

## Part 3 Urban zone provisions

### 20 General controls for development—Zone 2 (a) (Residential Low Density Zone)

#### (1) Land within the zone

Land is within Zone 2 (a) (the Residential Low Density Zone) if it is shown lettered 2 (a) on the zoning map.

#### (2) Objectives of the zone

The objectives of Zone 2 (a) are as follows:

- (a) to allow residential development, including dwelling houses and attached dual occupancies,
- (b) to maintain and enhance the character of residential areas, to promote good design,
- (c) to enable development which serves the needs of people in the residential areas,
- (d) to ensure that development does not have an unacceptable impact on adjoining land, by way of shadowing, invasion of privacy, noise and the like.

#### (3) Allowed without development consent

Development for the purpose of:

environmental facilities.

#### (4) Allowed only with development consent

Development for the purpose of:

attached dual occupancies; bed and breakfast establishments; boarding houses; child care centres; clearing of land; community centres; convenience stores; dwelling houses; educational establishments; exhibition homes; granny flats; home businesses; home industries; hospitals; hostels; housing for older people or people with a disability; places of public worship; professional consulting rooms; recreation areas; utility installations.

**(5) Prohibited**

Any development not included in subclause (3) or (4).

**21 General controls for development—Zone 2 (b) (Residential Medium Density Zone)**

**(1) Land within the zone**

Land is within Zone 2 (b) (the Residential Medium Density Zone) if it is shown lettered 2 (b) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (b) are as follows:

- (a) to recognise land suitable to accommodate a range of residential densities and a variety of medium density housing styles,
- (b) to encourage innovative and environmentally sustainable design and development of medium density housing which protects and enhances the streetscape,
- (c) to provide for other forms of development which may appropriately be located in the zone,
- (d) to ensure non-residential development is of a type, scale and character which will maintain an acceptable level of residential amenity.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

bed and breakfast establishments; boarding houses; child care centres; clearing of land; community centres; convenience stores; dwelling houses; educational establishments; exhibition homes; granny flats; guest houses; home businesses; home industries; hospitals; hostels; housing for older people or people with a disability; motels; multi unit housing; places of public worship; professional

consulting rooms; recreation areas; serviced apartments; utility installations.

**(5) Prohibited**

Any development not included in subclause (3) or (4).

**22 General controls for development—Zone 2 (c) (Residential Tourist Zone)**

**(1) Land within the zone**

Land is within Zone 2 (c) (the Residential Tourist Zone) if it is shown lettered 2 (c) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (c) are as follows:

- (a) to provide for a variety of development opportunities intended to accommodate tourists, visitors and residents alike, and
- (b) to ensure that the scale and function of tourist development is appropriate in the context of the form of development which might otherwise occur in the zone,
- (c) to ensure that tourist development does not significantly adversely impact on the amenity of residential areas in adjacent zones and is of a scale appropriate to the need for that development.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

advertisements; backpackers' hostels; bed and breakfast establishments; boarding houses; caravan parks; child care centres; clearing of land; clubs; community facilities; convenience stores; dwelling houses; ecotourism facilities; entertainment establishments; granny flats; guest houses; home businesses; home industries; hostels; kiosks; marine

service centres; multi unit housing; outdoor recreation; places of public worship; professional consulting rooms; reception establishments; recreation areas; recreation facilities; refreshment rooms; service stations; serviced apartments; shops and business premises to service other development permitted in this zone; tourist accommodation; utility installations.

**(5) Prohibited**

Any development not included in subclause (3) or (4).

**23 General controls for development—Zone 2 (e) (Urban Zone)**

**(1) Land within the zone**

Land is within Zone 2 (e) (the Urban Zone) if it is shown lettered 2 (e) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (e) are as follows:

- (a) to provide a flexible framework for future development within and adjoining the Eden urban area,
- (b) to allow a range of land uses within the town to stimulate the local economy without reducing the amenity or changing the character of the Eden urban area,
- (c) to provide for a range of housing opportunities appropriate in context and location of the Eden urban area.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Any development not included in subclause (3) or (5).

**(5) Prohibited**

Development for the purpose of:

abattoirs; animal establishments; brothels; caretakers' residences; extractive industries; hazardous industries; institutions; intensive livestock keeping establishments; junkyards; mines; offensive industries; sex shops; stock and sale yards.

**24 General controls for development—Zone 2 (f) (Future Urban Zone)**

**(1) Land within the zone**

Land is within Zone 2 (f) (the Future Urban Zone) if it is shown lettered 2 (f) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (f) are as follows:

- (a) to identify land which is to be investigated in respect to its suitability for rezoning at a later date for urban purposes,
- (b) to ensure that development within the zone is compatible with the anticipated urban development of the land,
- (c) to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services.

