicle type). Queue capacity on site should be determined by an independent suitably qualified professional who must draw comparisons with other similar <b>developments</b> in similar locations and must take into account seasonal variations in demand in Shoalhaven to ensure that these facilities do not adversely impact the surrounding <b>road</b> network.</p> <p>Where <b>Council</b> cannot be satisfied that the drive through capacity will be sufficient, a 12 month review period may be conditioned. Any shortfall in capacity may also be conditioned to meet ongoing operational requirements.</p>
<b>Home based business:</b> <b>Home business</b> <b>Home industry</b> <b>Home occupation</b>		<p>2 spaces for residents.</p> <p>1 space for each non-resident person working on the site.</p> <p>1 space for visitors/clients.</p>	<p>If the <b>dwelling</b> forms part of a <b>dual occupancy</b> or attached housing <b>development</b>, car parking for residents must be in accordance with <b>Council's development consent</b> for the <b>development</b>. On-site parking in strata title or <b>community</b> title <b>developments</b> is subject to the agreement of the body corporate or neighbourhood association.</p>
<b>Market</b>		2.5 spaces per stall.	<p>Spaces may be provided on an informal basis but must be controlled by marshals and where appropriate, sufficient markings both during and immediately after the <b>market</b> to ensure</p>

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		traffic safety is maintained.
<b>Motor showroom</b> <b>Vehicle sales or hire premises</b>	0.75 spaces per 100m <sup>2</sup> <b>site area</b> ; plus 5 spaces per work bay (as per <b>vehicle repair station</b> ) for vehicle servicing facilities, where proposed.	
<b>Outdoor dining area</b>	Additional parking is not required where the use is associated with the approved adjacent business use.	
<b>Pub</b> <b>Registered club</b>	1 space per 5m <sup>2</sup> of <b>licensed floor area</b> (e.g. bar, lounge, beer garden, games room). 1 space per 40m <sup>2</sup> of <b>gross floor area</b> of office space. Function rooms/ <b>restaurant or cafe</b> : <ul style="list-style-type: none"> <li>1 space per 24m<sup>2</sup> of <b>gross floor area</b> within <b>CBD</b> areas; or</li> <li>1 space per 6.5m<sup>2</sup> of gross dining area outside <b>CBD</b> area.</li> </ul> Dance areas and other recreation areas will be considered separately.	Alternatively, car parking requirements may be determined by <b>Council</b> following the completion and submission of a parking impact and needs study by an independent suitably qualified professional. Comparisons must be drawn with other similar clubs/hotels in similar locations. Depending on individual circumstances, <b>Council</b> may accept some grassed overflow areas as overflow parking. Provision should be made for emergency vehicles (doctors/ambulance) to gain ready access to the club or pub.
<b>Function Centre</b>	1 space per 6.5m <sup>2</sup> of <b>public dining area</b> .	
<b>Restaurant</b> <b>Small bar (not exceeding 150m<sup>2</sup>) in CBD areas utilising existing retail or office developments</b>	1 space per 24m <sup>2</sup> of <b>gross floor area</b> within the <b>CBD</b> . 1 space per 6.5m <sup>2</sup> of <b>public dining area</b> outside the <b>CBD</b> .	
<b>Roadside stall</b> <b>Stationary food vans/ vehicle</b>	4 spaces.	
<b>Service station and any ancillary convenience store component</b>	1 space per 20m <sup>2</sup> of <b>gross leaseable floor area</b> . 5 spaces per work bay (as per <b>vehicle repair station</b> ), where proposed.	These rates do not include the petrol bowser area. Refer to the 'Designated stock storage area' parking rate for any stock storage component which will be calculated separately.
<b>Sex services premises</b>	2 spaces per employee.	
<b>Shop</b>	1 space per 24m <sup>2</sup> of <b>gross leaseable floor area</b> .	Refer to the 'Designated stock storage area' parking rate for any stock storage component which will be calculated separately.
<b>Supermarket</b>	1 space per 19m <sup>2</sup> of <b>gross leaseable</b>	Refer to the 'Designated stock storage area' parking rate for any stock

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	floor area.	storage component which will be calculated separately.
<b>Industrial Development</b>		
<b>General industry (factory)</b>	1 space per 100m <sup>2</sup> of gross floor area.	
<b>Plant nursery</b>	1 space per 50m <sup>2</sup> of site display area with a minimum of 15 spaces.	This does not include CBD areas where parking is calculated on the standard shop rate.
<b>Road transport terminals</b> <b>Transport depot</b>	1 space for each vehicle present at the time of peak usage on the site.	Parking for large vehicles is to be located off-street.
<b>Vehicle repair station</b>	5 spaces per work bay.	This may include the area available within the work bays where vehicles are serviced.
<b>Warehouse or distribution centre (including Local distribution premises)</b>	1 space per 300m <sup>2</sup> of gross floor area.	Used solely for the storage and handling of goods.
<b>Wrecking yard</b>	1 space per 200m <sup>2</sup> of site area. 1 space per 40m <sup>2</sup> of gross floor area when largely contained within a building.	
<b>Health and Community Services</b>		
<b>Child care centre</b>	1 space for every 3 children.	Council may consider a reduction in parking numbers (absolute minimum will be 1 space for every 4 children) only where a suitable pick up/drop off area is designed to promote high turnover.  Consideration must be given to the safe ingress and egress as well as manoeuvring of vehicles onsite.
<b>Educational establishments</b>	<b>Primary School</b> <ul style="list-style-type: none"> <li>1 space per 5 students, minimum; and</li> <li>Pick up/drop off zone of minimum length sufficient to allow 1 space per 20 students; and</li> <li>Bus zone of minimum length to be sufficient to allow 1 bus space per 75 students.</li> </ul> <b>High School</b> <ul style="list-style-type: none"> <li>1 space per 8 students, minimum; and</li> <li>Pick up/drop off zone of minimum</li> </ul>	These rates are based on local traffic surveys and include allowance for staff parking (including ancillary staff and volunteers). Council may consider a reduction in the general vehicle pick up/drop off length by up to a maximum of 50%, by transfer of these calculated spaces to car parking spaces on 1:1 basis (i.e. in addition to the base car parking calculation).  Bus zone length needs to make allowance for operational requirements of bus services expected including provision for concertina buses and

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	<p>length to be sufficient to allow 1 space per 35 students; and</p> <ul style="list-style-type: none"> <li>Bus zone of minimum length sufficient to allow 1 bus space per 200 students.</li> </ul> <p><b>Combined Primary/ High School</b></p> <ul style="list-style-type: none"> <li>1 space per 5.5 students, minimum; and</li> <li>Pick up /drop off zone of minimum length sufficient to allow 1 space per 25 students; and</li> <li>Bus zone of minimum length of zone to be sufficient to allow 1 bus space per 150 students.</li> </ul>	<p>some 14.5m rigid buses.</p> <p>The proposed provisions will assist with alleviating parking and congestion issues around future schools by ensuring the calculated minimum car parking and bus requirements are provided on site.</p>
<b>Entertainment facility</b>	<p>1 space per 10 seats or, if no fixed seating is provided, 1 space per 10m<sup>2</sup> of <b>gross floor area</b> where sufficient overflow car parking is readily available in an adjacent area or within reasonable walking distance at the time of functions being held.</p> <p>Or</p> <p>1 space per 3 seats, minimum, where sufficient overflow car parking is not readily available in an adjacent area or within reasonable walking distance at the time of functions being held.</p>	<p>A reduction to the minimum rate may be considered where a suitable pick up/drop off area is designed to promote high turnover and for satisfactory catering for public transport.</p> <p>Alternatively, car parking requirements may be determined by <b>Council</b> following the completion and submission of a parking impact and needs study by an independent suitably qualified professional. Comparisons must be drawn with other similar <b>developments</b> in similar locations.</p>
<b>Hospital (Private and Public)</b>	<p>1 space per 3 beds.</p> <p>1 space for an ambulance, or 2 ambulance spaces if greater than 50 beds.</p> <p>1 space per doctor; plus 1 space per 2 staff (based on the peak number expected at any one time).</p>	<p>Alternatively, car parking requirements may be determined by <b>Council</b> following the completion and submission of a parking impact and needs study by an independent suitably qualified professional. Comparisons must be drawn with other similar <b>hospitals</b> in similar locations.</p>
<b>Medical centre Health consulting rooms Veterinary hospital/ surgeries</b>	<p>4 spaces per doctor/<b>health care professional</b> or 4 spaces per 100m<sup>2</sup> of GFA, whichever is the greater.</p> <p>1 ambulance space per medical centre.</p>	<p>For any other operation within the centre or mixed use <b>development</b> (e.g. pharmacy, café and the like), car parking shall be subject to an alternate parking rate, suitable to the proposed use.</p>
<b>Place of public worship (includes related halls)</b>	<p>1 space per 10 seats or, if no fixed seating is provided, 1 space per 10m<sup>2</sup> of <b>gross floor area</b> of worship area.</p> <p>In recognition of the shared nature of trips:</p> <ul style="list-style-type: none"> <li>If a hall will be erected on the same site as an existing <b>Place of</b></li> </ul>	<p>Alternatively, car parking requirements may be determined by <b>Council</b> following the completion and submission of a parking impact and needs study by an independent suitably qualified professional. Comparisons must be drawn with other similar <b>Place of public worship</b></p>

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		<p>public worship, additional car parking is required for the excess capacity of the proposed hall over and above the existing Place of public worship.</p> <ul style="list-style-type: none"> <li>If a Place of public worship and hall will be erected on the same site, car parking is required for whichever building generates the highest parking requirements.</li> </ul>	<p>/halls in similar locations. Council will give consideration to the availability and proximity of existing off-street public car parking. Depending on individual circumstances, Council may accept some grassed areas as overflow parking.</p>
<b>Recreation Facilities</b>			
<b>Bowling alley</b>		3 spaces per lane.	
<b>Bowling green</b>		30 spaces for the first green; plus 15 spaces for each additional green.	
<b>Gymnasium</b>		1 space per 13m <sup>2</sup> -22m <sup>2</sup> of gross leasable floor area.	<p>The lower of the permissible rate range (i.e. 1 space per 22m<sup>2</sup>) may be considered where it can be justified that there is usage outside of business hours and/or where there is a dual use (in accordance with the Transport for NSW Guide to Traffic Generating Developments).</p> <p>Group classes are likely to trigger the higher of the permissible range, noting there may be a parking overlap between classes that intensifies demand at this change over time.</p>
<b>Indoor Netball/ Court</b>	<b>Cricket/ Soccer</b>	15 spaces per court.	
<b>Rowing club</b>		1 space per three members.	
<b>Sailing club</b>		1 space per three members. 75% of parking spaces shall make provision for the parking of trailers.	
<b>Sporting field</b>		60 spaces per playing field for regional complexes. 30 spaces per playing field for local playing fields.	<p>These figures are guidelines only and any development application for such proposals should provide details addressing the individual parking demands for a proposed sporting field facility.</p> <p>A traffic management plan is required that is to include a car and bus drop off/pick up area. An overflow parking area is also to be included (this may be a grassed area).</p>
<b>Squash and tennis court</b>		3 spaces per court.	
<b>Swimming pool (indoor/outdoor)</b>		On individual merit, following submission of study which addresses	

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parking requirements.		
Tourist Facilities		
Caravan park Camping Ground	As per the requirements of Clauses 96-98 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.	
Marina	0.6 spaces per wet berth.	Applicants must provide for trailer parking at public jetties associated with marinas and public wharfs.
Public wharf	0.2 spaces per dry storage berth. 0.2 spaces per swing mooring. 0.5 spaces per marina employee.	
Regional boat ramps	20 spaces per boat ramp including provisions for boat/trailer combinations.	
Tourist and Visitor Accommodation		
Bed and breakfast accommodation	1 space per guest room, in addition to the parking required for the dwelling.	
Guesthouse	1 space per guestroom; plus 1 space per employee.	
Tourist cabin	1 space per tourist cabin/ unit; plus	
Tourist accommodation unit	1 space per employee and/or manager.	
Serviced apartment		
Hotel and motel accommodation	1 space per room; plus 1 space per employee and/or manager.	
Restaurant or café and Conference and Function Centres used in conjunction with tourist and visitor accommodation	As per Council's requirements for restaurant or cafe/function centres.  Consideration will be given for off-setting car parking spaces where it is likely that patrons of the tourist accommodation will use the restaurant or cafe/conference/reception facility on the following basis: <ul style="list-style-type: none"><li>• Within urban areas - 25% reduction on parking required for the restaurant or cafe /conference/reception.</li><li>• Outside urban areas - 50% reduction on parking required for the restaurant or cafe.</li></ul> Where a restaurant or cafe is used by patrons of the tourist development only, and is not open to the public, additional car parking will not be required for the restaurant or café component.	

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Other	
<b>Dog Breeding and Boarding Establishments (Including Catteries)</b>	2 spaces; or 3 spaces in the case of boarding kennels.

## 5.2 Parking Credits, Waivers, Discounts and Incentives

### 5.2.1 Car Parking Credits

Sites with an existing development may, in some circumstances, benefit from a parking credit. Credits are not transferrable where an existing development is demolished.

If it is intended to change the use of an existing building and the new use requires more parking than the old use, a parking credit may be available for the original use, subject to assessment.

Any additions to an existing development would be calculated at the current parking rate and may benefit from a parking credit depending on the nature of the application and the existing development.

### 5.2.2 Car Parking Waiver – Change of Use Development in Traditional Retail Centres

Change of use **developments** in the following traditional retail centres are not required to provide any additional car parking. Subsequently, developer contributions for car parking projects in certain centres would also not be levied for change of use **development**. The waiver only applies to the change of use of existing floor areas and does not apply to any new floor area in a development (e.g. extensions, additions, new buildings).

