CHAPTER G12: DWELLING HOUSES AND OTHER LOW DENSITY RESIDENTIAL DEVELOPMENT
Chapter G12: Dwelling Houses and Other Low Density Residential Development

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<th>Date Adopted by Council</th>
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<tr>
<td>1</td>
<td>5 November 2019</td>
<td>27 November 2019</td>
<td>New</td>
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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 E2 Environmental Conservation.
- Zone E3 Environmental Management.
- Zone E4 Environmental Living.

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

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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| 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.

Figure 1: Building envelope

Note: Exemptions to building envelope encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys.

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. |

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

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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<tbody>
<tr>
<td><strong>P2.1</strong> The site analysis informs the site design and layout.</td>
<td><strong>A2.1</strong> A site analysis plan is submitted with the development application which:</td>
</tr>
<tr>
<td><strong>P2.2</strong> The site layout integrates with the surrounding environment through:</td>
<td>- Meets the requirements of Chapter G1: Site Analysis, Sustainable Design and Building Materials Rural, Coastal and Environmental Areas of this Development Control Plan.</td>
</tr>
<tr>
<td>- Adequate pedestrian, cycle and vehicle links to street and open space networks.</td>
<td>- Clearly provides the following detail for the site and adjoining/adjacent development:</td>
</tr>
<tr>
<td>- Buildings that face and address streets and the public domain.</td>
<td>- Height and use of buildings.</td>
</tr>
<tr>
<td>- Buildings, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character.</td>
<td>- Predominant building line of the street.</td>
</tr>
<tr>
<td><strong>P2.3</strong> The site layout enhances personal safety and minimises potential for crime and vandalism.</td>
<td>- Driveways.</td>
</tr>
<tr>
<td><strong>A2.2</strong> The proposed site layout responds to and implements the findings of the site analysis prepared in accordance with A2.1.</td>
<td></td>
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</table>

**P3** Buildings and structures are sited and designed to utilise construction techniques that: | **A3.1** Buildings and structures are designed and sited so that: |
| - Are sympathetic to the natural slope of the land. | - Floor construction methods do not require cut and fill; or |
| - Minimise excessive disturbance of the site. | - Cut and fill is limited to 1m (refer to Figure 2). |
| - Do not impact upon adjoining land. | **Note:** The development application must take into consideration the visual impact of retaining walls.
• 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](image)

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:

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

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. Minimise adverse impacts on the existing visual amenity and character of residential areas when relocating second-hand dwellings.

iv. Retain, incorporate and sympathetically treat existing dwellings or buildings that contribute to streetscape character (including items of heritage significance or conservation significance).

v. Encourage the sharing of views, while not restricting the reasonable development potential of a site.
<table>
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<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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</table>
| **P4** The scale and appearance of new development (including a relocated second-hand dwelling) is compatible with, and sympathetic to existing and future desired:  
  - Development in the locality; and  
  - Amenity and character of the locality; particularly where the development site or its surrounds has some heritage significance or distinctive character. | **A4.1** The statement of environmental effects must identify:  
  - The local character/context of the area and streetscape.  
  - How the proposal is sympathetic and compatible with the existing development, amenity and character of the locality.  
  
  **Note:** 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.  
  - How the visual appearance and articulation of the development contributes to the existing or future desired character, development and amenity of the locality. |
| **A4.2** The building design is sympathetic to the rural, environmental or coastal landscape and the character of the area. | **A4.3** The development must demonstrate that items of heritage significance or conservation significance are retained and sympathetically treated.  
  
  **Note:** If the property is a heritage item, within a heritage conservation area or in the vicinity of a heritage item, the applicant must comply with Clause 5.10 Heritage Conservation of Shoalhaven LEP 2014. Area Specific chapters of this Development Control Plan may also include additional provisions relating to heritage (e.g. Kangaroo Valley, Berry, Milton). |
| **P5** Existing or future views from the private or public domain (including heritage or familiar dominant landmarks that are recognised and valued by the community) are not substantially or unreasonably affected where it is possible to design for the sharing of views. | **A5.1** Any reduction in views from existing dwellings or the public domain is not to be severe or devastating based on the following NSW Land & Environment Court Planning Principles:  
  - Views - General principles. |
• 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:

i. Ensure the provision of low-maintenance development that will retain an attractive appearance.

ii. Ensure the materials used in construction are sound and suitable for the intended use.

iii. 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.