**(3) Allowed without development consent**

Nil.

**(4) Allowed only with development consent**

Development for the purpose of:

animal establishments; bed and breakfast establishments; child care centres; clearing of land; community facilities; granny flats; dwelling houses; educational establishments; farm forestry; home businesses; home industries; places of public worship; plant nurseries; reception establishments; recreation areas; utility installations.

**(5) Prohibited**

Any development not included in subclause (4).

**25 General controls for development—Zone 2 (v) (Village Zone)**

**(1) Land within the zone**

Land is within Zone 2 (v) (the Village Zone) if it is shown lettered 2 (v) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 2 (v) are as follows:

- (a) to recognise the existing villages and allow for future development of a residential nature, in relation to existing levels of services,
- (b) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or public amenities,
- (c) to ensure future development does not impact on or restrict existing development in the area,
- (d) to ensure the existing village character of the area is maintained,
- (e) to provide for a reasonable range of activities to be carried out,
- (f) to ensure development does not adversely impact on the environment.

**(3) Allowed without development consent**

Development for the purpose of:

agriculture; environmental facilities.

**(4) Allowed only with development consent**

Any development not included in subclause (3) or (5).

**(5) Prohibited**

Development for the purpose of:

abattoirs; animal establishments; brothels; caretakers' residences; extractive industries; hazardous industries; heliports; intensive livestock keeping establishments; junkyards; liquid fuel depots; mines; multi unit housing; offensive industries; sex shops; stock and sale yards.

## 26 Subdivision in urban zones

- (1) Consent must not be granted to subdivision of land within Zone 2 (a), 2 (b), 2 (c), 2 (e) or 2 (v) to create an allotment which, in the opinion of the consent authority, is intended to be used for the purpose of a dwelling house unless the allotment will have a minimum area (excluding any access handle or right of way) of:
  - (a) 550m<sup>2</sup> if a seweraged lot, or
  - (b) 2,000m<sup>2</sup> if an unsewered lot.
- (2) However, consent may be granted for such an unsewered lot only where it can be shown by a site study that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.
- (3) Notwithstanding subclause (1), land within Zone 2 (a) shown hatched black on the zoning map, shall not be subdivided unless each proposed allotment has an area of 2,000m<sup>2</sup>, 4,000m<sup>2</sup> or 8,000m<sup>2</sup> as shown on the zoning map as applying to the proposed allotment.

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[Refer to zoning map series for the areas of land affected by this subclause.](#)

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- (4) A dwelling house shall not be erected on an allotment of land referred to in subclause (1) or (2) unless the allotment has an area not less than that shown on the zoning map as applying to the proposed allotment, or the allotment was or is created for the purposes of a dwelling house in accordance with a consent granted before the appointed day.
- (5) Notwithstanding subclause (1), consent may be granted to a subdivision of land or buildings containing two or more dwellings erected with development consent so that each dwelling has a separate title.

## 27 Dwelling houses, dual occupancies and multi unit housing

- (1) A person shall not erect a dwelling house or multi unit housing on land within a zone specified in the Table to this clause unless:
- (a) the allotment on which the dwelling house or housing is proposed to be erected has a site area of not less than the minimum site area for each dwelling specified in the Table in respect of the type of housing and zone concerned, and
  - (b) the ratio of the gross floor area of the dwelling house or housing to the site area of the allotment does not exceed the ratio identified in that Table for the relevant zone.

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[See definition of gross floor area in the Dictionary.](#)

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- (2) In all cases the minimum landscaped area for dwelling houses, and for an attached dual occupancy and other multi unit housing is 35% of the total site area.

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[See definition of landscaped area in the Dictionary.](#)

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- (3) Notwithstanding subclause (1), a person shall not erect a dwelling house or attached dual occupancy on unsewered land within a zone specified in the Table to the clause unless the Council is satisfied that the proposed allotment will be reasonably capable of disposing of on-site sewage effluent without nuisance or any likely pollution of surface or subsurface water.
- (4) A person shall not erect multi unit housing on unsewered land within any zone.

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[This subclause expressly prohibits the erection of multi unit housing on unsewered land in any zone.](#)

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- (5) Despite any other provision of this plan, consent may be granted to the erection of a detached dual occupancy on land identified in Schedule 1.

**Table**

<b>Type of housing</b>	<b>Zone</b>	<b>Minimum site area per dwelling</b>	<b>Floor space ratio</b>
Dwelling house	2 (a), 2 (b), 2 (c), 2 (e), 2 (f) or 2 (v)	550m <sup>2</sup>	0.5:1
Attached dual occupancy	2 (a) or 2 (v)	275m <sup>2</sup>	0.5:1
Multi unit housing (other than attached dual occupancy in Zone 2 (a) or 2 (v))	2 (b), 2 (c) or 2 (e)	200m <sup>2</sup>	0.5:1

Notwithstanding the above Council has a policy that requires a minimum 2000m<sup>2</sup> site area for the erection of a dwelling house on all unsewered lots in urban areas.