- Basin View (**E1** zoned land)
- Bawley Point (**E1** zoned land)
- Berry (**E1** zoned land)
- Bomaderry (Lyndhurst Shops **E1** zoned land)
- Bomaderry Town Centre (**MU1** zoned land)
- Burrill Lake (**E1** zoned land)
- Callala Bay (**E1** zoned land)
- Callala Beach (**E1** zoned land)
- Culburra Beach (**E1** and **MU1** zoned land – excluding Seagull Street)
- Currarong (**E1** zoned land)
- Erowal Bay (**E1** zoned land)
- Greenwell Point (**E1** zoned land)
- Huskisson Town Centre (**E1** and **MU1** zoned land)
- Kangaroo Valley (retail core as per Chapter N1 of SDCP 2014)
- Milton (**E1** zoned land)
- Mollymook (**MU1** zoned land – Ocean Street)



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- Mollymook Beach (Tallwood Shops **E1** zoned land)
- North Nowra Centre (**E1** zoned land)
- Nowra (Kalandar Street) (**E1** zoned land)
- Nowra CBD (**E2** and **MU1** zoned land)
- Sanctuary Point (**E1** zoned land)
- Shoalhaven Heads Village (**E1** and **MU1** zoned land)
- St Georges Basin Town Centre (**MU1** zoned land)
- Sussex Inlet Town Centre (**E1** and **MU1** zoned land)
- Ulladulla (**E2** and **MU1** zoned land)
- Vincentia (Burton Street Shops - **E1** zoned land)

**5.2.3 Shared or Co-Use of On-Site Car Parking Facilities - Mixed Use Development**

Council will take into consideration the shared or co-use of on-site car parking facilities following the completion and submission of a parking impact and needs study by an independent suitably qualified professional. Comparisons must be drawn with other similar developments in similar locations where appropriate.

When assessing mixed use developments, Council will only support the discounting of car parking requirements where the mixed use development occurs within the one development (not related to other developments) and only where appropriate justification is provided with consideration of peak parking requirements of the whole development. Any discounting that may be allowable for multi-purpose trips within a mixed use development will have a maximum discount of 25%. Despite this, all developments will be assumed to have nil discounting applicable, except where a technical assessment has been undertaken to justify any proposed discounting. Acceptance of any discounting proposed will be at the discretion of Council with the intent of achieving the objectives of this Chapter.

**5.2.4 Nowra CBD Parking Discounts**

**Note:** If only part of a lot is identified as being within the parking discount area as shown in Figure 1, the discount will apply to the whole of the lot.

If a development application is lodged over more than one lot, but not all lots are included in the discount area, the development application will be assessed on its merits. Contact Council for more information.

A Section 4.55 Application will only be considered for the 50% Parking Discount where the proposed modification will have a direct impact upon parking.

A 50% discount will be applied to development applications within the Nowra CBD (see Figure 1), where that development clearly provides one or more of the following land use outcomes:

- Primarily operates outside of core CBD Business hours;
- Involves public meeting places that facilitate events, non-gambling entertainment or improves the public domain/ safety for the general public (place making);

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- Encourage use and attract public/ group (i.e. bus) transport.

A 30% car parking space discount shall be applied to medium density residential development within a 200m radius of the Nowra CBD, excluding Shop top housing which shall receive a 25% discount and dual occupancy development which shall receive no discount. Refer to **Figure 1** below.

**5.2.5 Bicycle Parking**

At Council's discretion, commercial car parking rates may be discounted where adequate provision has been provided for pedestrian/bicycle users including appropriate end user facilities (bike racks, adequate lockers, showers and amenities and appropriate path connections to surrounding network, etc). Each application will be considered on merit but in general discounting will be limited to a maximum of 2%.

**5.2.6 Conservation Incentives**

If a development proposal involves the retention and enhancement of an item of environmental heritage, as identified in SLEP 2014, Council may consider a request to reduce the parking normally required if it is felt that this parking would reduce the significance of the item.

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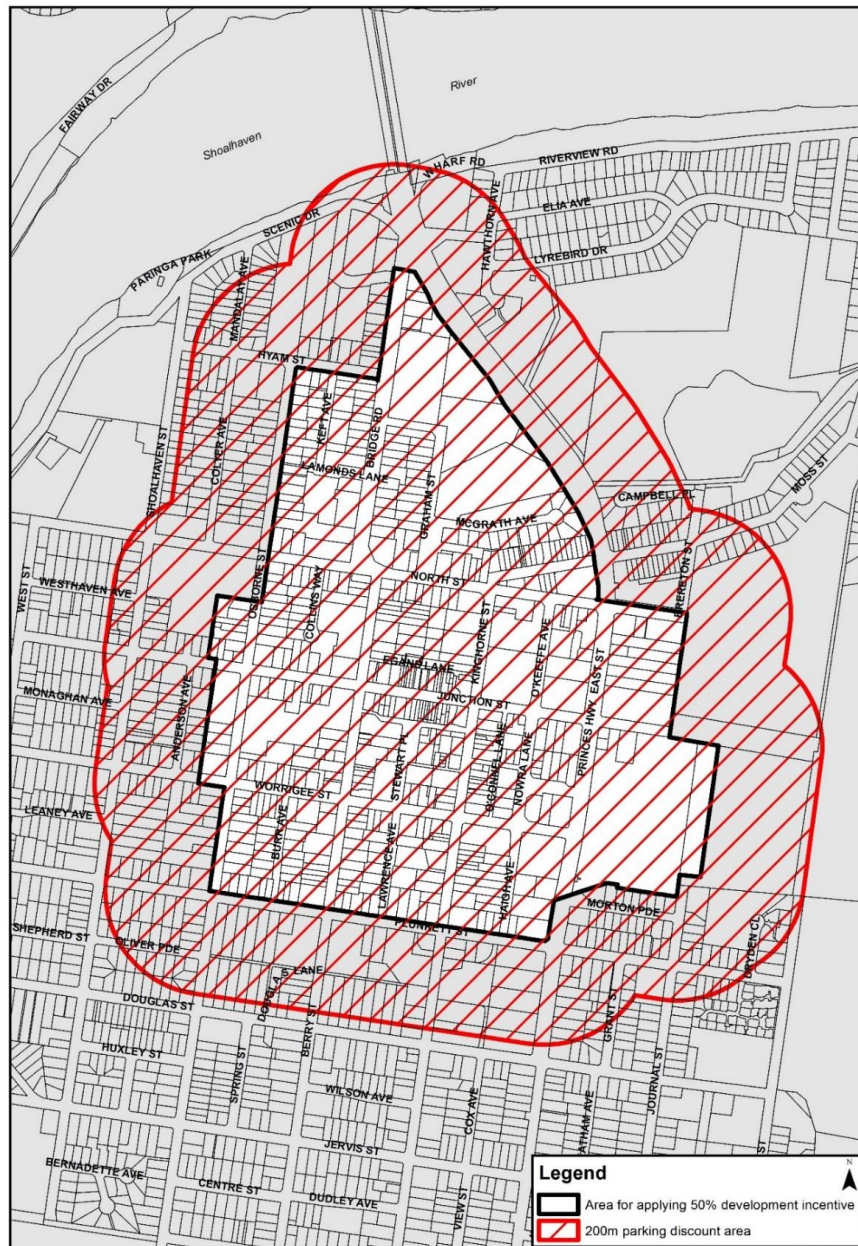


Figure 1: Nowra CBD Development Incentives

CL23.277 - Attachment 4

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### 5.3 Parking, Layout and Dimensions

Performance Criteria	Acceptable Solutions
<p>P1.1 The <b>car park</b> area:</p> <ul style="list-style-type: none"> <li>Provides safe and efficient circulation, manoeuvring and parking of vehicles.</li> <li>Ensures that a vehicle can safely enter and leave the <b>parking space</b> in no more than two manoeuvres.</li> <li>Minimises potential for pedestrian conflict.</li> <li>Ensures effective and safe use of speed humps.</li> <li>Ensures efficient operation and safety of parking and loading areas through appropriate signage.</li> <li>Includes appropriate lighting to ensure the safety of persons using, and security of vehicles parked within.</li> </ul> <p>P1.2 Any substantial loss of on-street car parking spaces are replaced within the development site.</p>	<p>A1.1 Car <b>parking spaces</b> are provided on-site and are readily accessible from the <b>road</b> frontage of the <b>development</b>.</p> <p>A1.2 Where a loss of on-street car parking is directly related to a proposed <b>development</b>, these spaces are to be replaced on site.</p> <p><b>Note:</b> A substantial loss of on-street car parking may arise from the construction of two or more access points, bus embayments, car parking restrictions and the like.</p> <p>A1.3 Entrance to parking areas must not be accessed through <b>buildings</b> or carports.</p> <p>A1.4 The proposed parking layout, including but not limited to access design, space dimensions, offsets, ramps, aisle dimensions, speed humps (and the like), shall be designed in accordance with AS2890.</p> <p>A1.5 Stack parking of vehicles will only be supported when part of a mixed use, commercial, managed residential <b>development</b> or a mix of these uses, and where all the following criteria are met:</p> <ul style="list-style-type: none"> <li>A management plan is in place.</li> <li>No more than two (2) cars are permitted to park in a stacked arrangement.</li> <li>The <b>parking spaces</b> in a stack configuration must be connected to a single unit or commercial <b>shop</b> or office.</li> <li>Have a maximum longitudinal grade of 5% and a maximum crossfall of 6.25%.</li> </ul> <p><b>Note:</b> <b>Council</b> will generally not support spaces that are allocated to different uses within the <b>development</b>.</p> <p>A1.6 Dead-end parking aisles longer than 15m are not permitted, unless used in situations of low vehicle turnover, such as employee parking and are to be sign</p>

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		posted accordingly.
A1.7	Redundant areas within <b>car parks</b> should be considered for motorcycle parking. A maximum of 2% of total car parking provision can be provided as motorcycle parking.	
A1.8	The location and availability of <b>parking spaces</b> must be clearly marked with line marking and signage (if restrictions are required to regulate or improve safety and/or efficiency) and must be installed in accordance with relevant standards.	
A1.9	Vehicle entry and exit points to the site and desired traffic movements should be clearly marked with pavement arrows (preferably in a highly visible colour such as white (or yellow if there is a contrast issue)) and signage.	
		<p><b>Note:</b> All signs, lines and markings required under the <b>development consent</b> and/or to be amended to address new standards are to be kept in good condition for the life of the <b>development</b> to ensure the efficient and safe operation of traffic and parking areas.</p> <p>Where signs and lines are required on a <b>public road</b> or <b>road</b> related area to make the <b>development</b> safe and efficient, approval of the Shoalhaven Traffic Committee must first be obtained.</p> <p>Traffic control facilities and control devices (including signs and lines) which may be authorised for use on <b>road</b> or <b>road</b> related areas by the Transport for NSW and <b>Council</b> (whether public or on private land), is required to be approved by the Shoalhaven Traffic Committee.</p>
A1.10	Lighting must be incorporated into <b>car park</b> areas where required.	
		<p><b>Note:</b> Lighting may be wall mounted, free standing poles or bollard lights. In some instances, all three forms of lighting may be incorporated to provide effective illumination and should comply with AS1158.1-1997 and AS4282-1997, as appropriate.</p>
P2	To ensure adequate provision of car parking is available for people with a disability.	
A2.1	Where <b>buildings</b> and <b>car parks</b> are required to be accessible, the <b>development</b> and design will comply with	

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the requirements of Part D3 of the [Building Code of Australia](#).

- A2.2 Where access for people with a disability is expected, a minimum of 1 accessible space is required and thereafter one additional space per 100 spaces or part thereof.

**Note:** Council encourages the provision of parking for people with a disability in excess of the minimum standards wherever practical.

- A2.3 For Class 6 and 9b [buildings](#):

- Up to 1000 car [parking spaces](#) - 1 accessible space is required for every 50 car [parking spaces](#) or part thereof.
- In excess of 1000 car [parking spaces](#) - 1 accessible space is required for each additional 100 car [parking spaces](#) or part thereof.

- A2.4 Accessible parking shall be:

- Compliant with AS2890. Associated kerb ramps and path access must also be provided and need to comply with AS2890 and AS1428.
- Located close to the entry of the [building](#) to minimise travel distances and maximise accessibility.
- Located at ground level.
- Identified through the use of signs, logos and colouring.

**Note:** It is the responsibility of the applicant/[owner](#) to ensure that the [development](#) complies with relevant antidiscrimination legislation, in particular the *Disability Discrimination Act 1992*. This Act covers disabilities not catered for in the minimum standards in the [Building Code of Australia](#).

P3 Provision is made for charging facilities for electric vehicles.

- A3.1 Electrical conduits for electric vehicle charging shall be installed for each [dwelling](#) where the [development](#) proposes three or more [dwellings](#) to facilitate cost effective installation at a later date.

- A3.2 Where 10 or more [parking spaces](#) are



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		required for non-residential development within the <b>E2 Commercial Centre and MU1 Mixed Use</b> zones in the Nowra CBD, a minimum of 10% of spaces are to be designed and constructed so that electrical vehicle charging points/stations can be installed now, or at a later time.
		<b>Note:</b> Opportunities for electric vehicle charging points/stations should also be considered in the public domain. This may include consideration of the capacity for electric vehicle charging points/stations to be installed at a later time.
P4 Angled parking minimises impacts of vehicle fumes on alfresco dining areas and improves driveability.	A4.1	Angled parking shall be “nose in” parking.
P5 To encourage the use of bicycles.	A5.1	New <b>developments</b> , particularly <b>educational establishments</b> , recreational facilities, <b>shops</b> and civic <b>buildings</b> , should provide appropriate bicycle parking/storage facilities in accordance with current AUSTROADS Guidelines and or Australian Standards.
	A5.2	The design and installation of bicycle parking facilities should also comply with AS2890.3.
	A5.3	Larger <b>developments</b> should provide showers and associated <b>amenities</b> to encourage and cater for bicycle use.