iv. 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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<tbody>
<tr>
<td>P6.1 The selection of building materials and design complements existing development and is sympathetic to the streetscape and existing landscape.</td>
<td>A6.1 New development, including alterations and additions to existing development, shall complement existing built form and be sympathetic to the streetscape.</td>
</tr>
</tbody>
</table>
| P6.2 The building design, detailing, finish, articulation and modulation of building facades provide visual interest that enhances the streetscape and complements good quality surrounding development. | A6.2 Roof design is to be integrated harmoniously with the overall building form through the incorporation of:  
- Complimentary building materials.  
- Design proportionate to overall building size, scale and form. |
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
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<tbody>
<tr>
<td>P6.3</td>
<td>Roof treatments are integrated into the building design and make a positive contribution to the streetscape.</td>
</tr>
<tr>
<td>P6.4</td>
<td>Building walls use modulation and articulation and are limited in length to minimise massing and bulk issues as well as impact on neighbours and the public domain/streetscape.</td>
</tr>
<tr>
<td>P6.5</td>
<td>External metallic wall and roof materials are suitable and minimise reflectivity.</td>
</tr>
<tr>
<td>P6.6</td>
<td>Second hand building materials are suitable for the intended use and the appearance is compatible with surrounding development.</td>
</tr>
<tr>
<td>P6.7</td>
<td>The development incorporates passive environmental design.</td>
</tr>
<tr>
<td>A6.3</td>
<td>Balanced composition of solid and void elements.</td>
</tr>
<tr>
<td>A6.4</td>
<td>Integration of service elements.</td>
</tr>
<tr>
<td>A6.5</td>
<td>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.</td>
</tr>
<tr>
<td>Note:</td>
<td>Building design shall use detail, modulation and articulation of building elements to articulate facades and to minimise the length of unbroken walls and glazed areas.</td>
</tr>
<tr>
<td>A6.6</td>
<td>Second hand materials shall be sound, appropriate and compatible with surrounding development.</td>
</tr>
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**Note:**
- A restriction as to user (i.e. 88B Instrument) may specify or restrict certain building materials, textures and colours.
- Council may require the provision of a colour and external material schedule to support a development application.
- A colour and external material schedule may be included as a condition of consent.
- White and bright colours are not acceptable in rural, environmental, foreshore or scenic protection areas.
- Metal roofing, wall cladding and rainwater tanks should be pre-coloured at the manufacturing stage.
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:

i. 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.

ii. Reduce the impacts of freestanding privacy screens on surrounding development.

iii. Ensure the thoughtful location of noise generating plant, equipment and sources.

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<th>Performance Criteria</th>
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<td>P7.1</td>
<td>A7.1</td>
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<tr>
<td>P7.2</td>
<td>A7.2</td>
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- The visual privacy of indoor living areas and private open space is protected.

- 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.

<table>
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<th>Note:</th>
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<tbody>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
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</table>

- 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 3).
  - 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).

- 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).
P8.1 The number of freestanding privacy screens does not constitute a composite structure that is out of character in the locality or allotment.

P8.2 The location, height, dimensions and materials of freestanding screens and ancillary structures do not cause significant loss of amenity for occupants of surrounding dwellings.

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.

Freestanding privacy screens shall meet the following minimum standards:

- A maximum of two (2) freestanding privacy screens are permitted on each lot.
- Any freestanding screen is located behind the primary and secondary building line.
- The screen is freestanding and is not attached to any common boundary fence.
- The maximum height of a freestanding screen is 2.4m above ground level (existing) or the adjacent boundary ground level whichever is the lower.
• The maximum length of a freestanding screen is 6m; except where providing privacy for a swimming pool where maximum length is equal to the adjacent side of the pool plus 2m.

• Materials on both sides are new, a consistent colour, shape and design to the development and do not produce excessive glare.

• The privacy screen is structurally stable, constructed with quality workmanship and complies with the Building Code of Australia.

• The design ensures that solar access to the principal private open space area of adjoining dwellings is not reduced to less than 3 hours of continuous sunlight between 9am and 3pm on 21 June.

P9 Site layout and building design:

• Protects and minimises noise transfer and nuisance.
• Does not adversely impact the amenity of residents or adjoining properties.

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.

A9.2 All noise generating (mechanical) plant and equipment must be:

• Acoustically screened (where appropriate).
• Sited to minimise noise impacts.
• Located at least 3m away from bedroom windows.

Note: Noise generating equipment includes, but is not limited to, air conditioning units, swimming pool filters, hot water systems, fixed vacuum systems, mechanical gates and garage doors.

A9.3 Dwellings adjacent to high levels of external noise shall be designed to minimise the entry of that noise.

Note: High levels of external noise may be generated from sources such as classified/main roads, railway line, aircraft noise, industrial landuses.
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:

i. Ensure that opportunities for passive solar design for energy efficiency are maximised.

ii. Minimise overshadowing impacts and reductions in the solar access of adjoining properties.

iii. 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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<tbody>
<tr>
<td>P10 Dwellings are sited and designed to:</td>
<td>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.</td>
</tr>
<tr>
<td>• Maximise solar access to living areas and private open space.</td>
<td>A10.2 Dwellings are sited and designed to maximise solar access by:</td>
</tr>
<tr>
<td>• Incorporate passive solar design features.</td>
<td>• Locating living areas and private open space on the northern side of the development; and</td>
</tr>
<tr>
<td>• Minimise overshadowing of neighbouring properties.</td>
<td>• Locating non-habitable rooms/areas to the south and west of the development.</td>
</tr>
<tr>
<td>• Minimise impacts on the solar access and energy efficiency of adjoining properties including to private open space and solar collectors.</td>
<td></td>
</tr>
</tbody>
</table>
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:

- 10m² 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.
5.7 Vehicle and Pedestrian Access

The specific objectives are to:

i. Encourage driveway design that minimises visual impact, stormwater runoff and retains established trees and vegetation.

ii. Encourage an approach to access design that considers the site and its elements holistically (e.g. landscaping).

iii. Provide adequate and safe vehicular and pedestrian access from the street to the site, development and parking spaces.

iv. Ensure the safety of pedestrians and bicycle riders in proximity to the driveway area.