## **28 Development in Zone 2 (e)**

- (1) This clause applies to all land within Zone 2 (e).

Refer to Council's Development Control Plan No 34 Eden Urban Area for provisions relating to development in Eden.

- (2) Before granting consent for development on land to which this clause applies, the consent authority shall have regard to:
- (a) where the land adjoins other land used for residential purposes, the manner in which the development relates to the residential development on the other land and to the maintenance and enhancement of the existing residential character and amenity, and

- (b) where the proposed development is for retail or commercial purposes, the manner in which it supports the role and structure of the Eden town centre and its convenience to the community, and
  - (c) where appropriate, the likely consequences of the proposed development for the provision of industrial development opportunities in the area, and
  - (d) where the land is, according to information available to the Council, affected by flooding, whether the proposed development involves a risk to life or property in the event of a flood and whether it is likely to aggravate the effects of flooding on other land, and
  - (e) whether the proposed development is likely to create a traffic hazard or reduce the traffic-carrying efficiency of a road, particularly an arterial road, and
  - (f) the extent to which the proposed development complements and enhances the existing character of the town of Eden.
- (3) Consent must not be granted to development on land to which this clause applies that adjoins or is adjacent to other land that is used or is to be used for residential purposes unless the consent authority is satisfied that:
- (a) the elevation of any building has been designed to be compatible with residential development or the building will be suitably screened, and
  - (b) the development will allow a reasonable amount of sunlight to reach residential buildings and land used as private recreational open space between the hours of 9 a.m. and 3 p.m. during the winter solstice, and
  - (c) noise from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and
  - (d) the development will not otherwise cause nuisance to residents, by way of traffic movement, parking, headlight glare, security lighting or the like, and

- (e) windows facing residential areas will be treated to avoid overlooking of private yard space or of windows in residences.
- (4) Consent must not be granted to development on land to which this clause applies for the purpose of an industry unless the consent authority is satisfied that:
- (a) the industry will be sufficiently separated from residential development to minimise any nuisance, and
  - (b) the industry will not detract from residential amenity byway of noise, odours, waste, appearance, hours of operation or traffic, or otherwise.
- (5) Consent must not be granted to any development on land to which this clause applies which has a covering of native vegetation or is otherwise in its natural state unless the consent authority is satisfied that:
- (a) any removal of vegetation necessitated by the development will be minimised, and
  - (b) the landscaping proposed will have the effect of minimising the visual impact of the development, and
  - (c) such other measures as may be considered appropriate by the consent authority will be taken to minimise the effect of the development on the existing character of the area.
- (6) Where land to which this clause applies contains or is likely to contain Aboriginal archaeological relics (on the basis of information available to the Council), consent must not be granted to development on the land unless the consent authority is satisfied that appropriate action has been taken to identify and protect such relics.
- (7) Consent must not be granted to any habitable building on land to which this clause applies which is not able to be connected to reticulated sewerage and water services unless appropriate arrangements are or have been made for:
- (a) the provision of a water supply of adequate quantity and quality for the needs of the development, and
  - (b) the provision of sewage disposal facilities which:

- (i) have adequate capacity to meet peak demand, and
- (ii) will ensure that the quality of downstream water is maintained, particularly in relation to marine ecosystems in Twofold Bay, Lake Curalo and Cocora Lagoon.

## **29 Development in Zone 2 (f)**

- (1) Consent may be granted to development of land within Zone 2 (f) only where the consent authority is satisfied that:
  - (a) the development is designed in a manner which is unlikely to prejudice the possible future subdivision and development of the land, or other land in the vicinity, for urban purposes, and
  - (b) any proposed buildings will be of a suitable size and shape for the purposes for which they are intended to be used.
- (2) Consent may be granted for development of land within Zone 2 (f) only after the consent authority has considered whether the development will create a demand for the uneconomic provision or upgrading of services to the land by the Council.
- (3) Consent may be granted to a subdivision of land within Zone 2 (f) that is intended to create an allotment around the curtilage of an existing dwelling house or other building and to enable the residue of the land to be made available for future urban development.
- (4) Consent may be granted for the erection of a dwelling house on an allotment of land created by a subdivision in accordance with this clause or on an existing allotment within Zone 2 (f) where the consent authority is satisfied that the siting of the dwelling house is unlikely to prejudice the future urban development of the land and other land in the vicinity.

**Land zoned 2(f) is under active review. Please check with Council's Strategic Planning section about individual planning studies that may apply to this land.**