#### 5.4 Car Park Landscape Design

Performance Criteria	Acceptable Solutions
P6 The <b>car park</b> landscape design: <ul style="list-style-type: none"> <li>Lessens the visual impact of <b>car park</b> areas.</li> <li>Provides shade areas for cars and pedestrians.</li> <li>Ensures that the landscaping is an integral part of the <b>car park</b> design.</li> </ul>	A6.1 A <b>development</b> application must include detailed landscape plans indicating dimensions, levels and <b>drainage</b> , existing <b>vegetation</b> as well as location, type and character of proposed plantings. <p><b>Note:</b> Refer to Chapter G3: Landscape Design Guidelines for more information.</p>
P7 Landscaping does not interfere with the proper functioning of <b>car park</b> areas.	A7.1 <b>Car parks</b> should be located to complement existing streetscape qualities. Consideration should be given to the streetscape qualities of the <b>locality</b> and the possibility of locating a <b>car park</b>

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		to the rear of a site, or the provision of suitable landscaping to minimise any visual intrusion.
A7.2	Perimeter planting to screen the proposed car park is to be defined in the landscape plan. The minimum width of perimeter planting is 1m and 0.5m for driveways.	
A7.3	Internal plantings in a car parking area are to be of a nature to shade cars and soften the impact of hard paved surfaces without obscuring visibility.	
		<b>Note:</b> Consideration should be given to the types of trees planted within car parks. Plants which have a short life, tend to drop branches, gum or fruit or plants which interfere with underground pipes are not suitable for car parks.
A7.4	Consideration should be given to incorporating stormwater control measures in the design of landscaped areas to control and reduce the level of stormwater which enters Council's stormwater drainage systems.	
P8	To ensure tree plantings and associated structures are not in locations that may be prejudicial to road safety.	A8.1 Planting is to be designed appropriately so as not to impact upon minimum sight distance requirements at access points consistent with the requirements of AS2890, but also considering intersections, around curves, clearance requirements (horizontal and vertical) and clear zone requirements.

**Table 1** includes a list of plant species suitable for a car park and **Figure 2** provides an example of an acceptable site layout and design principles for landscape works in a car park.

Table 1: Suitable Plant Species for Carparks

Trees		Shrubs
<i>Alnus jorullensis</i>	<i>Robina pseudoacacia</i>	<i>Abelia grandiflora</i>
<i>Eucalyptus scoparia</i>	<i>Sapium sebiferum</i>	<i>Acacia longifolia</i>
<i>Eucalyptus botryoides</i>	<i>Ulmus glabra</i>	<i>Banksia ericifolia</i>
<i>Eucalyptus pilularis</i>	<i>Ulmus parvifolia</i>	<i>Callistemon spp.</i>
<i>Franxinus x Raywoodii</i>		<i>Dodenea viscosa purpurea</i>
<i>Gleditsia tricanthos</i>		<i>Gardenia jasminoides</i>



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<i>Jacaranda mimosifolia</i>	<i>Grevillea spp.</i>
<i>Lophostemon confertus</i>	<i>Murraya exotica</i>
<i>Platanus acerifolius</i>	<i>Photinia</i>

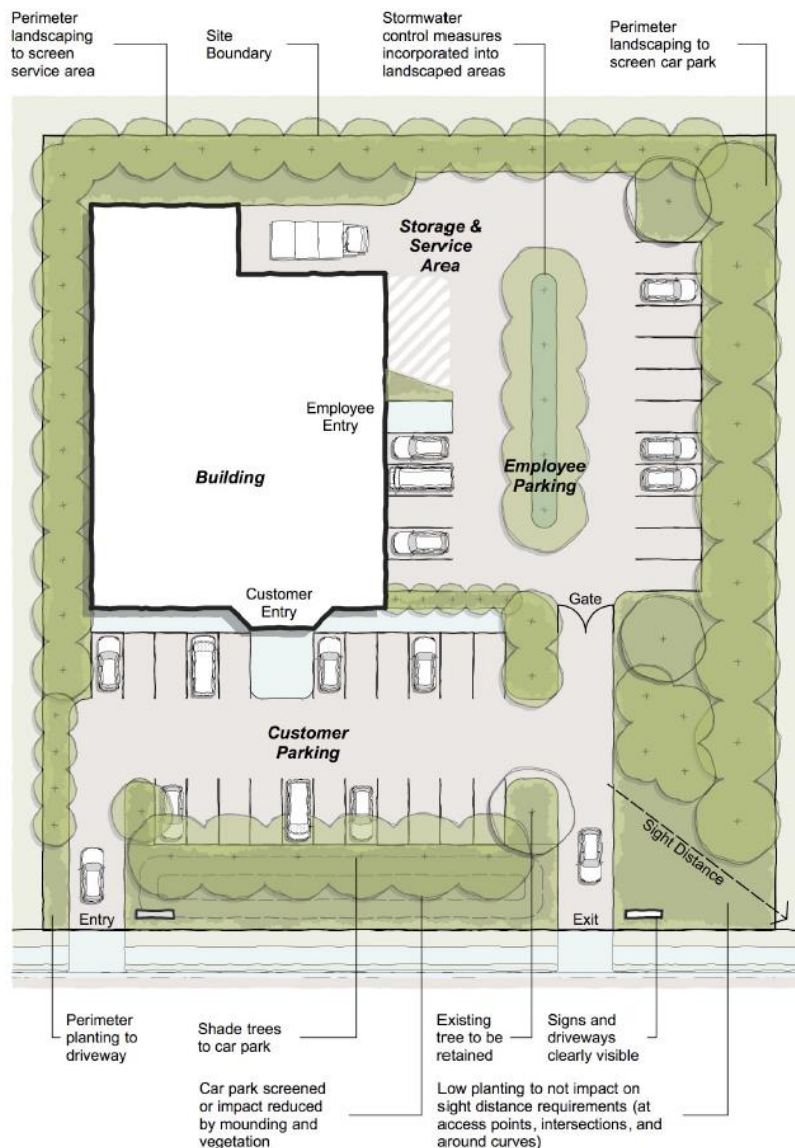


Figure 2: Landscape Design Principles for Car Parks

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## 6 Traffic, Access, Manoeuvring and Construction

### 6.1 Traffic

Performance Criteria	Acceptable Solutions
<p>P9 To ensure new <b>development</b>:</p> <ul style="list-style-type: none"> <li>Can be accommodated without adverse impact on the surrounding <b>road</b> network.</li> <li>Does not jeopardise the provision of future network requirements.</li> </ul>	<p>A9.1 A Traffic Study is provided as required by the relevant State Environmental Planning Policies (SEPPs), or in accordance with the Transport for NSW guidelines.</p> <p>A9.2 A Traffic Statement is provided where the application falls outside SEPPs requirements, or where requested by <b>Council</b>.</p> <p>A9.3 A Traffic Study or Statement must be prepared in accordance with the Transport for NSW, Australian Standards and AUSTROADS guidelines to the satisfaction of <b>Council</b>.</p>

### 6.2 Vehicle and Pedestrian Access

Performance Criteria	Acceptable Solutions
<p>P10.1 To ensure that driveways relate to:</p> <ul style="list-style-type: none"> <li>Type of land use.</li> <li>Frontage <b>road</b> type.</li> <li>Size of parking facility.</li> <li>Type of vehicle likely to enter the <b>development</b>.</li> </ul>	<p>A10.1 The <b>development</b> must:</p> <ul style="list-style-type: none"> <li>Satisfy the provisions of AS2890, and</li> <li>Be designed so that vehicles enter and leave the premises in a forward direction (except for dwelling houses and dual occupancy development).</li> </ul>
<p>P10.2 To ensure that traffic safety is preserved both on-site and within the local <b>road</b> network.</p>	<p>A10.2 Each site must minimise the number of ingress and egress points to any street frontage.</p>
<p>P10.3 To ensure that where any <b>development</b> has frontage to more than one <b>road</b>, access is provided to the lower order, lower traffic volume <b>road</b>, to protect the integrity and efficiency of the local and main <b>road</b> networks.</p>	<p>A10.3 Where car parking exceeds 100 spaces, separate provision must be made for ingress and egress.</p> <p>A10.4 Where more than one access point is proposed to a site, the first driveway reached by traffic must be the entrance.</p> <p>A10.5 For all <b>development</b> that has frontage to more than one <b>road</b>, access is to be provided to the lower order, lower traffic volume <b>road</b>.</p>

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A10.6 Vehicular access to parking areas will not be permitted in close proximity to traffic signals, major intersections or where sight distance is considered inadequate. Site distance requirements must comply with Figure 3.2 in AS2890.1.

A10.7 Driveways must be located a minimum of six (6) metres from the corner of a building located on corner lots and a minimum of 1m from the side boundary.

**Note:** Prohibited driveway locations and driveway orientation are indicated in Figure 3.

A10.8 Buildings must be designed to ensure that there is adequate sight distance at intersections and driveways. In some instances this may require the provision of splay corners on buildings (e.g. where a driveway adjoins a building).

A10.9 The vehicular entrance to the development shall demonstrate satisfactory provisions for pedestrian safety, considering the anticipated volume of both vehicular and pedestrian traffic.

A10.10 Footpaths are to be continuous across driveways in accordance with AS2890.1.

A10.11 Ramps must not extend across the footpath. The development must demonstrate satisfactory provisions for pedestrian safety.

A10.12 When new principal arterial roads (including sub-arterial roads, classified main roads, and designated regional roads) are provided, there shall be no direct access for new allotments where alternative access can be provided.

A10.13 Where direct access from allotments to arterial roads currently exist (including sub-arterial roads, classified main roads, and designated regional roads), partial access may be considered when feasible, except where the access provisions cannot satisfy the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

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- P11 To cater for pedestrian access and accessibility.
- A11.1 Ensure pedestrians and cyclists can safely access the **development** and that passing pedestrians and cyclists safety is not compromised by the **development**.
- A11.2 Ensure the **development** considers relevant **Council** pedestrian access and mobility plans and strategies to provide the logical and practical extensions of the existing and proposed pathway network (where relevant) to provide safe and efficient connections between the **development** and the surrounding **community**.

**Note:** Relevant Council plans and strategies may include the Pedestrian Access and Mobility Plan (PAMP), Bike Plan Strategies, provisions in this **Development Control Plan** or relevant masterplans.

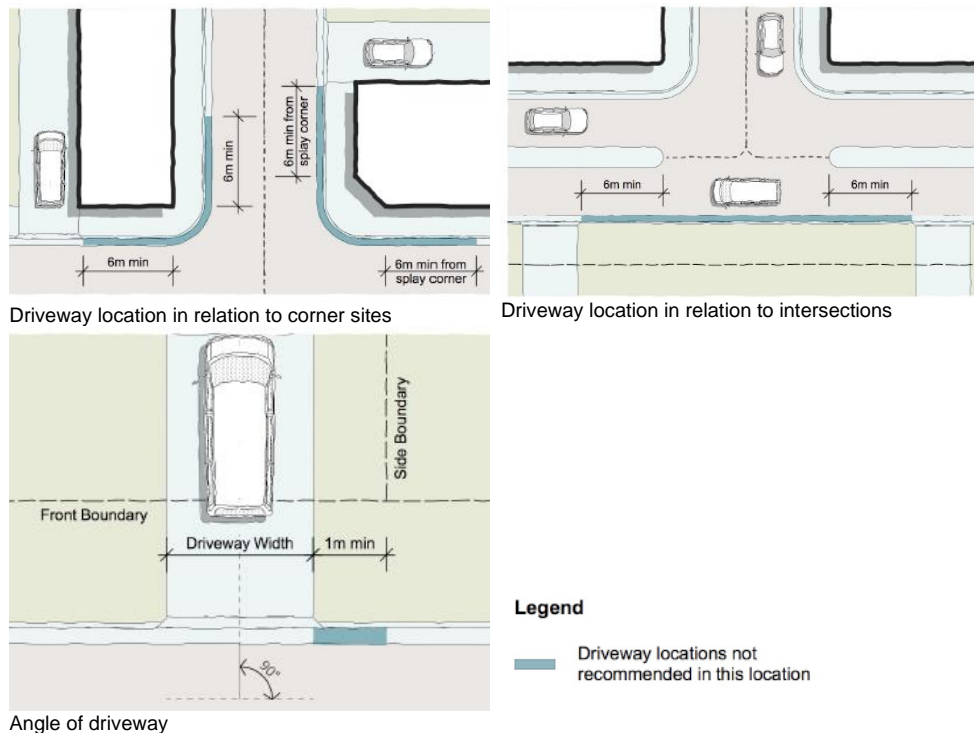


Figure 3: Suitable Driveway Locations

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**Note:** An exception to driveway location may be considered regarding roundabouts and driveway access where:

- Standards in relation to roundabouts can be complied with in all respects.
- Satisfactory pedestrian provisions can be provided.
- Satisfactory traffic conditions can be demonstrated in the supporting traffic statement/study.

### 6.3 Manoeuvrability

**Note:** The minimum turning path for vehicles accepted by Council is that adopted by Australian Standards, AUSTROADS, and Transport for NSW. Where there is a conflict between these guidelines and standards, Council advice is to be sought. The application is to state the design vehicle and provide justification for selection of design vehicle.

Heavy vehicle swept path analysis must be rounded up in accordance with AUSTROADS. For example, if the vehicle is a 11.4m rigid - use the 12.5m template, if the vehicle is a 17.2m semi - use the 19m semi template, etc.

Performance Criteria	Acceptable Solutions
P12 Adequate space is provided for the manoeuvring of vehicles, particularly rigid and articulated heavy vehicles.	<p>A12.1 The minimum turning paths in <b>Table 2</b> are achieved.</p> <p>A12.2 Turning paths for vehicles will be based upon the largest vehicles likely to utilise the premises.</p>

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**Table 2: Minimum Turning Path**

Category	Minimum Turning Paths
Residential development, including medium density	AS2890.1 B99 Design Vehicle and AUSTROADS Passenger Vehicle.
Commercial development Industrial development	<p>Less than 500m<sup>2</sup> gross floor area (per site):</p> <ul style="list-style-type: none"> <li>Turning circle required to accommodate small rigid truck.</li> <li>Turning circle required to accommodate 14.5m rigid bus (where bus access can be expected).</li> </ul> <p>Greater than 500m<sup>2</sup> gross floor area (per site):</p> <ul style="list-style-type: none"> <li>AS2890.2 Heavy Rigid Truck (internal) and AUSTROADS 12.5m Single Unit Truck/Bus (external).</li> <li>19.0m semi-trailer.</li> <li>Turning circle required to accommodate 14.5m rigid bus (where bus access can be expected).</li> </ul>
Other development	<p>19m Semi-Trailer design vehicle for all service stations.</p> <p>If less than 500m<sup>2</sup> gross floor area, but where sufficient evidence exists to suggest that larger vehicles are likely to be used by the development, the design vehicle should be identified in a traffic statement or traffic study with justification provided.</p> <p>Turning circle required to accommodate 14.5m rigid bus (where bus access can be expected).</p>

#### 6.4 Service Areas

Performance Criteria	Acceptable Solutions
P13 Suitable areas for safe and efficient loading/unloading of goods is provided.	<p>A13.1 Service areas should operate independently of other parking areas.</p> <p>A13.2 The location of loading/servicing areas should be clearly indicated by the use of signs.</p>
P14 All servicing occurs on-site.	<p>A14.1 Internal roadways must be adequate in construction and design for the largest vehicle anticipated to utilise the site.</p> <p>A14.2 Service docks are designed to cater for the largest vehicle anticipated to use the premises.</p> <p>A14.3 Service areas are designed to avoid the need for service vehicles to reverse across the pedestrian desire lines.</p>

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## 6.5 Design of Driveways

Performance Criteria	Acceptable Solutions
P15 Driveways are designed to reflect the nature of <b>development</b> that they serve	<p>A15.1 Driveway design is consistent with AS2890.1 and/or AS2890.2 as applicable to the type of development.</p> <p>A15.2 Driveway types 1 and 2 shall be constructed as single driveway access points to minimise the number of driveway conflicts on the network.</p> <p><b>Note:</b> Applications may be considered for multiple driveways only where sufficient justification can be provided to support the application to <b>Council's</b> satisfaction.</p>

## 6.6 Construction Requirements

**Note:** A **development** application must include details of proposed construction work associated with a **car park**. Detailed engineering plans must be submitted with a Construction Certificate detailing the dimensions of the **car park**, spaces, manoeuvring areas, access, levels and **drainage**.