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<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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<tbody>
<tr>
<td>P11.1 Access arrangements are suitable for the development.</td>
<td>A11.1 The site is designed to encourage pedestrian access by providing a continuous path of travel from the street to the dwelling.</td>
</tr>
<tr>
<td>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.</td>
<td>A11.2 Driveways must be designed to:</td>
</tr>
<tr>
<td>P11.3 The access driveway onto and within the lot provides all-weather access for vehicles.</td>
<td>• Be all-weather.</td>
</tr>
<tr>
<td>P11.4 Driveways are designed to:</td>
<td>• Minimise the hardstand/paved footprint.</td>
</tr>
<tr>
<td>• Minimise the volume of stormwater runoff.</td>
<td>• Be setback a minimum of 0.5m from the side and/or rear boundary to accommodate appropriate landscape elements.</td>
</tr>
<tr>
<td>• Increase the area available for landscaping.</td>
<td>• Retain adjacent trees, established shrubs and vegetation, wherever possible, by locating the driveway outside the drip line.</td>
</tr>
<tr>
<td>• Retain established trees and vegetation.</td>
<td>• Accommodate all public services and infrastructure (e.g. street gully pits).</td>
</tr>
<tr>
<td>• Accommodate public services and infrastructure.</td>
<td></td>
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</tbody>
</table>
P11.5 The visual dominance of driveways is minimised by:

- The selection of paving materials e.g. decorative paving and brick banding.
- Breaking up the appearance of driveways with landscaping and screen planting.

P11.6 The crossover is suitable for the development.

- A grade no greater than 1:4, with transitions in accordance with the relevant Australian Standard.
- 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 the driveway (including the secondary frontage on corner blocks) must be provided prior to the issue of the construction certificate.

A11.3 The total maximum vehicle crossover width for the site is 6m.

Note: All works in the road reserve require approval by Council (section 138 of the Roads Act 1993).

Vehicular access (driveway and associated footpath crossing) must be designed in accordance with the relevant Australian Standards.

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:

i. Retain, protect and incorporate as many mature shade trees as possible within and adjacent to the development.

ii. Improve the amenity and energy efficiency of new development and reduce the heat island effect by retaining (or replanting) mature shade trees.

iii. Encourage the planting of replacement semi-mature trees.

iv. Incorporate landscaped areas that are sufficient for the retention and planting of mature trees.

v. To ensure appropriate landscaping in bushfire prone areas to reduce the likelihood of building loss during a bushfire event.
**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 vs. Acceptable Solutions

**P12.1** Existing mature/canopy trees, vegetation and shrubs are retained wherever practicable, through appropriate siting of development including driveways.

**A12.1** Wherever practicable, existing mature shade/large canopy trees, vegetation and shrubs shall be retained in the vicinity of side, rear and front setbacks (including on adjoining land).

**P12.2** The development is designed to:
- Preserve established tree and vegetation corridors and networks.
- Provide a sufficient landscaped area for the retention, planting and replacement of semi-mature shade trees.

**A12.2** The development shall provide appropriate setbacks to existing mature shade/large canopy trees.

**A12.3** For each mature shade tree proposed to be removed, a replacement semi-mature tree planting of at least a 75L pot size shall be incorporated into the landscaping of the development.

---

### 5.9 Servicing

The specific objective is to:

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

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P13.1</strong> Development is adequately and safely serviced.</td>
<td><strong>A13.1</strong> Services and utilities including electricity, gas, water, sewer, roads and drainage must be available for the initial development and ongoing development needs.</td>
</tr>
<tr>
<td><strong>P13.2</strong> 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.</td>
<td><strong>A13.2</strong> Where connection to the services outlined in <strong>A13.1</strong> is not available, the development application must provide alternatives to Council’s satisfaction.</td>
</tr>
<tr>
<td><strong>P13.3</strong> Compatible public utility services are co-ordinated in common trenching in</td>
<td></td>
</tr>
</tbody>
</table>
order to minimise construction costs for underground services.

P13.4 Water supply for domestic and firefighting purposes is appropriate for the location and development type.

5.10 Water Management and Conservation

The specific objectives are to:

i. Ensure the protection of public health, surrounding land and the natural environment including soils, groundwater and surface waters.

ii. Encourage harvesting of rainwater and the incorporation of pervious areas.

iii. Protect the integrity of services, utilities, pipelines and associated infrastructure located within an easement.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P14 Stormwater is appropriately accommodated in the design including:</td>
<td>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 Building Code of Australia to an approved discharge point. This could be:</td>
</tr>
<tr>
<td>• Stormwater from roofed areas is collected, stored and/or conveyed to appropriate discharge points or disposal areas.</td>
<td>a) A gutter or table drain in a road reserve, or</td>
</tr>
<tr>
<td>• Paved areas associated with buildings and driveways are graded and drained to minimise the discharge of surface water onto adjoining land.</td>
<td>b) A stormwater easement or easement to drain water, or</td>
</tr>
<tr>
<td>• Permeable areas are utilised to reduce stormwater runoff.</td>
<td>c) A disposal/absorption trench, where (a) and (b) above are not available, and soil conditions are suitable, or</td>
</tr>
<tr>
<td>• Stormwater is allowed to permeate into the ground to facilitate healthy levels of ground waters.</td>
<td>d) A water tank / on-site detention system with an overflow connected to a disposal method in (a), (b) or (c) above.</td>
</tr>
</tbody>
</table>

Note: Harvesting roof water for toilet, laundry and garden use is encouraged.
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.
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. | A15.1 A Waste Management Plan is required to be submitted with the development application. A15.2 Demolition shall comply with the requirements of:
- The relevant Australian Standards relating to demolition.
- Council's Asbestos Policy.

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.
- A maximum of 50m² of proposed garage floor area may be excluded from the gross floor area calculation where the garages are located within the dwelling.
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.

When calculating the site area, the area of any access handle or right of way is to be excluded.

The specific objective is 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P16</td>
<td>A16.1</td>
</tr>
<tr>
<td>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:</td>
<td>The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:</td>
</tr>
<tr>
<td>• Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.</td>
<td>• R1 General Residential.</td>
</tr>
<tr>
<td>• Sympathetic with the streetscape and complements the existing and desired future character of the area.</td>
<td>• R2 Low Density Residential.</td>
</tr>
<tr>
<td></td>
<td>• R5 Large Lot Residential, where the site area is less than 2000m².</td>
</tr>
<tr>
<td></td>
<td>• RU5 Village.</td>
</tr>
<tr>
<td></td>
<td>• SP3 Tourist.</td>
</tr>
</tbody>
</table>

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:

i. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
ii. Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted.

iii. Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.

iv. Retain the amenity of the public domain.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P17.1</strong> The height of development:</td>
<td><strong>A17.1</strong> Building heights must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.</td>
</tr>
<tr>
<td>• Relates to the land form, with minimal cut and fill.</td>
<td></td>
</tr>
<tr>
<td>• Is compatible with the existing or desired future character of the area.</td>
<td><strong>A17.2</strong> Any two-storey dwelling component is to be located to minimise the shading of adjacent private open space.</td>
</tr>
<tr>
<td>• Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.</td>
<td><strong>A17.3</strong> The difference in building height between existing buildings and new development is compatible when viewed from the public domain.</td>
</tr>
</tbody>
</table>

**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.

**P18.1** The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.

**P18.2** The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.

**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.

**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.

**P18.5** Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.

**Note:**

1. The acceptable solutions for setbacks may need to be increased, reduced or modified depending upon factors such as:
   - Slope of the land.
   - Requirements for asset protection zones.
   - Foreshore setbacks.
   - The requirement for effluent disposal areas to be contained wholly within the lot boundaries on unsewered residential lots.
   - Location of existing buildings.
   - The shape of the lot.
   - Desire to create streetscape and visual interest.
P18.6 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.

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.
   - E2 Environmental Conservation.
   - E3 Environmental Management.
   - E4 Environmental Living.
   - R2 Low Density Residential, where the site area is equal to or greater than 2000m².
   - 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 2000m².
   - RU5 Village.
   - SP3 Tourist.
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).

| Table 1: Setbacks in the RU1, RU2, RU4, E2, E3, E4, R2 (≥ 2000m²) and R5 zones |
|-------------------------------------------------|-----------------|-----------------|-----------------|-----------------|
| | Front Setback | Front Setback | Side Setback | Rear setback |
| | Primary road frontage | Secondary road frontage | | |
| For lots up to 4,000m² | 12.5m | 50% of the front setback | 5m | 7.5m |
| For lots between 4,000m² and 10,000m² | 20m | | 7.5m |
| For lots greater than 10,000m² (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
Table 2: Setbacks in the R1, R2 (< 2000m²), RU5 and SP3 zones

<table>
<thead>
<tr>
<th>Front Setback</th>
<th>Parallel Road Frontage</th>
<th>Side Setback</th>
<th>Side Setback</th>
<th>Rear setback</th>
<th>Rear/side setback to foreshore reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary road frontage</td>
<td>No road frontage and to public reserve</td>
<td>Secondary road frontage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots under 600m²:</td>
<td>3m</td>
<td>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters. Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</td>
<td>Lots under 600m²: 3m</td>
<td>Lots 600m² and over: 3.5m</td>
<td>3m (average).</td>
</tr>
<tr>
<td>Lots 600m² - 900m²:</td>
<td>6m to dwellings.</td>
<td>5m to verandahs, patios and awnings.</td>
<td>Lots under 600m²: 3m</td>
<td>Lots 600m² and over: 3.5m</td>
<td>3m (average).</td>
</tr>
<tr>
<td>Lots over 900m²:</td>
<td>7.5m to dwellings.</td>
<td>6.5m to verandahs, patios and awnings.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.
6.2 Amenity