Performance Criteria	Acceptable Solutions
P16 The construction of internal driveways, <b>roads</b> , <b>car parks</b> , service areas and works in the road reserve is of a suitable standard according to land use type.	A16.1 The construction of internal driveways, <b>roads</b> , <b>car parks</b> , service areas and works in the <b>road</b> reserve comply with <b>Table 3</b> .

Table 3: Construction requirements - Internal driveways, roads, car parks, service areas and road reserves

Type of Development or Car Park Component	Construction Requirement
<p><b>All developments</b> Including but not limited to subdivisions where:</p> <ul style="list-style-type: none"> <li>New roads are required to be designed;</li> <li>Existing roads are required to be augmented or upgraded; or</li> <li>Kerb and guttering is required.</li> </ul>	<p>Internal roads that will remain in private ownership:</p> <ul style="list-style-type: none"> <li>Must comply with Council's Engineering Design Specifications, AS2890 and Transport for NSW guidelines.</li> </ul> <p>Internal roads that will become public roads:</p> <ul style="list-style-type: none"> <li>Must comply with Council's Engineering Design Specifications, AUSTROADS and Transport for NSW guidelines.</li> </ul>

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<b>Rural development</b>	<ul style="list-style-type: none"> <li>All weather gravel standard with a minimum compacted pavement thickness of 200mm with associated stormwater drainage. The access, including drainage/table drain crossings, are to be designed in accordance with Council's Standard Drawings and Engineering Design Specifications.</li> <li>The driveway crossover and indented access, where required, is to be concrete, asphalt or bitumen sealed if the frontage is a sealed road.</li> </ul> <p><b>Note:</b> Indents are not to be dedicated to Council as road reserve.</p>
<b>Retail/commercial development</b>	<ul style="list-style-type: none"> <li>Asphaltic concrete or heavy duty reinforced concrete pavement, or</li> <li>2 coat bitumen sealed pavement (development involving less than 6 spaces only).</li> </ul> <p>The geometric design, stormwater drainage and pavement is to be designed in accordance with Council's Engineering Design Specifications and relevant Australian Standards.</p> <p>Concrete footpath paving shall be provided where:</p> <ul style="list-style-type: none"> <li>There is an approved Pedestrian Access and Mobility Plan (PAMP); or</li> <li>Required for pedestrian safety.</li> </ul>
<b>Dual occupancy development Medium density residential</b>	<ul style="list-style-type: none"> <li>Formed driveways, parking spaces and manoeuvring areas shall be provided to a concrete (including coloured/patterned) or similar standard. The pavement is to be designed in accordance with Council's Engineering Design Specifications, relevant Australian Standards and the design shall include associated stormwater drainage.</li> </ul> <p><b>Note:</b> In rural situations, bitumen seal or all weather gravel pavements may be accepted where it is unlikely to create noise and dust nuisance to adjoining residents and where the site is not steeply sloping.</p> <ul style="list-style-type: none"> <li>All driveway crossovers within the road reserve in urban areas shall be constructed of concrete.</li> <li>Kerb and guttering: <ul style="list-style-type: none"> <li>Concrete kerb and gutter is to be provided to Council's specification for the full frontage of the development together with a concrete layback and footpath crossing.</li> <li>In the case of corner allotments, kerb and gutter will be required on each road frontage of the development.</li> </ul> </li> <li>Concrete footpath paving shall be provided where: <ul style="list-style-type: none"> <li>There is an approved Pedestrian Access and Mobility Plan (PAMP); or</li> <li>Required for pedestrian safety.</li> </ul> </li> </ul>
<b>Industrial</b>	<ul style="list-style-type: none"> <li>Heavy duty concrete; or</li> <li>Industrial asphaltic concrete AC10 with minimum pavement thickness of 200mm subject to pavement testing for a design load of <math>1 \times 10^6</math>.</li> </ul> <p>All with associated stormwater drainage designed in accordance with the relevant Australian Standards.</p>



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<b>Heritage precincts</b>	<ul style="list-style-type: none"> <li>Surfaces should be sympathetic to the streetscape qualities of identified heritage precincts and heritage items.</li> <li>The standard of construction, including details of compaction and drainage will be specified by Council on a case by case basis.</li> <li>The car park design must take into consideration the means of defining the car parking spaces and, where possible, spaces slightly wider in dimension than normally required.</li> </ul>
<b>Dog Breeding and Boarding Establishments (Including Catteries)</b>	<ul style="list-style-type: none"> <li>Car spaces shall be constructed to at least an all-weather gravel standard.</li> </ul>
<b>Ground level car parks</b>	<ul style="list-style-type: none"> <li>Compliance with AS2890, Council's Engineering Design Specifications and requirements of Transport for NSW.</li> <li>Driveways must be relatively level within 6m of the site boundary or any pedestrian way - maximum grade of 1 in 20.</li> <li>Car parking bays must be suitably line marked and pavement arrows must be provided to clearly indicate direction of circulation.</li> <li>Wheel stops should be provided to protect areas from vehicle encroachment, particularly walls, landscaping and pedestrian areas.</li> </ul> <p><b>Note:</b> To ensure that ground level car parks are constructed to an acceptable standard, the following steps must be taken:</p> <ul style="list-style-type: none"> <li>Site investigation and soils testing of sub-grade to ascertain minimum cover requirements as detailed in the development consent.</li> <li>Submission of proposed pavement material grading tests to be carried out by an approved soil laboratory and results to be approved by Council prior to construction.</li> <li>Compact approved pavement material to depth.</li> <li>Approved in layers not exceeding 150mm compacted, 225mm loose.</li> <li>Field density tests of pavement area to ensure adequate compaction to a Transport for NSW standard, i.e. 100% standard proctor.</li> </ul>
<b>Basement or multi-level car parks</b>	<ul style="list-style-type: none"> <li>Minimum height between the floor surface and the lowest overhead obstruction must be in accordance with AS2890 for all areas traversed by cars.</li> </ul>
<b>Straight or circular ramps in carpark</b>	<ul style="list-style-type: none"> <li>Compliance with AS2890.1.</li> </ul> <p><b>Note:</b> The number of revolutions of a single circular ramp should be no greater than 6. Traffic flow should be in a clockwise direction on single lane ramps and on the outside lane (used for upward circulation) of double lane ramps.</p>

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## 7 Advisory Information

### 7.1 Development Application Documentation

**Development** applications must be accompanied with plans that show the arrangements made for parking, where vehicles will enter and leave the site, and how vehicles will move about the site.

#### 7.1.1 Survey and Design Works

When survey and design works are undertaken for a **development** proposal, the survey should include the whole existing **road** and associated services and features (not just the frontage side of a **development**). Adjacent driveways are to be included, and where traffic facilities are currently present or to be provided, then sufficient survey/design is to be undertaken to allow **Council** to properly assess a proposal and its traffic impacts.

#### 7.1.2 Traffic Management Plans

The traffic management plans shall address construction car parking requirements, loading / unloading, heavy vehicle routes, requirements for construction or work zones, pedestrian and cyclist safety, traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction, speed zone restrictions, etc.

#### 7.1.3 Traffic Studies and Statements

Consultation should be undertaken in the first instance with **Council** (and Transport for NSW where relevant) in relation to the extent of the studies required and specific issues to be addressed. Given the nature of seasonally variable traffic and parking demands in the Shoalhaven, consistent with Transport for NSW guidelines and AUSTROADS, any surveys and assessments undertaken should be seasonally adjusted to recognised annual benchmarks for the purpose of the traffic analysis. In particular, annual average weekday conditions, 80-120<sup>th</sup> highest hour conditions, and for the purposes of parking analysis, 85-percentile peak parking demands must be considered.

Any traffic study must address the cumulative impacts of **development** and refer to the 10% rule in the Transport for NSW's Guide to Traffic Generating Developments. That is, where an individual stage of **development** comprises greater than 10% of the entire **development**, the entire **development** application (master plan) must be assessed in addition to each stage within the traffic impact study. This is primarily to ensure appropriate staged conditions which are complimentary to the ultimate **development** proposal.

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**7.2 Other legislation or policies you may need to check**

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

You should contact [Council's](#) Traffic Unit to identify if any town centre specific traffic and parking studies and strategies would apply to your application.

<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• Bike Plan</li> <li>• Pedestrian Access and Mobility Plan</li> <li>• Shoalhaven Contribution Plan 2019 (or previous Plans as appropriate)</li> </ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"> <li>• <b>NSW Government's Apartment Design Guide</b></li> <li>• Australian Standards (including AS2890.1, AS2890.2)</li> <li>• AUSTROADS Guide to Traffic Management</li> <li>• AUSTROADS Guide to Traffic Engineering Practice</li> <li>• Building Code of Australia</li> <li>• Transport for NSW Guide to Traffic Generating Developments</li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Disability Discrimination Act 1992 Cth</li> <li>• <b>State Environmental Planning Policy (Housing) 2021</b></li> <li>• <b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b></li> <li>• State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>• <b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</b></li> </ul>

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Draft Dictionary

Table of Changes

Category	Recommended Change	Reason
Deletion	Delete the following definition: <b>“Formal landscaping</b> means a garden bed or beds with fixed edging and a mulched or rock covered surface that is densely planted with ground covers and/ or shrubs and/ or trees.”	To align with contemporary NSW Government design guidance, environmental planning instruments and industry best practice regarding deep soil provision in a landscape context.
Insertion	Insert the following definition: <b>“Deep Soil landscaping</b> means a landscaped area of the site that is not to be built upon, or underneath, able to accommodate deep, soft soil for substantial deep-rooted vegetation and natural drainage. This area may be included in the private open space area but is not to be included in the minimum hardstand private open space area calculations. Note. Landscaped area is defined in SLEP 2014”	

For convenience, provisions with additions and/or changes are highlighted in yellow and deletions are highlighted in yellow strikethrough.

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**Draft Dictionary**

<b>Amendment history</b>			
<b>Version Number</b>	<b>Date Adopted by Council</b>	<b>Commencement Date</b>	<b>Amendment Type</b>
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	7 November 2016	30 November 2016	Amendment
4	11 December 2017	20 December 2017	Amendment
5	8 May 2018	23 May 2018	Amendment
6	28 August 2018	31 October 2018	Amendment
7	6 November 2018	14 December 2018	Amendment
8	5 November 2019	27 November 2019	Amendment
9	3 December 2019	18 December 2019	Amendment
10	20 January 2020	12 February 2020	Amendment
11	6 October 2020	23 October 2020	Amendment
12	3 November 2020	4 January 2021	Amendment
13	7 September 2021	1 October 2021	Amendment
14	5 June 2023	28 June 2023	Amendment
15			Draft

Shoalhaven Development Control Plan 2014

**Draft Dictionary**

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## Draft Dictionary

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**Note.**

This dictionary must be read in conjunction with the *Shoalhaven Local Environmental Plan (SLEP) 2014*. Terms excluded from the *Shoalhaven Development Control Plan (DCP) Dictionary 2014* are as defined in *SLEP 2014*.

Where not identified in this document, definitions are based on the ordinary Australian dictionary meaning or other relevant legislation.

For information on the SLEP 2014 Dictionary, please view the [SLEP 2014 document](#).

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**‘A’ board sign** means any style of portable self-supporting/free-standing sign.

**Above awning sign** means any sign located on top of an awning or verandah where no part of the sign projects above the roof, parapet or ridge-line, or beyond the awning edge.

**Absorption** when used in reference to *Chapter G8: Onsite Sewage Management* means the uptake of effluent or sullage or both into the soil.

**Acceptable solutions** or **controls you must comply with** are provided as examples of what is considered acceptable to Council to enable the performance criteria and objectives to be achieved.

**Access place** means a street that is similar to an access street but is of a lower order in the road hierarchy, is served by a smaller number of lots and carries less traffic. It is a sub-category of local street providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority, where the residential environment is dominant, traffic is subservient, speed and volume are low. This is a low traffic volume, low speed environment where pedestrians and cyclists may occasionally share the road space.

**Access street** means a sub-category of local street providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority, where the residential environment is dominant, traffic is subservient, speed and volume are low and pedestrian and cycle movements are facilitated. Access streets carry more traffic than an access place and therefore pedestrian and cycle facilities are provided off street.

**Accessible** means a dwelling designed to meet the needs of people requiring higher level access from the outset, and usually designed and built with a specific person's needs in mind. An accessible house meets the requirements of the [‘Livable Housing Design Guidelines’](#), and is able to accommodate wheelchair users in all areas of the dwelling.

**Active shop front** means a frontage for retail or similar activity where the activity within is visible because the shop frontage is transparent or open, or where the window display occupies the full width of the shop frontage and provides visual interest to the street.

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**Adaptable** means a dwelling design that is capable of being modified easily and affordably in the future to become **accessible**.

**Adult Shop** means: A shop or commercial premises used for the purposes of selling sexually explicit products in which:

- a) publications classified Categories 1 and/or 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public; or
- b) a business to which section 578E of the *Crimes Act 1900* applies is conducted on the premises; or
- c) a business is conducted, an object of which is the display or exhibition of any product (such as articles, compounds, preparations or devices, but not printed matter) within the meaning of that Act, that is primarily concerned with sexual behaviour.