6.2.1 Landscaping

The specific objectives are to:

i. Ensure that landscaping maximises amenity for residents, neighbouring dwellings and the public domain.

ii. Ensure the provision of adequate and appropriate landscaping that is sympathetic to the local character.

iii. To ensure appropriate landscaping in bushfire prone areas to reduce the likelihood of building loss during a bushfire event.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P19.1 Sufficiently dimensioned landscaping provides amenity to residents, effective screening, and enables tree and large shrub planting.</td>
<td>A19.1 A minimum landscaped area is provided that complies with the provisions in Table 3.</td>
</tr>
<tr>
<td>P19.2 A suitably sized deep soil planting area encourages:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Mature tree and shrub growth.</td>
</tr>
<tr>
<td></td>
<td>• Opportunity for surface water to infiltrate naturally to groundwater.</td>
</tr>
<tr>
<td>P19.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/drainage conditions.</td>
<td></td>
</tr>
<tr>
<td>P19.4 The visual impact of ancillary landscaping or retaining structures is considered.</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** The landscaped area excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.

**Table 3: Minimum landscaped area**

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Minimum Landscaped Area (of lot area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200m²–300m²</td>
<td>10%</td>
</tr>
<tr>
<td>&gt;300m²–450m²</td>
<td>15%</td>
</tr>
<tr>
<td>&gt;450m²–600m²</td>
<td>20%</td>
</tr>
<tr>
<td>&gt;600m²–900m²</td>
<td>30%</td>
</tr>
<tr>
<td>&gt;900m²–1,500m²</td>
<td>40%</td>
</tr>
<tr>
<td>&gt;1,500m²</td>
<td>45%</td>
</tr>
</tbody>
</table>

A19.2 Each landscaped area shall have a minimum dimension of 1.5m in any direction.

A19.3 At least 35% of the front setback is to be landscaped.
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.

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.

Performance Criteria | Acceptable Solutions
--- | ---
P20 Private open space is: | A20.1 A private open space area of at least 50m² must be provided that:
- Functional and useable for residents all year round.
- Dimensioned to suit the projected requirements of the residents, and to accommodate outdoor recreational needs and service functions.
- 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 noise.
- Designed to limit the negative impact of overshadowing and consider privacy impacts on adjoining dwellings.
- Is located behind the front building line and not within the front setback.
- Has a gradient no steeper than 1:20.
- Has a minimum dimension of 2m in any direction.
- Is adjacent to the dwelling with direct access from a living area.

Note: The private open space area may be included in the landscaped area at A19.1, except for any hardstand components. The private open space area excludes obstructions such as stairs, storage areas, clothes drying facilities, bin storage areas, hot water systems, effluent disposal, above ground rainwater tanks and the like.
6.2.3 Storage and Laundry Facilities

The specific objectives are to:

i. Improve the functionality of dwellings 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A21.1</strong></td>
<td>Separate laundry and external clothes drying facilities shall be provided.</td>
</tr>
<tr>
<td>A21.2</td>
<td>External clothes drying facilities are to be:</td>
</tr>
<tr>
<td></td>
<td>• Provided at a rate of 16m of line per dwelling.</td>
</tr>
<tr>
<td></td>
<td>• Located behind the front building line.</td>
</tr>
<tr>
<td></td>
<td>• Screened from view from the public domain.</td>
</tr>
</tbody>
</table>

P21 | External clothes drying facilities are provided that are separate to the laundry and are: |
| | • Adequate and easily accessible. |
| | • Well located. |
| | • Visually screened from the street. |

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](image-url)
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: 6m³.
- 2 bed: 8m³.
- 3+ bed: 10m³.

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.

The specific objective is to:

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

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P24 Car parking arrangements are suitable for the development (residents and visitors), amenity of surrounding development and the surrounding road network.</td>
<td>A24.1 Car parking shall be provided in accordance with Chapter G21: Car Parking and Traffic of this Development Control Plan. A24.2 For open car spaces, the maximum allowable grades are:</td>
</tr>
<tr>
<td></td>
<td>• Longitudinal - 5%.</td>
</tr>
<tr>
<td></td>
<td>• Cross fall - 6.25%.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P25.1 The frontage, entries and habitable room windows of dwellings address the street.</td>
<td>A25.1 The dwelling shall:</td>
</tr>
<tr>
<td>P25.2 The design and orientation of the dwelling:</td>
<td>• Address the street by having a front door facing the street at the ground level.</td>
</tr>
<tr>
<td>• Enhances the streetscape.</td>
<td>• Ensure that any walls facing a street frontage (including secondary frontages) include a window to a habitable room on each level.</td>
</tr>
<tr>
<td>• Complements existing development in the vicinity.</td>
<td>• Ensure upper level windows, balconies or terraces overlook the public domain.</td>
</tr>
<tr>
<td>• Provides visual interest.</td>
<td>• Provide surveillance of the street and entrance to the development.</td>
</tr>
<tr>
<td>• Allow casual surveillance of public or communal streets or public domain.</td>
<td></td>
</tr>
<tr>
<td>P26 Attached garages and parking structures are sited and designed to:</td>
<td>A26.1 Attached garages and parking structures shall be compatible with the design of the building.</td>
</tr>
<tr>
<td>• Add visual interest.</td>
<td>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.</td>
</tr>
<tr>
<td>• Provide opportunity for passive surveillance.</td>
<td></td>
</tr>
<tr>
<td>• Not dominate the street frontage.</td>
<td></td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P27 Detached habitable rooms/studios:</td>
<td>A27.1 The principal dwelling and the detached habitable rooms/studios shall operate as a single dwelling house.</td>
</tr>
<tr>
<td>• Are used for residential purposes only.</td>
<td>A27.2 An all-weather connection shall be provided between the detached habitable room/studio and the principal dwelling.</td>
</tr>
<tr>
<td>• Function as a part of the principal dwelling, and not as a separate dwelling.</td>
<td><strong>Note:</strong> 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.</td>
</tr>
<tr>
<td>• Are not self-contained.</td>
<td></td>
</tr>
<tr>
<td>• Rely on the principal dwelling for either a laundry, bathroom, or kitchen.</td>
<td></td>
</tr>
</tbody>
</table>

### 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:

i. Minimise adverse visual amenity and character impacts when relocating second-hand dwellings.

ii. Ensure construction materials are sound and suitable for the intended use.

iii. Ensure that renovations are completed in a reasonable time frame.
### Performance Criteria

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P28</strong></td>
<td>The <strong>dwelling</strong> being relocated is:</td>
</tr>
<tr>
<td></td>
<td>• Compatible with the existing or desired future character of the area.</td>
</tr>
<tr>
<td></td>
<td>• In good repair.</td>
</tr>
<tr>
<td></td>
<td>• Structurally sound in its previous permanent location.</td>
</tr>
<tr>
<td></td>
<td>• Suitable in terms of any second-hand material.</td>
</tr>
</tbody>
</table>

### Acceptable Solutions

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A28.1</strong></td>
<td>The <strong>dwelling</strong> proposed to be relocated shall be capable of being restored and damaged materials replaced before occupation of the <strong>dwelling</strong>.</td>
</tr>
<tr>
<td><strong>A28.2</strong></td>
<td>An asbestos clearance certificate must be provided with the development application demonstrating that all asbestos has been removed from the <strong>dwelling</strong>.</td>
</tr>
<tr>
<td><strong>A28.3</strong></td>
<td>The materials and external finish shall be sound and compatible with the surrounding <strong>development</strong>.</td>
</tr>
<tr>
<td><strong>A28.4</strong></td>
<td>The <strong>dwelling</strong> shall be suitably refurbished to the satisfaction of <strong>Council</strong>.</td>
</tr>
<tr>
<td><strong>A28.5</strong></td>
<td>When required, recladding shall be completed using materials to the satisfaction of <strong>Council</strong>.</td>
</tr>
</tbody>
</table>

**Note:** **Council** will strictly enforce conditions of approval, particularly that:

- No **dwelling** will be occupied until such time as all conditions have been complied with.
- Where a **building** or **structure** 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.
- All renovations are to be completed within six months of relocating the **dwelling** to the proposed site.

### 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.
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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P29.1 Front fences and walls:</strong></td>
<td><strong>A29.1</strong> Front fences and walls along the primary frontage (see <strong>Figure 9</strong>), shall be no higher than 1.2m (averaged for sloping sites).</td>
</tr>
<tr>
<td>Enable some outlook from <strong>buildings</strong> to the street for safety and surveillance.</td>
<td><strong>A29.2</strong> On a corner lot, the fence or wall along the secondary frontage, behind the front building line (see <strong>Figure 9</strong>), shall be no higher than 1.8m.</td>
</tr>
<tr>
<td>Do not impede the safety of pedestrians and cyclists with the movement of vehicles between the property and the roadway.</td>
<td><strong>A29.3</strong> A fence or wall along a primary or secondary frontage must contain:</td>
</tr>
<tr>
<td>Avoid negatively impacting on the aesthetic and spatial quality of the street.</td>
<td>• Open elements that make it at least 50% transparent; or</td>
</tr>
<tr>
<td>Assist in highlighting entrances and in creating a sense of communal identity within the streetscape.</td>
<td>• Where there are solid panels, articulated elements such as landscape screening, <strong>setbacks</strong> and varied materials.</td>
</tr>
<tr>
<td>Are designed and detailed to provide visual interest to the streetscape.</td>
<td><strong>A29.4</strong> Despite <strong>A29.1</strong>, front fences and walls higher than 1.2m will only be supported where all the following is satisfied:</td>
</tr>
<tr>
<td>Are constructed of materials compatible with the proposed <strong>development</strong> and with attractive visible examples of <strong>fences and walls</strong> in the streetscape to offer a sense of continuity.</td>
<td>• The site is located on a <strong>classified road</strong> with high traffic volumes.</td>
</tr>
<tr>
<td>Are compatible with facilities in the street frontage area, such as mailboxes.</td>
<td>• The site is not located in an area with an established heritage character.</td>
</tr>
<tr>
<td>Do not impede safe sight distances for <strong>road</strong> users and pedestrians along the adjoining roadway.</td>
<td>• The <strong>fence</strong> and/or <strong>wall</strong> does not exceed 10m in length without some <strong>articulation</strong> or detailing to provide visual interest.</td>
</tr>
<tr>
<td><strong>P29.2</strong> The use and/or design of <strong>fences and walls</strong> in streetscapes of significance are appropriate to the heritage or environmental context.</td>
<td>• Landscape planting is included within a 1.5m <strong>setback</strong> between the fence/wall and the boundary to achieve mature heights of at least 1.5m.</td>
</tr>
<tr>
<td><strong>A29.5</strong> Fences and walls along a primary or secondary frontage shall maintain appropriate sight distances for <strong>road</strong> users and pedestrians in accordance with the relevant Australian Standards.</td>
<td></td>
</tr>
</tbody>
</table>