**Advertisement** or **sign** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**Advertising sign** has the same meaning as Advertisement.

**Aerated waste treatment system (AWTS)** means a system that uses the processes of aeration, clarification and disinfection to treat effluent from septic tanks to a standard that complies with the requirements of the relevant regulatory authorities.

**Allotment** or **lot** means an area of topographical space shown on an approved plan of subdivision and on which it is intended to construct a dwelling or dwellings.

**Amenities** include staff and public toilets as well as staff rooms/rest areas.

**Amenity block** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a community building used as a shower block, toilet block or laundry block.

**Annexe** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as a moveable dwelling that:

- a) is an attachment to a relocatable home or caravan, and
- b) is used as an extension of the habitable area of the relocatable home or caravan, and
- c) is capable of being erected or removed within 24 hours.

**Annual exceedance probability (AEP)** means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

**Appropriate engineer** means:

- a) a suitably experienced and qualified professional including: someone with experience and qualifications leading to recognition on the National Engineering Register (NER) in Civil or Structural Engineering (Institution of Engineers, Australia); or other

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professionals with good standing in the fields of flood risk management, flood studies and/or emergency management; and

- b) acting at all times within their experience and qualifications; and
- c) able to demonstrate to Council that they have the experience and qualifications to act as required. This normally means being able to provide documentation to Council indicating they have acted in the required capacity on at least three occasions in the last three years, and that the work was carried out to a high standard and was recognised by Council or another local council.

**Arboreal** means found dwelling within the crown of trees

**Arboriculture** means cultivating and managing trees as individuals and in small groups for amenity purposes.

**Arborist** means a person with training (minimum Australian Qualification Framework Level 3 in Arboriculture or equivalent) with relevant experience that enables the person to perform tasks required by Australia Standard 4373-2007.

**Arterial road** means roads of major state or metropolitan significance, catering for relatively high volume and/or long distance travel. In rural areas, they comprise the main interstate routes and roads connecting the larger provincial cities to the large metropolitan centres. In urban areas, they comprise the high volume routes serving the major transport corridors that link the larger activity centres. Arterial roads are sometimes called primary arterial roads.

**Articulation** or **building articulation** is the treatment of a façade of a building and how it is emphasised architecturally by using distinctive building elements such as:

- a) Balconies
- b) Verandahs
- c) Recessed terraces
- d) Bay windows and external shading devices
- e) Variations in setbacks
- f) Fenestration
- g) Materials and detailing
- h) Patterned and featured walls.

**Asset protection zone (APZ)** is an area between a bushfire hazard and a building, which is managed to minimise fuel loads, inhibit a fire path and reduce the effects of heat, flame, ember and smoke attack.

**Associated structure** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government Act 1993*.

**Note.** The term is defined as follows:

- a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or
- b) a separating wall between 2 moveable dwellings.

**Australian height datum (AHD)** is a common national surface level datum corresponding approximately to mean sea level.



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**Awning** means a permanent, roof-like structure attached to, and projecting from, the wall of a building and generally designed or constructed to provide pedestrians with protection against the weather.

**Awning face/fascia sign** means any sign painted on or attached to the front face of an awning that does:

- a) not project above or below the fascia or return end of the awning to which it is attached
- b) not extend more than 300 mm from the fascia or return end of the awning
- c) not extend or project beyond a point 600 mm within the vertical projection of the kerb line.

**BAL-29** means a construction standard under “AS3959 – Construction of buildings in bushfire prone areas”. ‘BAL’ stands for bushfire attack level and ‘29’ means the building is designed to withstand ember attack and radiant heat of up to 29kW/m2.

**Bandit sign** means any sign displayed on or attached to a tree, post, utility pole, vehicle or structure located within or near any water, road or rail transportation corridor and includes fly posters.

**Bearing capacity** is defined in geotechnical engineering as the capacity of soil to support the loads applied to the ground, such as the loads from housing foundations for example

**Bedrock** means any rock shelf under a site that is low strength or harder.

**Billboard/bulletin board** may be on-building or free-standing, painted or comprise two or more poster panels.

**Biobanking agreement** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means a legally binding agreement between the landowner and the NSW Environment Minister that describes how the biodiversity values of a ‘biobank site’ will be conserved and protected. Biobanking is an offsetting program whereby the biobank site offsets development and environmental loss on another site.

**Biodiversity offsets scheme threshold** means the biodiversity offsets scheme threshold referred to in section 7.4 of the *Biodiversity Conservation Act 2016*.

**Biodiversity Values Map** means the map published, from time to time, on an appropriate Government website under clause 7.3 of the *Biodiversity Conservation Regulation 2017*.

**Biosolid waste application** means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority’s guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 1997)* and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 2000a)*.

**Black water** means soil (toilet) wastes mixed with water.

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**Bonded asbestos** means any material that contains asbestos, other than friable asbestos materials.

*Note. Bonded asbestos materials include asbestos-cement, vinyl-asbestos floor tiles, asbestos brake linings and asbestos roof felt, and other materials where the asbestos is generally 'locked' into the matrix of the material. (AS 4964-2004).*

**Buffer distance** when used in reference to *Chapter G8: Onsite Sewage Management* means a distance measured in metres that represents the length of flow line between a wastewater disposal area and the high water mark of a waterbody or watercourse.

**Building Code of Australia (BCA)** is as defined in the *Environmental Planning & Assessment Act 1979*.

*Note. This term means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:*

- a) such amendments made by the Board, and*
- b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.*

**Building envelope** means a three dimensional zone determined by height, width, depth and setbacks that defines the buildable area on a site.

**Building height plane** means a plane projected at an angle of 45 degrees over the actual land to be built upon from the prescribed distance (5 metres if not specified) above ground level at the side boundaries of the site. Where the site is more than 20 metres in width or two or more lots are amalgamated or the common boundaries built over, Council shall determine the location of the Building Height Plane for that particular property.

**Building line** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the line within which the dwelling and associated buildings should be located.

**Bunting** means and includes decorative flags, pennants and streamers.

**Bushland** means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

**Bushland Conservation Area (BCA)** when used in reference to *Chapter N20: Jerberra Estate* means an area in which no development is allowed must be fenced and retained as native bushland. If the land is currently cleared, it must be allowed to regenerate and/or be rehabilitated.

**Bushland Management Area (BMA)** when used in reference to *Chapter N20: Jerberra Estate* has the same controls as BCA, except that driveways are allowed.

**Business owner** when used in reference to *Chapter G17: Business, Commercial and Retail Activities* means the operator or trader of the business conducted within a business or commercial premises. It may be different to the owner of the premises building.

**Bypass channels** redirect a portion of floodwater away from areas under threat from flooding, and so reduce flood levels along the channel downstream of the diversion.

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**Cambium/Cambial layer** means the living part of a tree trunk that allows the movement of water and nutrients up and down the stem.

**Camp site** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** *This term is defined as an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.*

**Canopy** means a roof-like structure without walls that may be free standing, affixed to a building and supported by one or more posts or cantilevered and includes a covered walkway; roof over a service station driveway and a tensioned tent-like roof designed to provide protection from the weather.

**Caravan** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** *This term is defined as a moveable dwelling that is designed so as to be registrable as a trailer under the Road Transport (Vehicle Registration) Act 1997, but does not include a camper trailer.*

**Carport** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a covered car parking space with no walls other than the abutting walls of a moveable dwelling from which the structure projects, provided that no more than two sides of the carport are enclosed.

**Carriageway or roadway** means the area of street reserve that is provided for the movement or parking of vehicles and is determined by the invert of kerb and gutter and or concrete edge strip.

**Cation exchange capacity** means the ability of the soil to take up (or bond with) ions such as sodium and phosphorous.

**Clear (or clearing)** vegetation has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

**Note.** *The term is defined as:*

- a) *cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation,*  
*or*
- b) *lop or otherwise remove a substantial part of the vegetation.*

**Collection area** means the location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

**Collection point** means the usual (or agreed) point on the footpath/roadway, or on-site, where garbage and recyclables are loaded onto vehicles.

**Collector road** means roads that connect the local road system to the arterial and sub-arterial road system, and which serve both through and local traffic, although through traffic (between higher order roads) should be discouraged as far as practicable (on Collector

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Roads (Tier 2)). A range of collector road cross sections are permissible, dependent on functional road hierarchy and forecast traffic volumes. Collector Roads (Tier 2) are generally at the upper scale of acceptable traffic volume limit (based on acceptable environmental thresholds), whereas Collector Tier 1 Roads (also known as Distributor Roads) are designed to carry much higher volumes of traffic linking to the sub-arterial and arterial road network. Pedestrian and cycle facilities are provided off street.

**Commercial use** when used in reference to *Chapter G17: Business, Commercial and Retail Activities* includes the display of goods, an advertising A-board or menu board, and alfresco dining within a defined public footpath area.

**Common effluent system** means a system in which septic tank effluent in a gravity reticulation system is piped from a number of residences to a central treatment and/or application system.

**Communal open space** means useable shared open space located within the proposed development for the recreation and relaxation of all residents of the development.

**Community** means a group of people living in the same locality or having common interests.

**Community building** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** This term is defined as a building (such as a shower block, toilet block or laundry block) that is used or intended to be used in connection with a community amenity, and includes a building that is to be used as a manager's or caretaker's office or residence.

**Community map** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** This term is defined as:

- a) in relation to a manufactured home estate – means a scale map that accurately shows the road reserves, the community amenities and the dwelling sites within the manufactured home estate, and
- b) in relation to a caravan park or camping ground – means a scale map that accurately shows:
  - i. the access roads, community amenities and community buildings within the caravan park or camping ground, and
  - ii. the number, size, location and dimensions of dwelling sites or camp sites within the caravan park or camping ground, and
  - iii. in relation to a dwelling site or camp site within the caravan park or camping ground, the particular off-site parking space or spaces (if any) designated for use by the occupier of the dwelling site or camp site.

**Community title subdivision** means a subdivision under the Community Land Development Act 1989.

**Companion animal** means companion animal as defined under the *Companion Animals Act 1998*.

**Note.** This term is defined as:

- a) a dog,
- b) a cat,

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c) any other animal that is prescribed by the regulations as a companion animal.

**Note.** The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.

**Complex** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a caravan park, camping ground or manufactured home estate.

**Compliance report** when used in reference to *Chapter G9 Development on Flood Prone Land* and *Chapter G10: Caravan Parks in Flood Prone Areas* is a document prepared by a suitably qualified engineer, detailing how a proposed development complies with the requirements of those chapters.

**Compostable material** means vegetative material capable of being converted to humus by a biological decay process e.g. compost.

**Composting toilet** means a ‘waterless’ effluent treatment system that treats toilet wastes by composting as a result of natural decomposer organisms in the composting chamber.

**Consent** means an approval granted by Council following the lodgement of a Development Application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

**Continuous accessible path of travel (CAPT)** means a walkway for pedestrians along a footpath extending along the building line, where possible. The CAPT is to have no barriers, obstructions or projections to provide the best possible guidance line to provide a safe, clear and consistent pathway to meet the needs of all users (including people with a vision impairment and people of all ages and abilities).

**Conveyance or flood conveyance** means a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross section will also be halved).

**Core riparian zone** means the area beyond the top of bank of a watercourse that is to be protected under the *Water Management Act 2000*.

**Crown maintenance pruning** is as defined in *Australian Standard AS 4373, 1996 “Pruning of Amenity Trees”* and is considered to involve a reduction in tree foliage and branches by up to 10 percent in any one (1) year with no reduction in the height of the main trunk.

**Cul-de-sac** refers to a street, lane etc. closed at one end. The cul-de-sac head is the closed end and is designed to allow a turning area for vehicles.

**Deep soil landscaping** means a landscaped area of the site that is not to be built upon, or underneath, able to accommodate deep, soft soil for substantial deep-rooted vegetation and natural drainage. This area may be included in the private open space area but is not to be included in the minimum hardstand private open space area calculations.

**Note.** Landscaped area is defined in *SLEP 2014*.

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**Demolition** means the complete or partial dismantling of a building by pre-planned and controlled methods, and including the removal of any whole or part of a building from a site.

**Design Solutions** mean solutions considered acceptable to Council to enable the objectives to be achieved.

**Designated development** is development listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* for which an environmental impact statement is required.

**Designated stock storage area** means an area within the internal faces of the walls of a building, which is purposely designed and constructed for storage only, physically separated from the retail floor area and out of sight of customers.

**Destroy** when used in reference to vegetation means any activity leading to the death, disfigurement or mutilation of a tree.

**Detached habitable room** means a room or suite of rooms that are separated from the main dwelling house (except by an all weather connection) and are for use by members of the same household. The room or suite of rooms cannot be fully self-contained but may contain a bathroom. The room or suite of rooms must not include a kitchen, laundry, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room and should rely on the main dwelling house for these purposes, to function as a single dwelling occupancy.

**Detached studio** has the same meaning as in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Note.** The term is defined as follows:

*Detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and:*

- a) *is established in conjunction with a dwelling house, and*
- b) *is on the same lot of land as the dwelling house, and*
- c) *is separate from the dwelling house, and*
- d) *is not used as a separate dwelling house, and*
- e) *does not contain any cooking facilities.*

**Detention** means the collection and temporary storage of stormwater to reduce the peak runoff from a site. Stormwater detention measures temporarily detain stormwater onsite in order to prevent flooding and erosion further downstream.

**Development** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Note.** The term is defined as follows:

- a) *the use of land, and*
- b) *the subdivision of land, and*
- c) *the erection of a building, and*
- d) *the carrying out of a work, and*
- e) *the demolition of a building or work, and*
- f) *any other act, matter or thing that may be controlled by an environmental planning instrument,*

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*However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).*

**Development control plan (DCP)** is a written document that supports the *SLEP 2014*. The DCP provides detailed planning controls and guidelines for certain types of development and/or localities.

**Disinfection** when used in reference to *Chapter G8: Onsite Sewage Management* means the process by reducing all pathogenic and other harmful organisms to safe levels in secondary treated effluent. Processed effluent is only suitable for non-potable purposes such as irrigation.

**Display** when used in reference to *Chapter G22: Advertising Signs and Structures* may include clothing racks, fences, merchandise on display/sale, moveable bollards, pot plants, planter boxes, screens, stands, stalls, tables, umbrellas, and any similar movable object (not including an 'A' board sign), associated with the advertising of commercial premises.

**Dog-proof fencing** means fencing provided around the perimeter of the asset protection zone (APZ) on each property, to prevent dogs from escaping.

**Double-sided sign** means two signs, back to back, on a single structure, where both sides of the sign are identical in sign face area, dimensions and content.

**Dwelling site** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as follows:

- a) *in relation to a manufactured home estate – means an area of land within the manufactured home estate that is designated as a dwelling site by the approval for the manufactured home estate, and*
- b) *in relation to a caravan park – means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.*

**Economic activity zones** in relation to *Chapter N1: Kangaroo Valley* include the defined retail core, tourist precinct and craft industry precinct as shown on the Supporting Map of that chapter.

**Eddies** mean small whirls caused by movement in a flowing stream of liquid.

**Effective warning time** when used in reference to flooding means the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

**Effluent** when used in reference to *Chapter G8: Onsite Sewage Management* means liquid discharge from a septic tank, sullage treatment farm or aerated wastewater treatment system.



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**Effluent application area** means the area of land where it is intended to dispose of or apply effluent and any by-products of sewage from the management facility.

**Effluent disposal absorption** means the uptake of effluent or sullage or both into the soil.

**Employee** when used in reference to *Chapter G19: Home Based Business Activities* means a person that works on the premises but does not reside there, and may include relatives.

**Ensuite facility** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** This term is defined, in relation to a dwelling site, means a building, part of a building or an associated structure that contains at least a shower, toilet and hand basin, is provided for the exclusive use of the occupiers of the site and is located on or adjacent to the site.

**Environmental planning instrument** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Note.** The term is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

**EP&A Act** or **the Act** means the *Environmental Planning and Assessment Act 1979*.

**Epicormic bud** means dormant emergency buds located just beneath the bark that shoot when stimulated by a stress event such as pruning, burning, etc.

**Epidermis** when used in reference to vegetation means the outer layer of a plant (bark).

**Epiphytic** means a tree dwelling plant.

**Equivalent population** when used in reference to *Chapter G8: Onsite Sewage Management* means the number of persons deemed to be accommodated must be calculated in accordance with the requirements of Part D of the Building Code of Australia (BCA) in conjunction with design requirements from the Department of Public Works "Manual of Practise (Sewer Design)" (1987).

**Erosion and sediment control plan** means a set of drawings showing how soil and water is to be managed during construction of a development.

**Evacuation capability** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means the ability of a park manager and staff to evacuate people and to remove all the towable on-site moveable dwellings and other assets identified to be relocated (e.g. tourists' vans, vehicles, boats) from the flood-prone area to a location above the probable maximum flood (PMF), having regard to the number of moveable dwellings and assets to be moved, the available resources with which to move them (caravan park staff and equipment, without recourse to the emergency services), the required time to move them, the capacity and suitability (e.g. in terms of impacts on traffic) of the evacuation route and intended storage location, and the effective warning time.

**Evapotranspiration** means the loss of moisture to the atmosphere by direct evaporation and also by transpiration through a plant's leaves.



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**Exceedances per year (EY)** means the number of times an event is likely to occur or be exceeded within any given year. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence.

**Exempt development** is development that may be carried out without the consent of Council, subject to compliance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *SLEP 2014*.

**Existing sign** when used in reference to *Chapter G22: Advertising Signs and Structures* means any sign that was lawfully displayed on a building or site as at the date of adoption of this DCP, or any sign approved by Council at that date, but not yet displayed or erected.

**External clothes drying facilities** means an external area allocated to each dwelling which is principally used for the purpose of drying clothes and the like.

**Fence** means a structure or posts, rails, palings, metal, wire, profiled fibrous cement, masonry or other materials enclosing or bounding land and includes any foundation, foundation wall or retaining wall but does not include a wall which is part of a house or other building or structure.

**Fence Sign** means a sign painted on or otherwise affixed to a fence that is:

- a) designed and constructed to permanently delineate and identify a boundary alignment or enclosure.
- b) purpose built and designed as a backdrop to a display area (eg motor vehicle sales yard) and is not more than
  - i. 4 m in height; and
  - ii. not within 20 m of a front property boundary
- c) a temporary fence or hoarding to delineate and protect a construction site.

**Flexible annexe** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as an annexe that (apart from any rigid support frame and any floor, or any door, window or other securable opening, constructed of non-flexible material) consists entirely of canvas or other flexible material.

**Flood** means a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami (Floodplain Development Manual, 2005).

**Flood affected** means that a parcel of land is either fully or partly within the floodplain.

**Flood assessment report** is a document prepared by a suitably qualified hydraulic engineer, detailing existing flood risk for a catchment.

**Flood certificate** is a document providing flood information for a particular parcel of land - it can be obtained from Council.

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**Flood compatible building components** means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

*Note. A list of typical flood compatible building components is provided in Supporting Document 1 of Chapter G9: Development on Flood Prone Land.*

**Flood compatible materials** include those materials used in building that are resistant to damage when inundated. A list of flood compatible materials is contained in Supporting Document 1 of *Chapter G9: Development on Flood Prone Land*.

**Flood conveyance** is a direct measure of flow carrying capacity of a particular cross-section of a stream or stormwater channel.

**Flood free land** means land above the probable maximum flood level.

**Flood fringe** is that part of the floodplain remaining after the floodway and flood storage areas have been defined.

**Flood marker post** is a structure erected in a prominent position which depicts the height of known significant floods of record and predicted floods.

**Flood planning area** is the area of land below the flood planning level (FPL) and thus subject to flood related development controls. The concept of flood planning area generally superseded the “flood liable lands” concept in the 1986 Manual.

**Flood prone land** is the land susceptible to flooding by the probably maximum flood (PMF) event. Flood prone land is synonymous with flood liable land.

**Flood proofing** means a combination of measures incorporated in the design, construction and alteration of individual buildings or structures subject to flooding, to reduce or eliminate flood damages.

**Flood storage areas** are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

**Flood study** is a technical investigation of flood behaviour. It defines the nature of flood risk by establishing the extent, level and velocity of floodwaters. The study also provides information on the distribution of flood flows across various sections of the flood plain for the full range of flood events up to and including the probable maximum flood (PMF).

**Floodplain** means the area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is, flood prone land.

**Floodplain risk management plan** is a plan developed in accordance with the principles and guidelines contained in the NSW Government Floodplain Management Manual. Usually includes both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defined objectives.

**Floodplain risk management study** is a study that identifies and compares various risk management options. This includes an assessment of their social, economic, ecological and

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cultural impacts, together with opportunities to maintain and enhance river and floodplain environments.

**Floodway** means those parts of the floodplain where a significant discharge of water occurs during floods. They are often aligned with natural defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels (and/or velocities).

**Floor area** means, in relation to a room, the area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting.

**Floor area of a guestroom or tourist cabin** when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means the area of a guestroom or tourist cabin, measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting and all decks and verandahs.

**Fluvial geomorphology** is the branch of geology that examines the formation and structure of the features of the surface of the earth which is created by flowing rivers.

**Footpath** means the hardstand area between private property and the kerbline, whether the area is paved, grassed or concreted.

**Footpath** when used in reference to *Chapter G18: Streetscape Design for Town and Village Centres* refers to the full width areas of pavement on the road reserve between the property boundary and the street kerb and gutter.

**Formal landscaping** means a garden bed or beds with fixed edging and a mulched or rock covered surface that is densely planted with ground covers and/ or shrubs and/ or trees.

**Freeboard** is a factor of safety typically used in relation to the setting of floor levels, levee crest levels, etc. Freeboard is expressed as additional height on top of the flood level and provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain. Freeboard is included in the flood planning level.

**Free-standing sign** means any sign not attached to a building or structure and includes any three-dimensional replica, object or shape.

**Friable asbestos materials** (AS 4964-2004) Any material that contains asbestos and is in the form of a powder or can be crumbled, pulverized or reduced to powder by hand pressure when dry.

**Note.** Friable asbestos materials include asbestos lagging and sprayed asbestos insulation.

**Garage** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means an enclosed single storey structure capable of accommodating not more than two motor vehicles, which is either attached to a moveable dwelling or detached.

**Garage sale** means the sale from a residential, school, church or other community related premises of second hand items only that have been used by the person(s) or group organising the garage sale.

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**Garbage** means refuse or waste material other than trade waste, effluent, compostable material, green waste or recyclable material.

**Garbage and recycling room** means a room where garbage and recycling receptacles are stored, awaiting reuse or removal from the premises.

**Garbage chute** means a duct in which deposited material descends from one level to another within the building, due to gravity.

**Green waste** means vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

**Grey water** means sullage wastes (e.g. laundry, shower, kitchen, etc.) excluding toilet wastes.

**Gross leaseable floor area** means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors, parking areas and designated stock storage areas.

**Ground level (natural) or natural ground level** means the same as ground level (existing) as defined in SLEP 2014.

**Ground water** means water that exists under the surface and within the soil.

**Groundcover** means any type of herbaceous vegetation, but it is only to be regarded as native vegetation that occurs in an area where not less than 50% of the herbaceous vegetation covering the area comprises indigenous species. In determining that percentage, not less than 10% of the area concerned must be covered with herbaceous vegetation (whether dead or alive).

**Group** when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means a collection of two or more tourist cabins.

**Guesthouse** means a building or buildings used for temporary visitor accommodation of up to twenty accommodation rooms in a domestic scale of architecture, where the building or buildings incorporate a common facility for the provision of meals either to people temporarily resident or to the general public, whether or not those facilities are licensed.

**Guestroom** is a room or suite of rooms within a guesthouse used for tourist accommodation.

**Habitable floor area** means the floor areas and rooms used within a dwelling for normal domestic use, including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom.

**Habitable room** has the same meaning as in the *Building Code of Australia*.

**Note.** The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

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**Habitat** when used in reference to vegetation means vegetation that is capable of being used for the nectar feeding, roosting or nesting of birds, arboreal marsupials, micro-bats or vegetation which supports the growth of locally indigenous epiphytic plants such as orchids.

**Hazard** when used in reference to flooding, is a source of potential harm or a situation with the potential to cause loss.

**Hazardous waste** means any waste that, because of its physically, biologically or chemically damaging properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and is, or contains, a substance specified in Schedule 1 of the Waste Minimisation and Management Regulation 1996.

**Health care professional** means any doctor, medical specialist, or any other person registered under an Act for the purpose of providing health care and includes (but not exclusively) a recognised specialty in the following professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine, chiropractic, dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist), medical, medical radiation practice, nursing and midwifery, occupational therapy, optometry, osteopathy, physiotherapy, speech therapy, podiatry, psychology etc.

**Height of tree** means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

**High hazard** when used in reference to *Chapter G9: Development on Flood Prone Land* and *Chapter G10 Caravan Parks in Flood Prone Areas* is as defined in the *NSW Floodplain Development Manual 2005*.

**Note.** The term is defined as possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant damage to buildings.

**Highly trafficked footpaths** mean those footpaths which receive a high flow of pedestrian traffic on any given day, including; the Princes Highway, Junction Street

**Holding** in relation to *Chapter V1: Lot Averaging Subdivision* means all adjoining and adjacent land within the areas shown on the accompanying maps in that chapter, and under the same ownership as at the 16 July 1999. See also Clause 6.2.1 of that chapter.

**Holding tank** when used in reference to *Chapter G8: Onsite Sewage Management* means a tank used for holding wastewater prior to pumping out, sometimes called a collection well.

**Holiday van** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as a moveable dwelling (other than a tent) that is or usually is continuously located on a short-term site and used primarily by its owner for occasional occupancy for holiday purposes.

**Home activity** when used in reference to *Chapter G19: Home Based Business Activities* means any activity carried out by a resident for either paid or unpaid employment purposes:

- a) in a dwelling or dwelling house;

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- b) from a building (or area) within the curtilage of a dwelling house;
- c) from an outbuilding (or area) on a property in a rural location; or
- d) on adjoining land in the same ownership; and
- e) the dominant use of the dwelling or land is for domestic purposes; and
- f) the activity does not involve the use of the property for the purposes of sexual services premises.

**Hydraulic impact assessment report** means a document prepared by a suitably qualified hydraulic engineer, detailing how a proposed development will change flood behaviour on and off the site as well as how the new development itself will be impacted by flooding.

**Hydraulics** means the study of water flow in waterways, in particular the evaluation of flow parameters such as water level and velocity.

**Illuminated sign** describes the method of presentation and means any sign that is illuminated either internally or externally by static or moving lights and includes floodlit signs, neon, flashing, chasing, or animated signs and colour changing fibre optic displays.

**Impervious** means a surface that does not allow water to infiltrate into the ground, including roofs, roads, pavements, hard surfaced sports courts, any 'sealed' areas and permanent water bodies such as swimming pools.

**Important habitat trees** when used in reference to *Chapter N20: Jerberra Estate* mean hollow-bearing trees (including Yellow-bellied Glider den trees and Gang-gang Cockatoo nest trees), Glossy-Black Cockatoo feed trees (*Allocasuarina littoralis*) and Yellow-bellied Glider feed trees.

**Industrial road** means any road in the road hierarchy which predominantly provides general traffic and service access to:

- a) Development precincts that are zoned appropriately to cater for a range of industrial developments, as well as specialised retail premises, freight, public transport.
- b) Generally any subdivisions or developments that are likely to generate larger than normal proportions of longer/larger vehicles or heavy vehicle traffic.

**Infill development** means urban development that takes place within existing urban zones on land that is currently or has most recently been used for urban land use purposes.

**Infiltration** when used in reference to *Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control* means downward movement of water from the surface to the subsoil.

**Infiltration** when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to accept effluent and rainfall at the surface.

**Inflatable** when used in reference to *Chapter G22: Advertising Signs and Structures* means any fixed or captive balloon, blimp, kite or cold air inflatable or the like and includes lighter than air devices used for short term promotional purposes.