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*Shoalhaven Development Control Plan 2014*

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

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P30.1 The dwelling achieves appropriate levels of accessibility or is designed to be ‘easily and affordably adaptable’.</td>
<td>A30.1 The dwelling shall be designed:</td>
</tr>
<tr>
<td>(\text{Note: ‘Easily and affordably adaptable’ includes the future installation or alterations of inclusions to comply with the requirements of a silver standard as outlined in the ‘Livable Housing Design Guidelines’. 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 ‘Livable Housing Design Guidelines’.})</td>
<td>• To meet a silver standard for accessibility as outlined in the ‘Livable Housing Design Guidelines’.</td>
</tr>
<tr>
<td>OR</td>
<td>• 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 adaptable’ at a silver standard as outlined in the ‘Livable Housing Design Guidelines’.</td>
</tr>
<tr>
<td>P30.2 Access is provided from the car parking space located on the premises to the principal entrance of the dwelling and access to and within the following areas:</td>
<td>(\text{Note: The alternative solution report is to be submitted with the development application.})</td>
</tr>
<tr>
<td>• A bedroom.</td>
<td>• A living area.</td>
</tr>
<tr>
<td>• Laundry.</td>
<td>• An external private open space.</td>
</tr>
<tr>
<td>• A bathroom that includes a shower, WC and vanity.</td>
<td></td>
</tr>
</tbody>
</table>
6.3.6 Waste Management – Bin Storage, Presentation and Collection

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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P31.1 Bin storage, presentation and collection arrangements:</td>
<td>A31.1 The kerbside frontage required for waste collection is at least 1m per bin, 0.5m separation between bins and 1m behind each bin.</td>
</tr>
<tr>
<td>• Are appropriate for the nature of the development.</td>
<td>A31.2 Bin storage areas must be identified on the site plan and located behind the front building line. Where visible from the street, it must be appropriately screened to conceal the contents from the public domain and adjacent properties.</td>
</tr>
<tr>
<td>• Consider site configuration and adequate street frontage, especially lots at the head of cul-de-sacs and battle-axe lots.</td>
<td>A31.3 Bins must be able to be easily manoeuvred from the bin storage area for presentation at the kerbside.</td>
</tr>
<tr>
<td>P31.2 Bin storage is sited and designed for attractive visual appearance and for efficient and convenient use.</td>
<td></td>
</tr>
</tbody>
</table>

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 (Affordable Rental Housing) 2009 (AHSEPP).

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 AHSEPP 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 AHSEPP 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 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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P32.1 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</td>
<td>A32.1 The development complies with:</td>
</tr>
<tr>
<td>P32.2 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.</td>
<td>• Shoalhaven LEP 2014 - Clause 5.4(9) Secondary Dwellings.</td>
</tr>
<tr>
<td>P32.3 The development minimises adverse amenity impacts on neighbours, the streetscape and public domain.</td>
<td>• Division 2 of the AHSEPP. 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 Sections 5 and 6 of this Chapter.</td>
</tr>
<tr>
<td></td>
<td>• Any relevant policies of Council, including the provisions within this Development Control Plan.</td>
</tr>
<tr>
<td></td>
<td>• Relevant requirements of the Building Code of Australia and Australian Standards.</td>
</tr>
</tbody>
</table>
Chapter G12: Dwelling Houses and Other Low Density Residential Development

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.

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:

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

| 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:
| P33.2 | The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident’s vehicles.
| P33.3 | The size of the non-habitable structure is appropriate for its purpose.

### Acceptable Solutions

| A33.1 | The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:
| A33.2 | The gross floor area and eave height of a garage, or other similar structure, complies with the provisions in Table 4.

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.
- Refer to the following for guidance on calculating floor space ratio (including exclusions):
  - Figure 3 (Section 6.1.1 of this Chapter).
  - 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.

| A34.1 | Building heights must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.
| A34.2 | Any two-storey (or equivalent) component is to be located to minimise the shading of adjacent private open space.
| A34.3 | The difference in building height between existing buildings and new development is compatible when viewed from the public domain.

| P34.1 | The height of development:
| P34.2 | In rural zones, environmental and coastal locations, the height and bulk of development:
- Is compatible with the existing or desired future character of the area.
- Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties.
- Relates to the land form, with minimal cut and fill.

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dwellings is compatible with the rural, environmental or coastal context in which they are located.

P35.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.

P35.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.

P35.3 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.

P35.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.

P35.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.

P35.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.

P35.7 The proposal maintains adequate provision for on-site car parking.

Note:
1. The acceptable solutions for setbacks may need to be increased, reduced or modified depending upon factors such as:
   - Slope of the land.
   - Requirements for asset protection zones.
   - Foreshore setbacks.
   - The requirement for effluent disposal areas to be contained wholly within the lot boundaries on unsewered residential lots.
   - Location of existing buildings.
   - The shape of the lot.
   - Desire to create streetscape and visual interest.

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.

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

- E2 Environmental Conservation.
- E3 Environmental Management.
- E4 Environmental Living.
- R2 Low Density Residential, where the site area is equal to or greater than 2000m².
- R5 Large Lot Residential.

A35.2 Setbacks shall comply with the provisions in Table 2 (Section 6.1.2 of this Chapter), where the site is located in the following zones:
- R1 General Residential.
- R2 Low Density Residential, where the site area is less than 2000m².
- RU5 Village.
- SP3 Tourist.

A35.3 Despite A39.1 and A39.2, where the predominant setback of the same street is greater than the setback contained in Table 1 or Table 2 (as applicable, see Section 6.1.2 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 Figure 6, Section 6.1.2 of this Chapter).

Note: If there is no obvious predominant building line, the setback must comply with Table 1 or Table 2 (as applicable, see Section 6.1.2 of this Chapter).

Table 4: Gross floor area and wall height

<table>
<thead>
<tr>
<th></th>
<th>Gross Floor Area</th>
<th>Wall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>From ground level (existing) to eave</td>
</tr>
<tr>
<td>R1, R2 and SP3 (&gt; 2000m²), R3 and RU5 Zones</td>
<td>110m²</td>
<td>3.0m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refer to Figure 10</td>
</tr>
<tr>
<td>R2 and SP3 (≤ 2000m²)</td>
<td>To be assessed on merit</td>
<td>To be assessed on merit</td>
</tr>
<tr>
<td>RU1, RU2, RU4, E2, E3, E4, and R5 Zones</td>
<td>Site area up to 1 hectare - 140m²</td>
<td>To be assessed on merit</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P36 Ancillary structures are sited and designed to:</td>
<td>A36.1 Ancillary structures are compatible with the design of the principal dwelling.</td>
</tr>
<tr>
<td>• Add visual interest.</td>
<td>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.</td>
</tr>
<tr>
<td>• Provide opportunity for passive surveillance.</td>
<td></td>
</tr>
<tr>
<td>• Not dominate the street frontage.</td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P37 The location of a swimming pool and associated noise generating equipment does not:</td>
<td>A37.1 Noise generating equipment associated with a swimming pool (e.g. filters) shall be:</td>
</tr>
</tbody>
</table>
8.4 Use of Non-Habitable Structures

The specific objectives are to:

i. Ensure that non-habitable structures on vacant land are not used for habitable/residential purposes.

ii. Ensure a dwelling can be located on the land in the future.

iii. Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.

Performance Criteria

<table>
<thead>
<tr>
<th>P38</th>
<th>A non-habitable structure on vacant land:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Is justified, in terms of its use.</td>
</tr>
<tr>
<td></td>
<td>• Is sited to enable further development of the site with a dwelling that complies with this Development Control Plan.</td>
</tr>
<tr>
<td></td>
<td>• Will not be used for habitable/residential purposes.</td>
</tr>
</tbody>
</table>

Acceptable Solutions

| A38.1 | The non-habitable structure on vacant land is located so as not to preclude the development of a dwelling on the land. |
|       | A38.2 | The development application shall specify that the non-habitable structure on vacant land will not be used for residential purposes. |

Note: Conditions will be applied in this regard.
9 Advisory Information

9.1 Other legislation or policies you may need to check

| Council Policies & Guidelines | • Shoalhaven Contributions Plan  
| | • Asbestos Policy  
| | • The Shoalhaven Plant Species List  
| External Policies & Guidelines | • Building Code of Australia  
| | • Livable Housing Design Guidelines  
| | • NSW Land & Environment Court Planning Principles  
| | • Relevant Australia Standards  
| | • Planning for Bushfire Protection  
| Legislation | • Roads Act 1993  
| | • Swimming Pool Act 1992 (and associated regulations)  
| | • State Environmental Planning Policy (Affordable Rental Housing) 2009  
| | • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
| | • State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
| | • Shoalhaven Local Environmental Plan 2014  
| | • Shoalhaven Local Environmental Plan (Jerberra Estate) 2014  

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