**Injury** when used in reference to vegetation means damage to a tree and includes lopping and topping poisoning, including applying herbicides and other plant toxic chemicals to a

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tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices, or is done for invalid reasons, including vandalism ringbarking, scarring the bark when operating machinery, fixing objects (eg. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches damaging a trees root zone by compaction or excavation, asphyxiation including unauthorised filling or stockpiling of materials, and/or underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

**Installation** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as:

- a) in relation to a manufactured home or a relocatable home— the process of connecting together the major sections of the manufactured home or relocatable home, and any associated structures forming part of the manufactured home or relocatable home, and attaching them to footings, or
- b) in relation to an associated structure—the process of constructing or assembling the components of the associated structure, and (if appropriate) attaching them to footings, and includes the connection of gas, electricity, telephone, water, sewerage and drainage services.

**Integrated development** is development that is described under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

**Integrated housing development** means a subdivision of land into five or more allotments and the simultaneous design and construction of a single dwelling-house or dwelling on each of the allotments created by that subdivision.

**Integrated water cycle management** means the management of the water cycle in the urban and industrial context as a whole, including water use, water collection, water recycling and disposal.

**Intent** means a general statement that describes the purpose for applying a particular development control measure.

**Intermittent watercourse** or **stream** means any stream, channel, canal or surface water drainage depression that forms a waterbody that flows during periods of rainfall or flooding.

**Irrigation area** when used in reference to *Chapter G8: Onsite Sewage Management* means an area of prepared soil and aggregate through which a network of either perforated pipes is laid or spray irrigators are provided. Effluent is either sprayed or permitted to percolate into the soil bed and is removed primarily by evaporation and transpiration by plants. The area outlined within these guidelines incorporates sufficient area of land to provide for the resting of effluent disposal areas through a rotational schedule.

**Land capacity study** means a study that examines the potential environmental impacts of on-site effluent disposal and includes detailed soil survey topographical analysis and drainage assessment.



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**Land filling** means to place, or allow to fall, upon any land any ballast, rock, stone, shingle, gravel, sand, clay, earth, cinders, debris or any other matter or thing so as to alter the contours or levels of the land.

**Landscape plan** when used in reference to *Chapter G11: Subdivision of Land* means a plan outlining the extent, type and location of landscaping proposed for subdivision development generally within the street, and may include public reserves that are to be dedicated.

**Laneway** means a sub-category of local street that is the lowest order in the road hierarchy. By nature of their narrow design they should be designed as shared zones and may require specific traffic regulations (for example “one way”) depending on the type and scale of development and servicing arrangements.

**Lawful** when used in reference to building development in Shoalhaven means that the building or structure has development consent and a construction certificate, complying development certificate or building approval; or was erected prior to 28 February 1964 [commencement of Interim Development Order (IDO) No. 1].

**Licensed floor area** means that area of a development which is licensed for the purposes of the *Liquor Act 2007*.

**Lightweight materials** mean structural and cladding materials incorporating timber, steel and the like, but do not include masonry such as bricks and concrete blocks.

**Likely habitat tree** means any tree which has developed hollows in the trunk or limbs suitable for nesting birds, or arboreal marsupials or mammals, or is supporting the growth of locally indigenous epiphytic plants such as orchids.

**Living area** means a living, dining, entertainment or other recreation area or room, but does not include bedrooms, studies, bathrooms or other amenities.

**Local development** means development, not being exempt development, complying development or State significant development, which is permissible with consent of Council under *SLEP 2014*.

**Local distributor road** (also referred to as Collector Tier 1 roads) means the highest order of Collector Road. These roads are busier than normal ‘collector’ roads (carrying more traffic than usually accepted as the environmental threshold for a local collector road). Depending on the road hierarchy these may/or may not be arterial or sub-arterial roads and are designed to carry much higher volumes of traffic for linking to the sub-arterial and/or arterial road network. There is often little difference in traffic volume and function between distributor roads and arterial/sub-arterial roads.

**Local drainage** means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problems invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety.

**Local drainage management plan** means a plan that examines all elements of drainage including storm drainage water quality management and stormwater harvesting.



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**Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Local street** means streets that are neither arterial, sub-arterial nor collector roads, and which predominantly cater for local, short distance travel and access to abutting property (residential and/or commercial (including retail)). A variety of Local Street cross sections are permissible depending on traffic volume, environment, and the scale and types of developments being serviced. Pedestrian and cycle facilities are provided off street.

**Locality** means an area so named and gazetted by the Geographical Names Board.

**Long term occupation** means the occupation of a dwelling site for more than one hundred and fifty (150) days in any twelve (12) month period.

**Long-term site** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* and *Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks* is as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021.

**Note.** The term is defined as a dwelling site that is specified in the approval for a caravan park as being a long-term site.

**Lopping** means the unacceptable practice of cutting between branch unions or at internodes on young trees.

**Low and moderately trafficked footpaths** mean those footpaths which receive a low to moderate flow of pedestrians on any given day, including; Wason, Kinghorne and Berry Streets.

**Low hazard** when used in reference to *Chapter G9: Development on Flood Prone Land* and *Chapter G10 Caravan Parks in Flood Prone Areas* is as defined in the *NSW Floodplain Development Manual 2005*.

**Note.** The term is defined as if necessary, truck could evacuate people and their possession; able-bodied adults would have little difficulty in wading to safety.

**Main road frontage in relation to land** means the frontage of that land to a main or arterial road; or a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road.

**Mainstream** means the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake, or dam.

**Mandatory control** means specific, prescriptive measures required for achieving the desired objectives. A mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development.

**Manufactured home** is as defined by the *Local Government Act 1993*.

**Note.** The term is defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

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- a) *that comprises one or more major sections, and*
- b) *that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997, and includes any associated structures that form part of the dwelling.*

**Manufactured home estate** is as defined by the *Local Government Act 1993*.

**Note.** *The term is defined as land on which manufactured homes are, or are to be, erected.*

**Merit approach** when used in reference to flooding is an approach, the principles of which are embodied in the Floodplain Development Manual, which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well-being of the State's rivers and floodplains.

**Motor vehicle sign** means any sign fitted to, placed upon or beside a motor vehicle, caravan or trailer stopped on a public road or private property for the primary purpose of displaying such sign but does not include any sign on a motor vehicle which is able to be driven on public roads with the sign displayed.

**Moveable dwelling** is as defined by the *Local Government Act 1993*:

- a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b) a manufactured home, or
- c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

**Moving sign** means any sign, either illuminated or non-illuminated, including rotating, trivision, carousel, animated, computer controlled, moving display or message signs with a single or variable message.

**Native Vegetation Panel** means the Native Vegetation Panel established under section 60ZE of the *Local Land Services Act 2013*.

**Normal business hours** mean:

- Monday to Friday – 8.00 am to 5.00 pm.
- Saturdays 8.00 am to 1.00 pm.
- No work on Sundays or Public Holidays.

**NSW Coastal Policy** means the publication titled NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast, published by the Government.

**Objectives** are a general statement of the overall intention of applying a design element.

**Operational land** has the same meaning as in the *Local Government Act 1993*.

**Orchid management area** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet* means areas where the Leafless Tongue Orchid (*Cryptostylis hunteriana*) and/or the greenhood orchid species *Pterostylis ventricosa* occur (refer to supporting map of Chapter S1). Note that potential habitat for *Pterostylis ventricosa* in Swan Lake has not been surveyed.

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**Orphan site** when used in reference to *Chapter S8: Ulladulla Town Centre* means a site in the retail area where maximum development in accordance with that chapter has occurred on at least two adjoining sites. Note. This control only relates to floor space ratio (see definition in *SLEP 2014*).

**Other advertised development** means any development that is identified as advertised development in a local environmental plan or DCP.

**Outbuilding** means any of the following:

- a) Balcony, deck, patio, pergola, terrace or verandah, carport or garage that is attached or free-standing,
- b) Cabana, cubby house, fernery, garden shed, gazebo or greenhouse, shed or shade structure,
- c) Rainwater tank,
- d) Above ground swimming pool

**Outdoor dining area** means an approved sit down, un-enclosed, open-air (al-fresco) dining area with associated furniture located on either a public footpath or on private property. The area is defined by that area occupied by the furniture with sufficient room for diner manoeuvrability and any associated menu boards, pot plants, planter boxes and/or screens or crash barrier.

**Overland flow path** means the path that stormwater may take if the piped or channelled stormwater system becomes blocked or its capacity exceeded. Overland flow paths provide a fail-safe system to ensure that stormwater is not likely to cause flood damage.

**Owner** is as defined in *the Local Government Act 1993 No. 30*.

**Note.** The term is defined as

- a) in relation to Crown land, means the Crown and includes:
  - i. a lessee of land from the Crown, and
  - ii. a person to whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown, and
- b) in relation to land other than Crown land, includes:
  - i. every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and
  - ii. every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and
  - iii. in the case of land that is the subject of a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#), the owners corporation for that scheme constituted under the [Strata Schemes Management Act 1996](#), and
  - iv. in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the association for the parcel, and
  - v. every person who by this Act is taken to be the owner, and
- c) in relation to land subject to a mining lease under the [Mining Act 1992](#), includes the holder of the lease, and

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- d) *in Part 2 of Chapter 7, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.*

**Parallel development** when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means development for Bed & Breakfast Accommodation and Tourist Cabins carried out on the same land.

**Parapet** means a low wall projecting from the edge of a platform, terrace or roof.

**Park van** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** *The term is defined as a moveable dwelling (other than a tent), whether or not capable of being registered under the Road Transport (Vehicle Registration) Act 1997, that:*

- a) *is or usually is continuously located on a short-term site, and*
- b) *is provided for hire, and*
- c) *is used by a site occupier other than the owner of the moveable dwelling primarily for holiday purposes.*

**Pathway** when used in reference to *Chapter G18: Streetscape Design for Town and Village Centres* refers to the part width areas (various widths) of pavement on the road reserve between the property boundary and the street kerb and gutter.

**Peak flow** means the maximum instantaneous outflow from a catchment during a storm event.

**Performance Based Solution Statement** means a written statement accompanying a development application demonstrating how the:

- Objectives and relevant performance criteria will be achieved if an alternative to an 'acceptable solution' is proposed.
- Objectives will be achieved if an alternative to a 'mandatory control' is proposed.

**Performance criteria** identify how a development should perform so that the desired objectives can be achieved. They provide designers and developers an opportunity to work through a variety of design criteria. Not all performance criteria will be applicable to every development.

**Permeability** when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to 'absorb' and transmit effluent through its profile.

**Permeable paving** means paving construction using impervious materials that are physically shaped and/or arranged to allow infiltration through gaps in the pavement material.

**Permissible site discharge** means the maximum discharge from the site during a 1 in 5 year ARI storm event under predevelopment (existing) site conditions.

**Permit** means a permit issued by Council under *Chapter G4: Tree & Vegetation Management* for the removal or pruning of trees or other vegetation.

**Pervious** means a surface that permits water to infiltrate into the ground.

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**pH** means the measure of acidity or alkalinity measured on a scale of 0 to 14 with 7 as a neutral point. From 0 to 7 is acid; from 7 to 14 is alkaline.

**Phosphorous sorption capacity** when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to take up phosphorous from the effluent.

**Plan of survey** or **survey plan** means a plan prepared in accordance with survey practice and prepared by a registered surveyor.

**Pond-based aquaculture** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture. Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**Porous paving** permits water to pass through the paving material by virtue of the properties of that material.

**Potable water** means water that is fit for human consumption.

**Potential building area/line** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the area or line identified on the supporting map in Chapter S1 within which dwellings and associated buildings should be located so that your property and neighbouring properties can be safely and appropriately developed.

**Potential development area** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, encompasses the potential building area and bushfire asset protection zones (APZ) and on-site effluent treatment and application area.

**Potentially hazardous food** means food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food or to prevent the formation of toxins in the food. Examples of potentially hazardous food includes; meat, poultry, seafood, rice, dairy, eggs etc.

**Prescribed waters** mean any waterbody that has been specifically identified by Sydney Water or Shoalhaven City Council as being an important resource within a drinking water catchment.

**Primary frontage** means:

- The single frontage where an allotment has a single frontage to the road; or
- The shortest frontage where an allotment has two or more frontages to the public road; or
- The two frontages where an allotment (not including a corner allotment) runs between two roads.

**Primary treatment** when used in reference to *Chapter G8: Onsite Sewage Management* means the separation of suspended material from wastewater by settlement and/or flotation in septic tanks, primary settling chamber, anaerobic process of treatment, prior to effluent discharge to either a secondary treatment process, or to a land-application system.

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**Probability** when used in reference to flooding is a statistical measure of the expected chance of flooding (see annual exceedance probability (AEP)).

**Probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land, that is, the floodplain.

**Probable maximum precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

**Professional engineer** means a person:

- a) who is a registered professional engineer in the relevant discipline who has appropriate experience and competence in the relevant field; or
- b) who is:
  - i. a Corporate Member of the Institute of Engineers, Australia; or
  - ii. eligible to become a Corporate Member of the Institute of Engineers, Australia, and has appropriate experience and competence in the relevant field.

**Projecting wall sign** means any sign attached to and projecting at right angles from a wall.

**Provisional hydraulic and hazard categories** are the categories used in place of hydraulic and hazard categories where no Floodplain Risk Management Plan has been prepared as yet and are based on velocity and depth considerations only.

**Prune** or **pruning** is defined as all other pruning which is not 'crown maintenance pruning' and includes 'crown modification' as defined in *Australian Standard AS 4373-1996, "Pruning of Amenity Trees"*.

**Public dining area** means that area set aside for patrons to eat meals and excludes kitchen, bar and amenity areas but includes reception areas.

**Public open space** means land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist accesses, playgrounds and sports grounds.

**Public road** has the same meaning as in the *Roads Act 1993*.

**Note.** The term is defined as:

- a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- b) any road that is declared to be a public road for the purposes of this Act.

**Public work** means work carried out by the Council on Public Land.

**Pump-out effluent system** means a normal septic tank system, followed by a holding tank, used for the storage of effluent which is pumped out by a Council contractor at regular intervals with a specified number of services per year. This effluent is transferred to one of Council's sewage treatment works for further treatment and ultimate disposal.

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**Pylon sign** means any freestanding elevated sign supported by one or more columns, pylons or poles where the display area may include separate removable and replaceable slats, panels or other components.

**Recyclable** means capable of being reprocessed into usable material or re-used.

**Regulation** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Reliable access** means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time having regard to the depth and velocity of floodwaters, the suitability of the evacuation route, and without the need to travel through areas where the “water depth - velocity product” is greater than 0.3m<sup>2</sup>/s.

**Relocatable home** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as:

- a) a manufactured home, or
- b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is capable of being registered under the Road Transport (Vehicle Registration) Act 1997.

**Remnant tree or vegetation** means a native tree or any patch of native vegetation which remains in the landscape after removal of most or all of the native vegetation in the immediate vicinity.

**Removal or pruning (or remove or prune)** has the same meaning as **Clear (or clearing)** vegetation.

**Remove** when used in relation to vegetation means to cut down, take away or transplant a tree from its place of origin.

**Restricted development site** means land identified as a restricted development site on the Natural Resource Sensitivity Land map overlay in the *SLEP 2014*.

**Retailing** when used in reference to *Chapter G19: Home Based Business Activities* involves the display for sale of goods in small quantities to the public but does not include mail order, ‘Just in time’ retailing or ‘E-commerce’.

**Retention** means the storing of water for beneficial use. It applies to the storage volume available for reuse or systems that allow infiltration into the soil profile. Retention can apply to all forms of water including rainwater, stormwater and recycled water.

**Rigid annexe** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021*.

**Note.** The term is defined as an annexe that is not a flexible annexe.



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**Risk** means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of *Chapter G9: Development on Flood Prone Land* and *Chapter G10: Caravan Parks in Flood Prone Areas*, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

**Roof water** means rain (water) that falls on the roof of a building.

**Rooftop solar systems** means photovoltaic cells, solar panels, skylights, solar hot water panels, windows, glazed doors, solar cells embedded within the material of the roof and new and emerging technology.

**Roughness coefficients** describe the resistance of the bed of a channel to the flow of water within it. They are used in equations calculating energy loss due to roughness of a surface.

**Runoff** means the same as **stormwater**.

**Rural Lifestyle Area** when used in reference to *Chapter V1: Lot Averaging Subdivision* refers to localities 1-8 identified in Clause 4.2B of *SLEP 2014*.

**Scale** means relative dimensions to ground level, including height, bulk and number of storeys.

**Secondary frontage** means:

- The longer frontage where an allotment has two or more frontages to a road; or
- The frontage that adjoins a lane where an allotment (not including a corner allotment) runs between a road and a lane.

**Secondary treatment** when used in reference to *Chapter G8: Onsite Sewage Management* means anaerobic and aerobic biological processing and settling or filtering of effluent received from a primary treatment unit. Effluent quality following secondary treatment is expected to be equal to or better than 20 g/m3 five-day biochemical oxygen demand and 30g/m3 suspended solids.

**Septic tank** a tank used for the collection, primary settling and anaerobic treatment of household wastewater.

**Sewage** includes any effluent of the kind referred to in paragraph (a) of the definition of waste in the dictionary to the *Local Government Act 1993*.

**Sewage management system** means

- a) a human waste storage facility; or
- b) a waste treatment device intended to process sewage, and includes a drain connected to such a facility or device.

**Short-term site** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* and *Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.



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**Note.** The term is defined as a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

**Sign face area** means the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by the sign face height and sign face width.

**Single storey** when used in reference to *Chapter N1: Kangaroo Valley* means a single storey construction with pitched roofs and being no greater than 5.5 metres in height as measured from any point on the natural surface below a structure.

**Site specific flood warning system** is where the following is provided:

- a) an alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles; and
- b) signage to identify the appropriate procedure and route to evacuate.

**SLEP 1985** means the *Shoalhaven Local Environmental Plan 1985*.

**SLEP 2014** means the *Shoalhaven Local Environmental Plan 2014*.

**Slow point** or **local area traffic management device (LATM)** when used in reference to *Chapter G11: Subdivision of Land* means sections of a street which have geometric features which limit the travel speed of vehicles. These include bends, constrictions to carriageway width etc.

**Sodicity** means the level or presence of exchangeable sodium salts in the soil. Effluent contains high levels of sodium that may act to disperse clay particles, resulting in a significant reduction in the permeability of the soil.

**Soil and water management plan** means a document which sets out strategies and controls for a development or site to prevent pollution of the environment from all pollutants during the construction stage.

**Soil profile** means the different layers (horizons) of different soil types with depth.

**Solar access** means the ability of a dwelling to receive direct sunlight into living and private open spaces without obstruction by buildings or other impediments.

**Special waste** means a waste that posed or is likely to pose an immediate or long-term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

**Split systems** when used in reference to *Chapter G8: Onsite Sewage Management* means where black and grey water are split into separate waste streams at the source. Full on-site split systems dispose of both streams on-site but into separate disposal systems. Partial on-site split systems dispose of grey water on-site and rely on a cart-away system for the black water stream.

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**Stability analysis report** or **geotechnical report** means a report that examines the geological profile of the site and includes the soil and moisture condition and watertable and bedrock characteristics.

**Stacked parking** means a parking arrangement with two parking spaces arranged one behind the other either in separate or same ownerships (may be self-managing and a management plan or arrangement may be required).

**State significant development** is development that is declared to be State significant development by a State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or the Minister as the case may be in a range of particular circumstances.

**Storage depth** means the amount of rainfall that would previously have been stored on site through surface ponding and infiltration prior to the addition of impervious surfaces.

**Stormwater** means rainfall that is concentrated after it runs off all urban surfaces such as roofs, pavements, carparks, roads, gardens and vegetated open space and includes water in stormwater pipes and channels.

**Stormwater management plan** means a concise report and/or drawing/s that provide sufficient information to demonstrate how the development meets the relevant stormwater controls and supporting guidelines.

**Stormwater infiltration trench** or **bioretention system** means a purpose built absorption trench designed to store and filter stormwater runoff from dwelling and associated structures.

**Stream forming flow** means the following percentage of the 2-year ARI flow rate estimated for the catchment under natural conditions:

- 10 per cent for low cohesion (e.g. sandy) bed and banks.
- 25 per cent for moderately cohesive bed and banks.
- 50 per cent for cohesive (e.g. stiff clay) bed and banks.

**Structure** (not including an 'advertising structure') means a construction, not necessarily roofed, which performs a function or functions requiring rigidity and includes a fence.

**Sub-arterial road** means roads of lesser importance than the arterial roads, but which still cater for relatively high volume and/or long distance travel, and on which through traffic predominates. In rural areas they comprise routes of state-wide or regional significance, and in urban areas they comprise routes of metropolitan-wide or regional significance. Sub-arterial roads are sometimes called secondary arterial roads.

**Sufficient time/access** means the ability to safely evacuate to an area above the PMF prior to the onset of flooding, within the effective warning time, having regard to the suitability of the route and the possible prevailing environmental conditions including the depth and velocity of floodwaters, and without reliance on a private flood warning facility.

**Suitably qualified hydraulic engineer** means an experienced and qualified professional engineer, recognised as a chartered professional engineer by the Institution of Engineers Australia in the field of civil engineering, flood risk management, emergency management,

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structural engineering or similar, acting at all times within their experience and qualifications, and able to demonstrate to Council that they have the experience and qualifications to act as required.

**Suitably qualified person** means any of the following:

- a) Professional engineer as defined above,
- b) Licenced builder,
- c) Level 1 or 2 Accredited Certifier – Building Surveying,
- d) Registered Architect

**Tandem parking** means a parking arrangement with two parking spaces arranged one behind the other and in the same ownership (self-managing).

**Temporary sign** means an advertisement for short term promotional purposes that:

- a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any matter in connection with such an event; and
- b) the event is organised by a charitable organisation, sporting association or public authority; and
- c) does not include advertising of a commercial nature (except for the name(s) of an event's sponsor(s)).

**Tertiary treatment** means the process by which disinfection and additional Biological Oxygen Demand (BOD) removal are achieved upon secondary treated wastewater. Disinfection should reduce all pathogenic and other harmful organisms to safe levels. Processed effluent is only suitable for non-potable purposes such as irrigation.

**Top of bank** means the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measure perpendicularly from the break.

**Topping** means cutting away part, or all, of the tree canopy leaving a trunk and stubbed main branches.

**Tourist accommodation sites** means short term camping or caravan sites within a caravan park, used for the provision of holiday accommodation, not permanent occupation.

**Tourist accommodation unit** means a dwelling used, designed, constructed or adapted to be used for the provision of holiday accommodation, not permanent occupation, being one of a group of similar dwellings forming part of a tourist facility.

**Tourist cabin** means a freestanding building used to provide short-term self-contained holiday accommodation.

**Note:** *Tourist cabin is a type of tourist and visitor accommodation as defined in SLEP 2014.*

**Tourist and camping site** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a short-term or camping site in a caravan park or a camping site in a camping ground that is available for hire by tourists and does not have or usually have a moveable dwelling continuously located on site.

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**Tourist resort** means a building or buildings containing more than twenty (20) accommodation units providing for short term visitor accommodation and recreation, which building or buildings may include a refreshment room and space capable of being used for functions such as receptions, conventions and may provide other recreational facilities incidental to such accommodation.

**Towable on-site moveable dwelling** when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a moveable dwelling (including a caravan or annexe) that is or usually is continuously located on site and is designed, installed and maintained in a manner so as to be removed from the flood-prone area within the effective warning time (e.g. quick-release tie-down, draw-bar and wheels attached and serviceable, services readily detachable, not attached to non-towable moveable dwellings or associated structures). Experience indicates that moveable dwellings located on long-term sites tend to lose their mobile status and so would not generally qualify as towable on-site moveable dwellings. Similarly, holiday vans tend to lose their mobile status, and their removal could place unreasonable burdens on the park manager and emergency services, so these also would not generally qualify as towable on-site moveable dwellings.

**Town activity node** means concentration of a high level of human activity and social interaction at a particular point in the town, or at that point where human activity is concentrated in the town.

**Trade waste** means refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, special waste, contaminated waste, green waste or recyclable waste.

**Traffic generating development** means development that requires in excess of three off-street car parking spaces and/or frequent vehicle access by a large rigid truck or bus containing over twelve seats.

**Tree** means a perennial plant with at least one self-supporting woody or fibrous stem, being:

- a) more than 5m tall, or
- b) more than 5m wide across the foliage crown or
- c) having a trunk circumference of more than 500mm measured 1m above ground level.

**Tree dripline or zone** means the area defined, under a tree, by the outer edge of the tree canopy projected to ground level.

**Trunk drainage** means stormwater drainage beyond immediate property and street drainage.

**Two storey** when used in reference to *Chapter N1: Kangaroo Valley* means a two storey construction with pitched roofs and being no greater than eight metres in height as measured from any point on the natural surface.

**Under awning sign** means a sign suspended from underneath an awning or verandah.

**Undesirable species** means plants that have characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion.

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**Urban area** means any land zoned Residential, Commercial or Industrial under SLEP 2014.

**Urban design master plan** means a comprehensive Plan for an area of renewal where particular attention must be paid to design and layout principles required in the Plan and for consultation with the local community.

**Vegetation** means all native plant communities other than trees as defined in this plan.

**Vegetation management plan** means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

**Vicinity of a heritage item or conservation area** means the extent of land, natural environment and/or built environment which has a physical or visual relationship to the heritage item or conservation area. The objective of control of development in the “vicinity” of heritage items and conservation areas is to ensure new development does not adversely impact upon the heritage significance of other sites.

**View** means what is seen from a particular point.

**View Corridor** means a cone of vision extending from a selected point towards the valued view.

**Village Centre** in relation to Chapter N1: Kangaroo Valley is generally the built-up area of the town between the school and the showground.

**Village Retail Core** in relation to Chapter N1: Kangaroo Valley is the area shown on the map and bounded to the west by the Anglican Church and the School, to the east by the Police Station and Heritage Precinct, to the north by the proposed cycle path and to the south by existing premises having frontage to Moss Vale Road (lot depth of 25-30 metres).

**Vista** means an enclosed view usually long and narrow.

**Visual impact statement** when used in reference to *Chapter N1: Kangaroo Valley* means a report that examines the effects of development on the scenic values of Kangaroo Valley and recommends ways to neutralise any adverse impacts.

**Volume reduction equipment** means devices, which reduce the volume of waste or recyclable material including compressing devices such as compactors and balers, and shredding, pulverising or crushing devices.

**Voluntary conservation agreement** when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, is a voluntary, legally binding agreement between a landholder and the NSW Environment Minister. Conservation agreements are used to permanently protect land which has special environmental features.

**Wall** or **courtyard wall** means a wall, screen or fence, screening part or portion of an allotment of land for privacy, security or safety reasons.

**Waste** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**Note.** This term is defined as follows:

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- a) *any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or*
- b) *any discarded, rejected, unwanted, surplus or abandoned substance, or*
- c) *any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or*
- d) *any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or*
- e) *any substance prescribed by the regulations to be waste.*

*A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.*

**Waste cupboard** means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single days work into garbage, recyclables and compostable material.

**Waste management plan** means a plan prepared in accordance with the [Waste Minimisation and Management Guidelines](#). A waste management plan would typically include a table showing the volume and type of waste to be generated, stored and treated on site, how the residual is to be disposed of and how ongoing management will operate.

**Waste storage and recycling area** means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.

**Waterfront** means the sea, bays, rivers and lakes (as defined by the 1:25,000 Topographic Map series as prepared by the NSW Land and Property Information).

**Water cycle management study** means a study examining:

- a) the existing volumes of water and pollutant levels leaving the site and predict any changes which might result from the development. This information must be provided for both wet and dry weather conditions;
- b) how the development will maintain or improve existing water quality;
- c) how the management systems which used to control impact on water quality will be able to operate properly over the life of the development;
- d) how the development will achieve any water quality objectives for rivers and streams;
- e) the effect of the development on the waterbodies to which it discharges;
- f) the outline management strategies and practices to control those affects;
- g) how the performance of water quality control systems will be monitored over time.

**Water sensitive urban design (WSUD)** is the integration of urban town planning and development with the management, protection and conservation of the water cycle as a whole.

**Wholesale supplies** mean a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.

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**Wildlife friendly fencing** when used in reference to *Chapter N20: Jerberra Estate and S1: Verons Estate, Sussex Inlet* means fencing provided in the bushland conservation area (BCA) or bushland management area (BMA) to limit disturbance whilst not impeding the movement of wildlife, comprising posts and plain wires.

**Window** includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

**Zero lot line** means a dwelling with no side boundary setback on one side of the lot – i.e. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia.