



Batemans Bay Regional Centre

Development Control Plan

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BATEMANS BAY REGIONAL CENTRE DEVELOPMENT CONTROL PLAN

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1.0 INTRODUCTION

1.1 Name

This Plan is known as the Eurobodalla Batemans Bay Regional Centre Development Control Plan and has been prepared in accordance with section 3.43 of the [Environmental Planning and Assessment Act 1979](#) (EP&A Act).

1.2 Date of Adoption

This Plan was adopted by Eurobodalla Shire Council (Council) on 18 October 2011 and came into operation on 28 November 2011. This Plan will be subject to amendment from time to time. Plan users should refer to Schedule 1 - Amendments of this Plan.

1.3 Aim

The aim of this Plan is to further the aims of the [Eurobodalla Local Environmental Plan 2012](#) (LEP) and the particular objectives for the R3, B4 and B5 zones as stated in the [LEP](#).

This Plan also aims to achieve the following objectives in relation to the Batemans Bay Regional Centre:

- promote efficient use of land by encouraging redevelopment that benefits local residents as well as visitors to Batemans Bay, and
- encourage the amalgamation of small properties for redevelopment, and
- ensure that future buildings neither dominate this coastal setting nor intrude unreasonably onto coastal views that are available from surrounding residential hillsides, and
- promote the highest standards of urban and architectural design quality, and
- ensure high levels of amenity along streets and laneways.

1.4 Land to Which This Plan Applies

This Plan applies to all land outlined in Map 1 in Schedule 3 - Maps known as the Batemans Bay Regional Centre.

1.5 Relationship to Other Plans, Codes & Legislation

This Plan supports the [LEP](#) and provides guidance for applicants to achieve the aims and objectives of the [LEP](#) in relation to development in the applicable zones.

Where there is an inconsistency between this plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument shall prevail.

In addition to the above and the provisions of this Plan, in assessing development proposals, Council must consider all those matters specified in section 4.15 of the [EP&A Act](#).

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

This Plan should be read in conjunction with the Codes of Practice listed in Schedule 2 - Codes Applicable to This Plan of this Plan.

1.6 How to Use This Plan

This Plan is to be read in conjunction with the [LEP](#) and other relevant environmental planning instruments made under the [Environmental Planning and Assessment Act 1979](#).

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

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

The Development Controls

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

The controls are generally expressed as Acceptable Solutions and/or Performance Criteria. The acceptable solutions provide a simple measure by which a development may achieve the intent of a particular element of development control (deemed to comply). The performance criteria allow for flexibility and innovation for developers and designers who wish to depart from the listed acceptable solutions (merit assessment). The intent of the control and the objectives of the Plan must always be met whichever course is chosen.

1.7 Definitions

Other than those listed below, terms in this Plan have the same meaning as in the [LEP](#) dictionary.

Communal open space means open space that is shared by all residents of a development containing more than 2 dwellings.

Detached (for the purpose of 2.2 Setbacks) means by more than 900mm from another building or structure. Buildings or structures closer than 900mm are deemed to be attached (for the purpose of 2.2 Setbacks).

Foreshore reserves means areas of public land fronting water courses, lagoons, lakes, rivers, estuaries, bays, beaches and oceans, but do not include areas of land set aside for stormwater drainage that do not share a common boundary with the foreshore.

1.8 Precinct Statements

BATEMANS BAY B4 MIXED USE ZONE

FORESHORE PRECINCT

This waterfront area encompasses the historic working waterfront, those parts of the public recreation zone fronting the foreshore and areas that have traditionally served and will continue to serve the retail main streets. The Foreshore Precinct offers opportunities for recreational activities accessible to the town centre, neighbouring residential areas and the wider community. The precinct should be distinctive in its prime retail purpose yet focused on an active mixed use dedicated to general and tourist related retail outlets. Also, its entertainment and upper-level mixed-use areas should be dedicated to commercial space, tourist accommodation and limited residential.

The intersection of Clyde, Orient and North Streets, with its existing active retail presence, anchors this precinct as the hub of the town centre. The enhancement of this area, inclusive of new developments, and the interaction between retail activity and foreshore ambience, will further heighten its value as the focus for the town. Buildings fronting the 'Hub' should include street level activities that function over longer hours, particularly during weekends and extended days during peak tourist season.

CENTRE NORTH PRECINCT

This precinct houses the core retail presence bounded by Orient Street (east), North Street and the Village Centre fronting Perry Street. The active street frontages of Orient and North Streets contain the more traditional fine-grain retail businesses whilst the mall is anchored by large floor-plate supermarkets and a Discount Department Store, (DDS). The retail offer is interspersed by banks, cafés retail and to a limited degree upper level commercial office spaces.

This precinct provides an ever-expanding range of retail and service functions without eroding commercial opportunities or duplicating the activities within the Centre East Precinct. The arrangement of allotments will allow a higher density of built form than that of the Foreshore Precinct. The precinct will be an active, pedestrian friendly space with reduced interference from private vehicle movement.

CENTRE EAST PRECINCT

The ‘flavour’ of this precinct has yet to be defined through its built structures and incorporated uses. The under-development of sites and range of uses currently representative, would suggest this area is acting as the future supply of commercial land.

The area bounded by Orient Street and the current Museum Place car park could support dedicated commercial office areas to a standard suitable for institutional, government/agency, design, consulting, or legal services. The Orient Street ground level frontage will continue to support primary retail outlets. New developments will provide, where possible, through links to assist public circulation around the town centre and to undercover car parking areas to the east of Flora Crescent.

Both the commercial and residential components of this precinct will actively address the Green Boulevard (along Museum Place carpark and Flora Crescent). There will be a consistent landscape and street tree theme comprising the Green Boulevard, providing continuity of open space from the Watergardens through to the foreshore walkway.

BATEMANS BAY AND SURF BEACH B5 BUSINESS DEVELOPMENT ZONE

HIGHWAY PRECINCT

This precinct includes a number of larger undeveloped lots which provide greater latitude for longer-term development opportunities. The location adjacent to the main highway has attracted interest in the provision of businesses that rely heavily on visual exposure from passing traffic. The imminent construction of a dedicated ‘slip lane’, providing off-highway access, has reactivated interest in the development potential of the area.

The precinct will provide a range of retail services that complement the Centre North and Foreshore Precincts. New development makes use of the highway exposure and will provide economic opportunities for businesses requiring large floor plates and expanded display frontages than cannot readily be accommodated elsewhere in the town centre.

SURF BEACH

The Surf Beach Business, Technology and Industry Parks and Bulky Goods Precinct will combine the physical elements of the site (topography, vegetation and microclimate) with appropriate site planning and built form to provide for an integrated site solution.

Articulated building forms, generous landscaped spaces around buildings and building materials that blend in with the colours and textures of the natural landscape will be used to minimise the visual impact of development on long distance views of the locality.

BATEMANS BAY MARINA

The Batemans Bay Marina is a popular venue for marine based recreation. It is compatible with surrounding land uses. Its redevelopment will create a second activity node in close proximity to the Batemans Bay town centre, providing a significant opportunity for mixed uses, related to the marina.

BATEMANS BAY R3 MEDIUM DENSITY RESIDENTIAL ZONE

RESIDENTIAL GENERAL

The Residential General Precinct envelops the town centre and is to provide a range of varied housing opportunities that cater for both tourists and permanent residents. This area has a high level of accessibility to public transport, shopping, community facilities and employment. Controls have been established to ensure that development in this precinct complements the existing urban character.

RESIDENTIAL SOUTH

The Residential South precinct has provided some of the accommodation stock that supported the early development of the town. The allotments in this area are relatively large for single residential use. Reuse and redevelopment for higher density residential use has already commenced. Some of these residences have also undergone retrofitting for commercial uses such as private consulting rooms and professional suites.

Flexible built-form design to enable residential development to accommodate future commercial uses at ground floor level is encouraged in this precinct as market shifting dictates mixed-use activities.

RESIDENTIAL EAST

This precinct extends from the eastern edge of Batemans Bay through to the Catalina Country Club. The area is appropriate for more intense development given its proximity and connectivity to the town centre.

2.0 SITE PLANNING

2.1 Siting of Development

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.	<p>A1.1 No development or land clearing shall occur on slopes equal to or greater than 1:4 (or 25 %).</p> <p>A1.2 Where slopes are greater than 1:6.5 (or 15%) a report prepared by a qualified geo-technical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land.</p>

2.2 Setbacks

Intent:

For B4 Mixed Use Zone:

- To facilitate active and casual visual interaction between the street and buildings and improve the quality of the public domain.

For B5 Business Development Zone:

- To provide attractive streetscapes and public places that are functional and enhance the amenity of the area.

For R3 Medium Density Residential Zone:

- To minimise adverse impacts on the streetscape and surrounding properties and to minimise the visual impact of development on reserves and cliff tops.

Development Controls:

Performance criteria	Acceptable solution
B4 Mixed Use Zone	
P1 Building setbacks provide for development with appropriate massing	A1.1 Building setbacks along the main street frontage must form a continuous and consistent

Performance criteria	Acceptable solution		
<p>and spaces between the buildings to achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.</p> <p>P1.2 Building setbacks strengthen the visual character and the continuity of street facades along the main streets.</p>	<p>alignment of buildings along the street boundary (zero setbacks) unless otherwise stated in Figure 1.</p> <p>Note: The “special conditions” referred to in Figure 1 for setbacks to Clyde Street allow for ground level setbacks of 5.5m to provide for a continuous raised colonnade. The raised colonnade is in response to the need to reconcile active street frontages with hazardous coastal processes and sea level rise.</p> <p>A1.2 The first floor must have a zero setback.</p> <p>A1.3 Setbacks from the side boundaries: Zero setback.</p> <p>A1.4 Setback from the rear boundary: Minimum area necessary to include car parking, vehicle manoeuvring, delivery of goods and open space on site.</p>		
B5 Business Development Zone – Highway Precinct			
<p>P2 Development incorporates opportunity for landscaping to provide an attractive facade to all road frontages.</p>	Location	Setback	Details
	<p>A2.1 Vesper Street</p>	From the re-aligned front property boundary (slip-road) buildings must maintain a 3m minimum landscaped setback.	Setback to be screened by mature landscaping.
	<p>A2.2 Guy Street (North)</p>	Minimum 3m landscaped setback	
B5 Business Development Zone – Surf Beach Precinct			
<p>P3 Building setbacks strengthen the visual and environmental character of the area.</p>	<p>A3.1 The minimum building setback from The Spine Road and George Bass Drive road reserve is 30 metres.</p> <p>A3.2 The minimum building setback from other road reserves is 3 metres.</p>		

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Performance criteria	Acceptable solution
R3 Medium Density Residential Zone	
Front boundary setback	
P4 Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	<p>A4.1 For infill development other than neighbourhood shops, buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks.</p> <p>A4.2 Neighbourhood shops must be setback a minimum of 3 metres from the road frontage.</p> <p>A4.3 In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front façade of the dwelling (excluding garages or carports) may be setback 4.5m from the front boundary.</p> <p>A4.4 Garages that have the door facing the street frontage and all carports must be set back a minimum of 5.5 metres from the property boundary.</p>
Side boundary setback	
P5 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties.	<p>A5 The minimum setback to a side boundary is;</p> <ul style="list-style-type: none"> – For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest); – For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest); – For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3 Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere;

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Performance criteria	Acceptable solution
	<ul style="list-style-type: none"> For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg. gazebos, aviaries, green houses, pool houses, etc), 450mm
P6 The impact of rooftop terraces on the privacy and amenity of adjoining residential land is minimised.	A6 Rooftop terraces that, if enclosed would form an additional floor outside the height and setback limit, must: <ul style="list-style-type: none"> be uncovered; be setback a minimum of 2m from the outer limits of the roof; and not include any structure that would exceed the height limit.
Corner Lots - Secondary Street Frontage	
P7 Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents.	A7.1 The minimum setback to the secondary street frontage side boundary is 3m. A7.2 Where a dual occupancy contains a dwelling that is not adjacent to the front boundary and addresses the side street boundary, the setback for that dwelling from the road frontage must be within 20% of the average setbacks of 3m and the adjoining building on the side street. A7.3 Garages and carports must be set back behind the dwelling frontage, not forward of the building line and a minimum of 5.5m from the secondary property boundary.
Rear boundary setback	
P8 Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.	A8.1 A minimum rear boundary setback of 3m applies to all buildings except: <ul style="list-style-type: none"> sheds; detached garages; and other detached non-habitable ancillary buildings. up to a height of 3.8m. A8.2 A minimum rear boundary setback of 450mm applies to all: <ul style="list-style-type: none"> sheds; detached garages; and

Performance criteria	Acceptable solution
	<ul style="list-style-type: none"> – other detached non-habitable ancillary buildings, <p>up to a height of 3.8m.</p> <p>The above minimum rear boundary setbacks also apply to allotments with a rear boundary to a road.</p>
‘Front’ Boundary Setbacks for Battle Axe Allotments	
<p>For the purpose of this section, the ‘front’ boundary is that boundary of the battle axe lot that is also the rear boundary of the front lot adjoining the street. The minimum ‘front’ boundary setbacks also apply to allotments with a rear boundary to a road or laneway.</p>	
<p>P9 Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.</p>	<p>A9.1 A minimum ‘front’ boundary setback of 3m applies to all buildings except:</p> <ul style="list-style-type: none"> – sheds; – detached garages; and – other detached non-habitable ancillary buildings, <p>up to a height of 3.8m.</p> <p>A9.2 A minimum ‘front’ boundary setback of 450mm applies to all:</p> <ul style="list-style-type: none"> – sheds; – detached garages; and – other detached non-habitable ancillary buildings. <p>up to a height of 3.8m.</p> <p>The above minimum ‘front’ boundary setbacks also apply to allotments with a rear boundary to a road.</p>
Setbacks to reserves and cliffs	
<p>P10 Buildings are setback to minimise impacts on the public enjoyment of reserves and to minimise adverse impacts on the scenic qualities of reserves and cliffs when viewed from private land, public land, waterway or the ocean.</p>	<p>A10.1 Where development is proposed on land which has a common boundary with a foreshore reserve:</p> <ul style="list-style-type: none"> – for infill development, the minimum setback for any building and all other structures from the reserve must be within 20% of the average setbacks of the adjoining lawfully erected buildings, but no less than the smaller of the existing

Performance criteria	Acceptable solution
	<p>setbacks; and</p> <ul style="list-style-type: none"> – where a building line has not been established, the minimum setback for any building from the reserve must be 12m. – where the common boundary is a side boundary, the main dwelling may be less than 12m if the dwelling is at the minimum setback on the opposite side boundary and all efforts have been made to achieve a satisfactory setback to the reserve. <p>A10.2 Where development is proposed on land which has a common boundary with a public reserve other than a foreshore reserve, the minimum setback for any building from the reserve must be 3m.</p> <p>A10.3 Where development is proposed on land that contains or is in close proximity to a cliff, even where there is no foreshore reserve:</p> <ul style="list-style-type: none"> – for infill development, the minimum setback for any building or any other structures from the top of the bank of the cliff must be no less than the average setback of the adjoining lawfully erected buildings; and – where a building line has not been established, the minimum setback for any building and all other structures from the top of the bank of the cliff must be 12m. <p>Refer to Figure 2.</p>

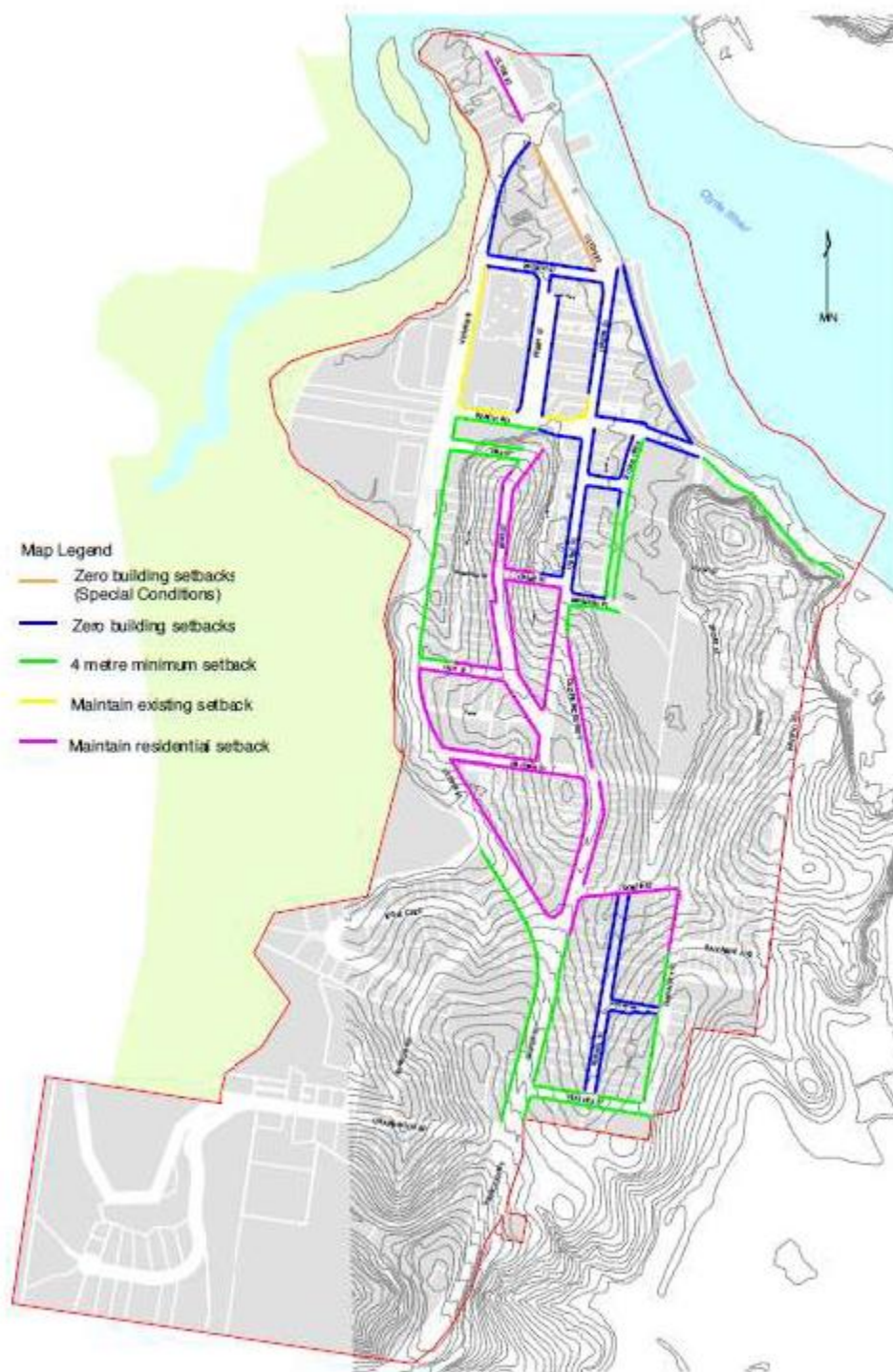


Figure 1: Setbacks

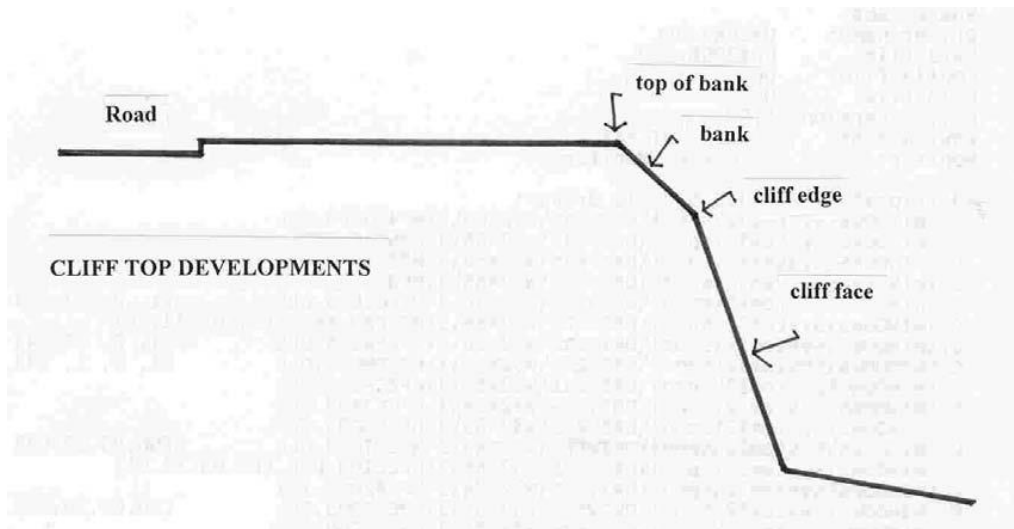


Figure 2: Cliff Top Developments

2.3 Garages, Carports and Sheds

Intent:

- To ensure that garages, sheds and carports are of a suitable scale and style for the locality.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Carports and garages: <ul style="list-style-type: none"> are not a prominent feature of the development when viewed from the street; are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and do not dominate the streetscape. Refer to Figure 3.	A1 Carports and garages must be no further forward of the front facade of the building than 1.2m and for no more than 50% of that façade.
P2 Carports and garages: <ul style="list-style-type: none"> are compatible with the design of the main building in terms of building bulk and scale. do not have an unreasonably 	A2.1 The site coverage of <ul style="list-style-type: none"> sheds; carports; detached garages; and other detached non-habitable

Performance Criteria	Acceptable Solution
adverse impact on the amenity of adjoining residential properties nor dominate the streetscape.	<p>ancillary buildings, must not be greater than 60m².</p> <p>A2.2 Metal clad sheds, such as 'old American barns' and 'Quakers barns', are not suited to the urban areas of Eurobodalla Shire as either garages or dwellings.</p>



Poor relationship to street – the garage dominates the streetscape



Improved relationship to street - garages do not dominate the streetscape

Figure 3: Garages in Street Frontage

2.4 Private Open Space

Intent:

- To provide year round adequate open space for the private recreational use of occupants of a dwelling.

Development Controls:

Performance Criteria	Acceptable Solution
General Requirements	
<p>P1 Private open space is designed and located to:</p> <ul style="list-style-type: none"> - enhance residential amenity; - be functional for private recreational activities; - allow for landscape design; - optimise solar access; and - increase visual privacy, <p>to promote the enjoyment of outdoor living by residents.</p>	<p>A1.1 Each dwelling must be provided with a minimum of 24m² of private open space at ground level and/or above ground level which must:</p> <ul style="list-style-type: none"> - not be steeper than 1 in 50 in grade; - be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings; - serve as an extension of the dwelling for relaxation, entertainment and recreation purposes by being accessible to the living areas; - be located behind the building line. <p>A1.2 Where a secondary dwelling is proposed, it must share the private open space provided for the principal dwelling & not be separated in any way.</p>
Dwellings with Ground Level POS Only	
<p>P2 Private open space for dwellings at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by residents.</p>	<p>A2 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is single storey in height, private open space must meet the general requirements and;</p> <ul style="list-style-type: none"> - not have a minimum dimension of less than 4m;
Dwellings with Combinations of Ground and Above Level POS	
<p>P3.1 Private open space at ground level or above ground level is functional and responsive to the environment thereby promoting the enjoyment of outdoor living by</p>	<p>A3 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is two storeys in height, private open space must meet the general and following requirements:</p>

Performance Criteria	Acceptable Solution
<p>residents.</p> <p>P3.2 Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a reduction in the provision of communal open space.</p>	<ul style="list-style-type: none"> – either be a minimum area of 24 m² of private open space provided mainly at ground level, no part of which has a minimum dimension less than 4m and the balance on a balcony/deck or terrace (the exact area apportionment to be determined by design); <p>or</p> <ul style="list-style-type: none"> – a minimum balcony area of 10m² and minimum dimension of 2m (greater area and dimension is encouraged where practical) if at above ground level and the balance (to achieve a total private open space area of 24m²) to be provided at ground level. – Where the balcony is adjacent to the main living area of the dwelling, the balance may be provided in the form of communal open space on the site.
Dwellings with Above Ground Level POS only	
<p>P4.1 Private open space above ground level and communal open space at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by apartment residents.</p> <p>P4.2 On land zoned R3:</p> <ul style="list-style-type: none"> - Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a 	<p>A4 For each dwelling that does not have an individual entrance at ground level or a ground level private open space area, private open space is to be provided in the form of a balcony and communal open space. The general and following requirements must be met in this regard:</p> <ul style="list-style-type: none"> – contain a balcony with a minimum area of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical); – locate the balcony with direct access to the main living rooms of the dwelling; – provide a communal open space area on site calculated by multiplying the number of units by the 24m² private open space area, minus the area provided as a balcony; <p>For example, 8 units each with balconies of 10m². The communal open space requirement is:</p>

Performance Criteria	Acceptable Solution
reduction in the provision of communal open space.	$8 \times (24 - 10) = 8 \times 14$ $= 112\text{m}^2$ <ul style="list-style-type: none"> The minimum provision for communal open space is 25% of the site area or a figure determined by the above calculation: whichever is the greater. Communal open space must be located on the northern or north-eastern side of the site, have a minimum dimension of 3 metres, be no steeper than 1 in 50 in grade and be regular in shape.

2.5 Landscaping

Intent:

- To ensure sites are landscaped to improve the amenity and sustainability of development.

Development Controls:

A1 All applicable development must comply with the [Landscaping Code](#).

A2 Landscaping must not include environmental or noxious weeds as defined in the [Tree Preservation Code](#).

Performance Criteria	Acceptable Solution
Additional Controls for B5 Business Development Zone	
P3 Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.	<p>Highway Precinct</p> <p>A3.1 Development must provide a 3m wide landscape strip along the frontage of the site, excluding crossovers and pedestrian access points.</p> <p>Surf Beach Precinct</p> <p>A3.2 A 30m minimum vegetated area is provided along the entire frontage of George Bass Drive measured from the Surf Beach Bypass road reserve.</p>
Additional Controls for R3 Medium Density Residential Zone	
P4 Sites are landscaped to complement	A4 The minimum landscaped area of the site must

Performance Criteria	Acceptable Solution
and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.	<p>consist of:</p> <ul style="list-style-type: none"> – 20% of the site area used for residential development, including; – 50% of the front setback for development other than neighbourhood shops; and <p>Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1m.</p>

2.6 Parking and Access

Intent:

- To ensure development provides safe and adequate access and on-site parking arrangements.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.</p> <p>Additional Performance Criteria for B5 Business Development Zone:</p> <p>P2 The site access, parking and servicing arrangements maintain the street hierarchy and ensure effective use of the site.</p> <p>P3 Parking areas relate to the topography through stepping up slope and landscape treatments between sections.</p> <p>P4 Servicing is from designated areas and avoid conflict with visitors to the site.</p> <p>P5 Parking areas are located to the rear or side of the site.</p>	<p>A1 All development must comply with the Parking and Access Code.</p>

2.7 Safer By Design

Intent:

- To promote a safe environment for the community by minimising the risk of crime associated with new development.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety.	A1.1 For dual occupancies; <ul style="list-style-type: none"> – The main entrance must be clearly visible from the street – Windows must be located to allow casual surveillance of the street from the dwelling A1.2 All development must comply with the Safer By Design Code .

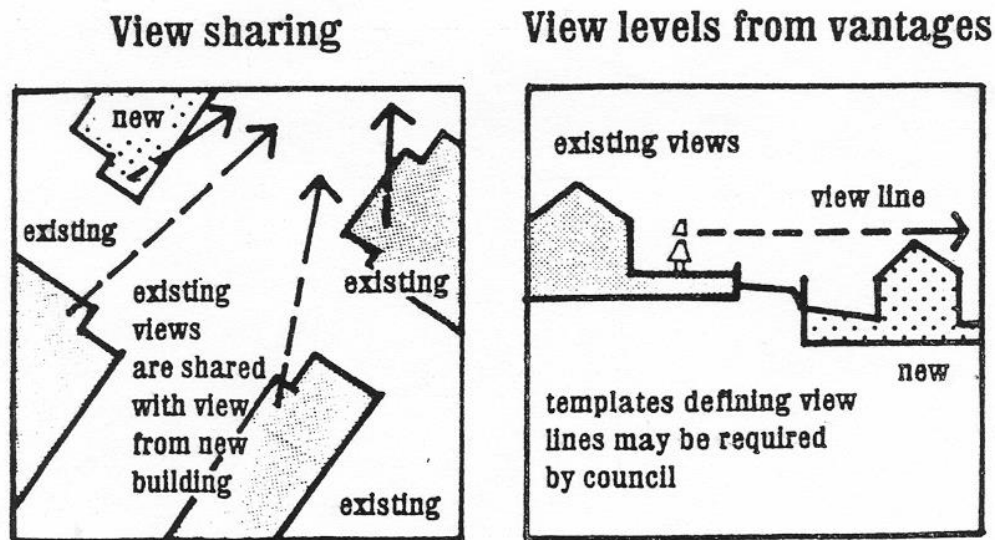
2.8 Views

Intent:

- To provide opportunities for view sharing, where practical, for existing and future residents by encouraging innovative design solutions.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Development allows for the reasonable sharing of views through the siting, height and design of buildings. Refer to Figure 4.	A1 The design of development minimises impacts on private views and shares views where necessary by: <ul style="list-style-type: none"> • locating structures to provide or maintain view corridors; or • adjusting rooflines, or modifying building bulk or scale; or • demonstrating regard and consideration of views in the development design.



Consider views of others when designing new development

Figure 4: View Sharing Principles

2.9 Signage

Intent:

- To promote a high standard of and prevent excessive signage.

Development Control:

- A1** All development must comply with the [Signage Code](#) and where relevant [State Environmental Planning Policy No 64 - Advertising and Signage](#).

2.10 Footpath Trading

Intent:

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

Development Controls:

- A1** All development must comply with the [Footpath Trading Code](#).

3.0 SUBDIVISION

3.1 Subdivision Pattern & Lot Layout

Intent:

- To ensure that the size and layout of new lots serve the intent of the zone.

Development Controls:

Business Zones:

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

Performance Criteria	Acceptable Solutions
R3 Medium Density Residential Zone	
<p>P2.1 Lots include a site capable of accommodating a dual occupancy of a reasonable size.</p> <p>P2.2 Site characteristics, particularly slope, will determine whether the building envelope can be achieved and therefore the feasibility of subdividing to the minimum lot size.</p>	<p>A2.1 All lots must be capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line.</p> <p>A2.2 Lots must maintain a minimum street frontage of 20m where they are not battle axe lots.</p>
<p>P3 Lot sizes and proportions maintain a consistent pattern within the area.</p>	<p>A3 New subdivision must not result in the creation of lots 1200m² or less in area that have side to front boundary proportions greater than 2.5:1.</p>

4.0 BUILT FORM

4.1 Building Bulk and Scale

Intent:

- To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape, and are designed with maximum flexibility to suit changing needs over time.

Development Controls:

Performance criteria	Acceptable solution
B4 Mixed Use Zone & R3 Medium Density Residential Zone	
P1 Building design is readily adapted to accommodate two or more different uses over the life of the building without the need for structural alterations. This can be achieved through variations in the inter floor levels of the development.	A1 Where all levels above ground level are principally dedicated to residential accommodation, the first floor level must be structured so that it can be retro-fitted for commercial space as future demand dictates.
Additional Control for B4 Mixed Use Zone	
P2 Street frontage heights provide for development with appropriate massing and spaces between the buildings to achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.	A2 New buildings must comply with the street frontage heights in Figure 6.
Additional Control for R3 Medium Density Residential Zone	
P3 Development conforms to the topography of the site and is not of a bulk or scale that is out of character with the local area.	A3 On sloping sites, buildings must step down the block. Refer to Figure 5.

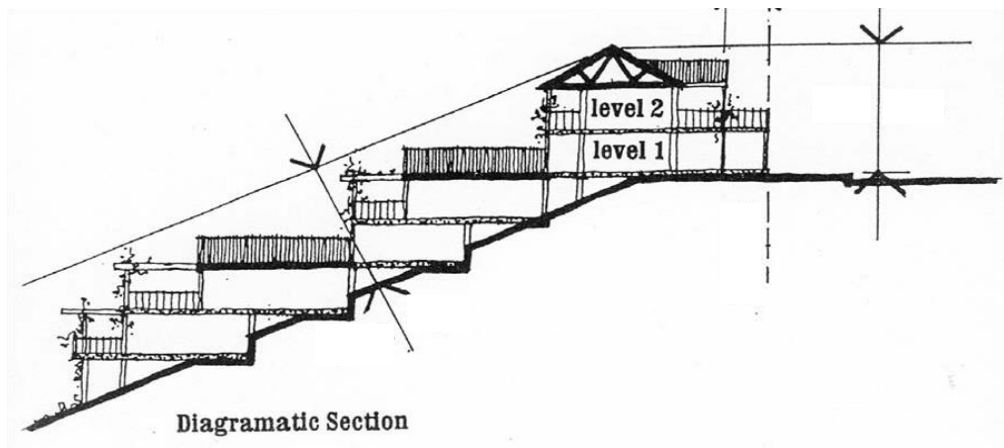


Figure 5: Development on Sloping Sites

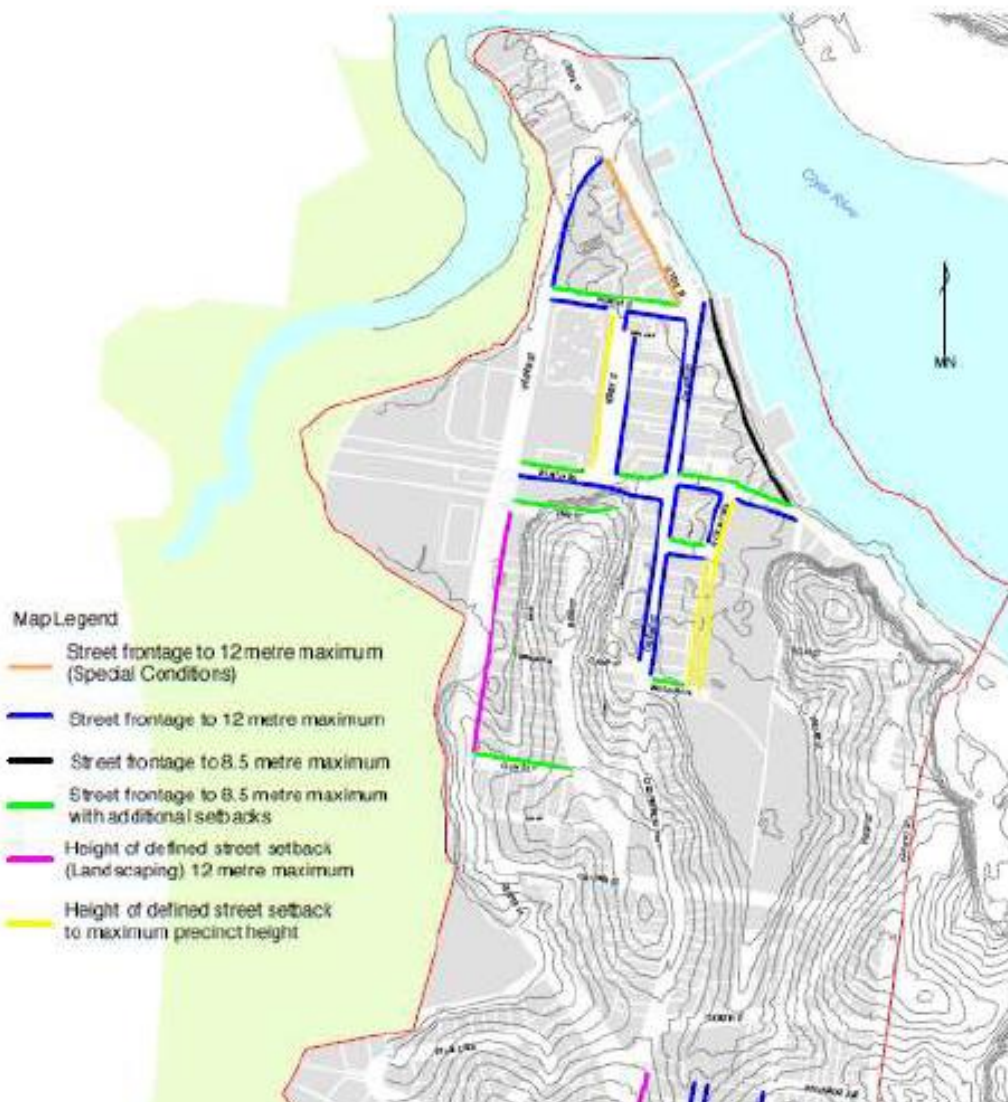


Figure 6: Street Frontage Heights

4.2 Street Frontage and Facade Treatment

Intent:

- To provide attractive, interesting street frontages which make a positive contribution to the character of the area.

Development Controls:

Performance Criteria	Acceptable Solutions
B4 Mixed Use Zone	
<p>P1 Buildings are designed to enhance the streetscape through façade articulation, detailing and window and door proportions.</p>	<p>A1 No less than 75% of each façade to be articulated by doors, windows, balconies, decks or wall offsets.</p>
<p>P2.1 Active street frontages are provided at ground level along the length of the street frontage i.e. shops, entry doors, foyers, cafes, restaurants.</p> <p>Ground floor:</p> <ul style="list-style-type: none"> • Buildings contribute to the liveliness and vitality of streets by: <ul style="list-style-type: none"> – providing visual interest; – providing well designed and attractive entrances, lobbies and commercial uses at ground level; – incorporating, where practicable, either open or enclosed shopfronts with window displays of merchandise or services within, and/or artworks; and – providing enclosure on corner sites to define the corner. • Enclosed shopfronts are preferred to open shopfronts, except for restaurants. 	<p>A2.1 Buildings must be orientated to the main street frontage and foreshore with the main entrance visible from the main street.</p> <p>A2.2 All street frontage windows at ground floor level are to have clear glazing.</p> <p>A2.3 Window displays are illuminated at night for security and pedestrian amenity.</p> <p>A2.4 Security grilles/roller shutter doors are to be fitted only within the shopfront. Such grilles are transparent.</p> <p>A2.5 Recesses for roller doors and fire escapes are wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.</p> <p>A2.6 Full width continuous awnings must be provided along the main street frontage of all buildings where no weather protection is provided for pedestrians as part of the building design.</p> <p>A2.7 Awnings must be designed to permit street tree planting to be provided at regular intervals.</p> <p>A2.8 No residential accommodation or car parking shall be located at ground level along street frontages.</p>
<p>P2.2 Above ground floor:</p>	

Performance Criteria	Acceptable Solutions
<p>Building facades:</p> <ul style="list-style-type: none"> – are modulated both in plan and elevation; – are articulated to express the building's distinct elements and functions; – recognise and architecturally respond to unique streetscape characteristics; and – pick up the horizontal and vertical control lines of adjoining buildings. 	
<p>P3 Shop top housing and pedestrian connections are designed to provide safety for residents and pedestrian, and to contribute to an active street frontage.</p>	<p>A3.1 Developments containing shop top housing must provide a clear street address and direct pedestrian access from street frontages and associated car parking areas. The access must be separate from the entry areas for other building uses.</p> <p>A3.2 Any new pedestrian linkages or thoroughfares from the street to car parking and retail areas behind the building must be unenclosed and contribute to the function and character of the street.</p>
<p>R3 Medium Density Residential Zone</p>	
<p>P4 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building.</p>	<p>A4.1 Development must be orientated toward the street with front entrances visible from the street allow casual surveillance of entrance points.</p> <p>A4.2 Development on corner lots must address the street adjoining the nominated front boundary. This is to ensure consistency with the intent of Section <i>Setbacks – Side Boundary Setback</i>.</p>
<p>P5 Retail and commercial uses are designed to provide active shop fronts to the street.</p>	<p>A5 Retail and commercial uses at ground level must have their entrance directly from the main street frontage.</p>
<p>P6 Building design enhances the streetscape through façade articulation, detailing and</p>	<p>A6.1 For residential development, façades must be articulated by doors, windows, balconies,</p>

Performance Criteria	Acceptable Solutions
window and door proportions.	<p>decks or wall offsets such that no more than five horizontal metres of the facade is blank.</p> <p>A6.2 The building design must incorporate at least one of the following architectural features:</p> <ul style="list-style-type: none"> – eaves and overhangs of roof structures; – verandahs and balconies (above ground level); – a variety of building materials and coordinated colours; – recesses and variation to built walls; or – large windows and doors to the street frontages. <p>A6.3 Buildings must not present blank facades to streets or public spaces.</p>

4.3 Style and Visual Amenity

Intent:

- To facilitate development of buildings that complement the cultural, environmental and landscape values of the Batemans Bay Town Centre and Region.

Development Controls:

Performance criteria	Acceptable solution
P1 Shipping containers are located so that they are not visible from any road and adjoining property.	<p>A1 Shipping containers are not exempt development. To preserve the character of the area, any approved container must be located behind existing buildings, not be located in front of the established or proposed building line and be screened from view from any adjoining property.</p> <p>Controls for the provision of minimum boundary setbacks, private open space and landscaped area are still applicable.</p>

Performance criteria	Acceptable solution
B5 Business Development Zone	
<p>P2.1 Building facades to be broken down to reduce visual impact. A number of building and design elements can be used to achieve this including overhangs, ramps, awnings, screens, changes in materials and colour.</p> <p>P2.2 Where larger building façades facing the street do not incorporate entries, windows or similar elements providing visual relief; such facades incorporate attractive visual elements by detail, articulation, materials, features etc, or incorporate varying setbacks that allow for additional landscaping.</p> <p>P2.3 Building height avoids protruding above the surrounding tree canopy or above any significant ridgelines.</p> <p>P2.4 Where appropriate, unsightly functional elements, including waste storage, collection areas, air conditioning, roof plants and plant and building service areas, appropriate screening, measures are employed and are incorporated into overall building design.</p>	<p>A2 Buildings must be designed with:</p> <ul style="list-style-type: none"> – a mix of materials; – articulated facades that are visible from the public domain (with both vertical and horizontal elements); – where an office and/or showroom is proposed, it must be located towards the front of the building and shall appear as an integral element of the overall design; and – a clearly identifiable entrance.
Batemans Bay Marina	
<p>P3.1 Development is designed to contribute to the character and visual amenity of the waterfront area.</p> <p>P3.2 The character of development is dominated by features and activities of the marina uses, and by the landscape treatment of the spaces between and around the freestanding buildings.</p>	<p>A3.1 Development provides continuous public access in the form of a waterfront promenade to and along the Clyde River Foreshore.</p> <p>A3.2 Development within the precinct is sited and designed to permit frequent views through to the water front from Beach Road.</p> <p>A3.3 Building entrances and main frontages face onto the pedestrian promenade of the waterfront</p>

Performance criteria	Acceptable solution
	edge to activate this space.
R3 Medium Density Residential Zone	
<p>P4.1 The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment.</p> <p>P4.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.</p>	<p>A4 New development must be designed to be consistent with the existing development and sympathetic with surrounding development in terms of style and orientation of openings, roof pitch, materials, colours and general style.</p>

4.4 Building Materials

Intent:

- To encourage the use of materials that do not have an adverse impact on the amenity of the area.

Development Controls:

- A1** Zincalume must not be used as an external building material.
- A2** Building materials that have a BCA colour rating of Very Light must not be used as an external roofing material.

4.5 Fences in Residential Zones

Intent:

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

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 The design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.</p>	<p>A1.1 The height of fences must be no greater than 1.2m forward of the building line or the front setback and 1.8m behind the building line (as measured from the finished ground level on the</p>

Performance Criteria	Acceptable Solution
	lowest side of the fence). A1.2 Where acoustic fencing is required as part of a development application it must be setback from the boundary in the direction of the noise source, a minimum of 1.5m and augmented by landscape treatments in the form of trees, shrubs and groundcovers provided in front of the fencing.
P2 The form, extent and materials of fencing are designed to minimise visual impact.	A2 Lengths of unmodulated solid fence (ie. Not broken up by the provision of gates or driveways): <ul style="list-style-type: none"> • on a property boundary fronting a road reserve, and • higher than 1.2m and greater than 15 metres long, must be provided with recessed indentations, <ul style="list-style-type: none"> – at least 1m wide and 1m deep; – located wholly within private property; – not more than 10m apart; and – containing planting that have a mature height at least that of the fence height. OR Fencing incorporates a combination of visually contrasting materials.

4.6 Adaptable Housing

Intent:

- To design housing units that facilitates use by a person with a disability or progressive frailty.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Residential development has the ability to cater for residents with a variety of physical abilities and is responsive to the changing lifestyle needs of residents.	A1 Developers proposing multi-dwelling housing, shop top housing or residential flat buildings of 4 units or more must ensure that 25% of the dwellings are adaptable housing. The applicable

	<p> dwellings must comply with Australian Standard <i>AS4299 – Adaptable Housing.</i></p>
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4.7 Accommodation Mix

Intent:

For B4 Mixed Use Zone:

- To achieve a mix of living styles, sizes and layout that respond to the changing needs of residents and visitors.

Development Controls:

B4 Mixed Use Zone

A1 New development that includes residential accommodation incorporates where practical a range of dwelling size and type and affordability to cater for different household groupings and makeup.

A2 Tourist and visitor accommodation and permanent residential accommodation to be designed to be interchangeable over the life of the building.

5.0 AMENITY

5.1 Visual Privacy

Intent:

- To maximise the private enjoyment of residential development.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1 Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.</p>	<p>A1.1 Transparent doors and windows of living rooms must be designed and located so they do not directly face transparent doors or windows of living rooms or the private open space areas of other residential accommodation within 9 metres;</p> <p>A1.2 Planter boxes, louvre screens, pergolas, landscaping and architectural design of balconies must be used to screen the ground floor private open space of dwelling units or dwelling units from upper level residential accommodation. Acceptable privacy measures include trees, awnings, screens, fences and planter boxes to minimise the ability to directly look into neighbouring homes and yards (see Figure 7). The view of the area overlooked must be restricted within 9 m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7 m above floor level (see Figure 8).</p>

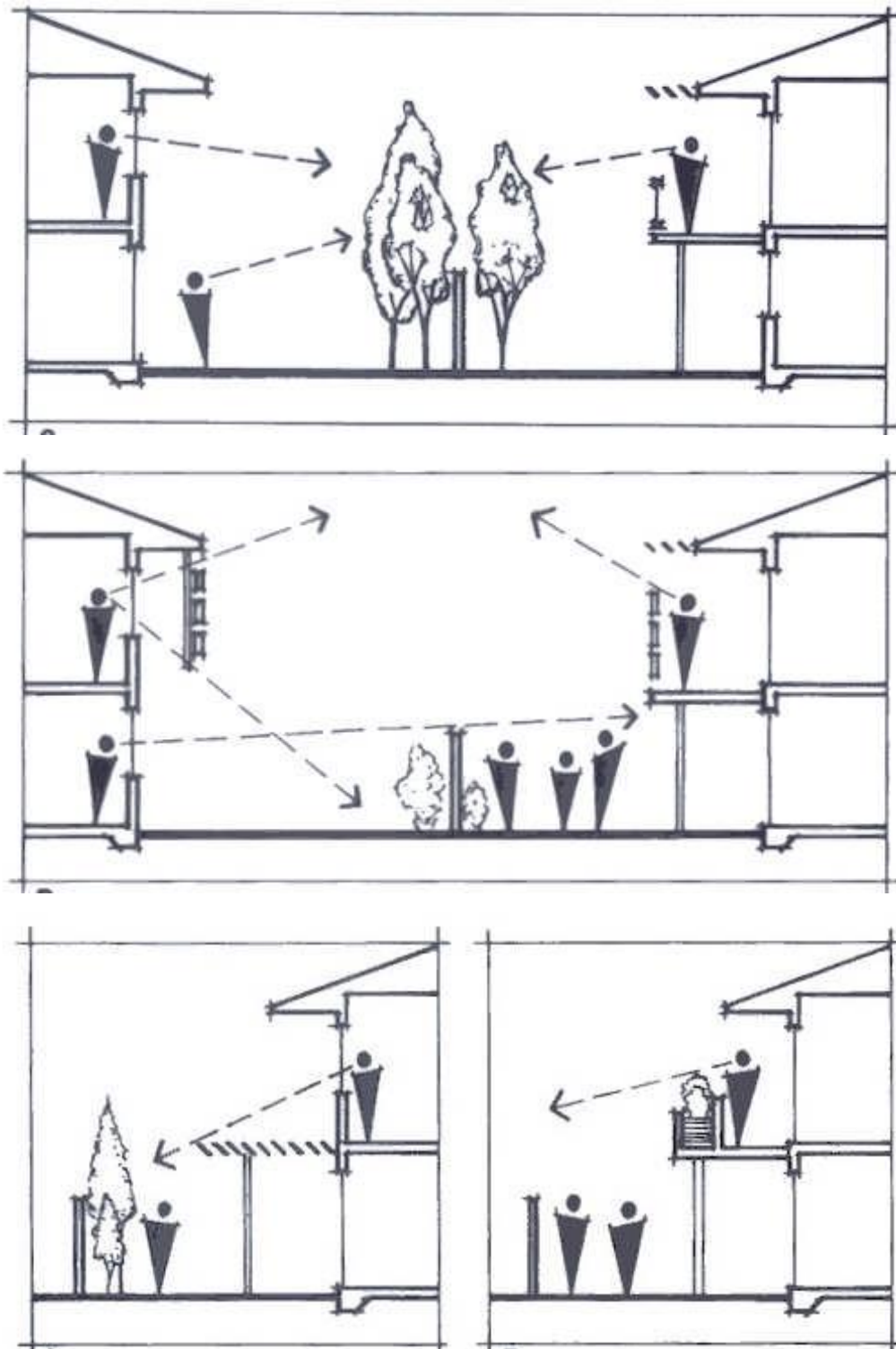


Figure 7: Acceptable Privacy Measures

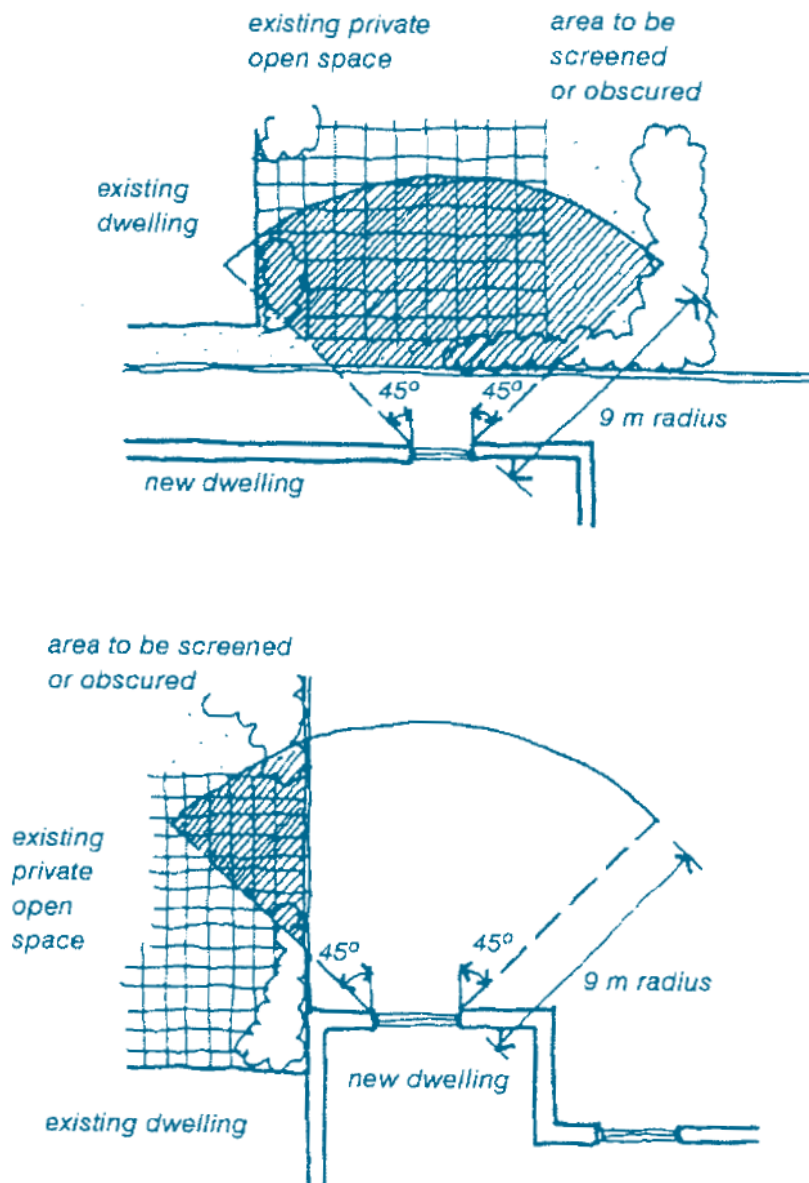


Figure 8: Screening Views to Adjacent Private Open Spaces

5.2 Solar Access

Intent:

- To maximise solar access to adjacent residential development.

Development Controls:

Performance Criteria	Acceptable Solution
Solar Access to Adjacent Development	
P1.1 The use of natural light is	A1 Maintain solar access to adjoining residential

Performance Criteria	Acceptable Solution
<p>maximised and the need for artificial lighting is reduced.</p> <p>P1.2 Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.</p>	<p>development as follows:</p> <ul style="list-style-type: none"> • For all development except where an existing adjacent building has an east-west orientation: <ul style="list-style-type: none"> – maintain solar access to the front or rear living room windows for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice; and – where solar access already exists to the private open space of adjacent dwellings, ensure it is maintained over a minimum of 50% of the principal private open space for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice. • Where an existing adjacent building has an east-west orientation: <ul style="list-style-type: none"> – maintain solar access to the north facing living room windows for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice; or – where less than 2 hours solar access is currently available to the north facing living room windows of existing dwellings, no additional overshadowing shall be permitted.
Solar panels	
<p>P2 The total energy use in residential buildings is reduced.</p>	<p>A2.1 Maintain solar access to existing solar panels throughout the day at all times of the year.</p> <p>A2.2 Maintain solar access to the north facing roofs of existing dwellings (45° West to 45° East variation is possible) to a fixed minimum area of 10m², capable of accommodating solar panels.</p>

6.0 SITE CONSIDERATIONS

6.1 Tree Preservation

Intent:

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

Development Controls:

- A1** All development on land to which the [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) applies must comply with that policy.
- A2** Clearing of vegetation that is not likely to significantly affect threatened species must comply with the Eurobodalla [Tree Preservation Code](#). Clause 7.2 of the [Biodiversity Conservation Act 2016](#), describes when an activity is likely to significantly affect threatened species which includes:
- (a) If it is found to be likely to significantly affect threatened species according to the test in Section 7.3 of the [Biodiversity Conservation Act 2016](#);
 - (b) If the area of clearing exceeds the threshold described in Clause 7.2 of the [Biodiversity Conservation Act 2016](#); or
 - (c) If the clearing is of native vegetation on land included on the [Biodiversity Values Map](#).

6.2 Biodiversity

Intent:

- To maintain terrestrial and aquatic biodiversity, including the following:
 - (a) protecting native fauna and flora,
 - (b) protecting the ecological processes necessary for their continued existence,
 - (c) encouraging the recovery of native fauna and flora and their habitats,
 - (d) maximising connectivity, and minimising fragmentation, of habitat.

Development Controls:

- A1** Before determining a development application for development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), the consent authority must consider any adverse impact of the proposed development on the following:
- (a) native ecological communities,
 - (b) the habitat of any threatened species, populations or ecological community,
 - (c) regionally significant species of fauna and flora or habitat,
 - (d) habitat elements providing connectivity.
- A2** Development consent must not be granted to development on land identified as “Native Vegetation” on the [Native Vegetation Map](#), unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

7.0 SITE WORKS

7.1 Sustainability

Intent:

- To minimise the impact of new development on the natural environment.

Development Controls:

Performance Criteria	Acceptable Solution
P1 New development is designed to minimise the generation of greenhouse gases.	A1 New development must connect to reticulated electricity supply where available to enable any excess power created from alternative renewable resources to be fed back into the grid.
P2 No Performance Criteria	A2 All dwellings in residential development must be provided with a separate water meter to comply with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines.

7.2 Earthworks/excavation

Intent:

- To retain the natural slope of the land and ensure that the bulk and scale of new development is responsive to site topography.

Development Controls:

Performance Criteria	Acceptable Solution
P1 Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.	A1 Beyond the external walls of the building, the maximum cut is to be 1m and the maximum fill is to be 1m.
Additional Controls for B5 Business Development Zone – Surf Beach Precinct	
P2.1 Large areas of cut and fill are minimised by integrating the site design with the topography as much as possible.	A2.1 The height of any cut and full does not exceed 2.5m in total height, and the visual impact of any retaining walls or batters is reduced by the introduction of landscaping and stepping of the

P2.2 Stepped building designs and external areas are used to avoid excessive retaining walls and monotonous facades.	site. A2.2 Each step is a maximum height of 1.0m with landscaping between steps.
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7.3 Stormwater Management

Intent:

- To ensure that stormwater run-off has no detrimental impact on neighbouring properties, public spaces and Council infrastructure.

Development Controls:

Performance Criteria	Acceptable Solution
<p>P1.1 New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to:</p> <ul style="list-style-type: none"> – minimise flooding; – protect and enhance environmental values of receiving waters; – maximise the use of water sensitive urban design principles; – maximise the use of natural waterway corridors and natural channel design principles; – maximise community benefit; and – minimise public safety risk. <p>P1.2 The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site.</p> <p>P1.3 The design provides for stormwater quality best management practices that</p>	<p>A1.1 To avoid adverse impact on other development in the area, new development must connect to a Council approved drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to the development.</p> <p>A1.2 Development must comply with the following where relevant:</p> <ul style="list-style-type: none"> – AS3500 – Plumbing and Drainage Code; – the Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design & D7 Erosion Control and Stormwater Management; and – the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists

Performance Criteria	Acceptable Solution
are sufficient to treat the target pollutants.	
Additional Controls for B5 Business Development Zone – Surf Beach Precinct	
P2 To protect natural drainage patterns and water quality, runoff from developed sites is to be collected for reuse on site through water sensitive urban design; and offsite treatments including constructed wetlands and swale drains.	A2 No acceptable solution

7.4 Waste Management

Intent:

- To further the objectives of the [Site Waste Minimisation and Management Code](#).

Development Controls:

Performance Criteria	Acceptable Solution
P1 Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.	A1 All development must comply with the Site Waste Minimisation and Management Code .

SCHEDULES

1. Amendments

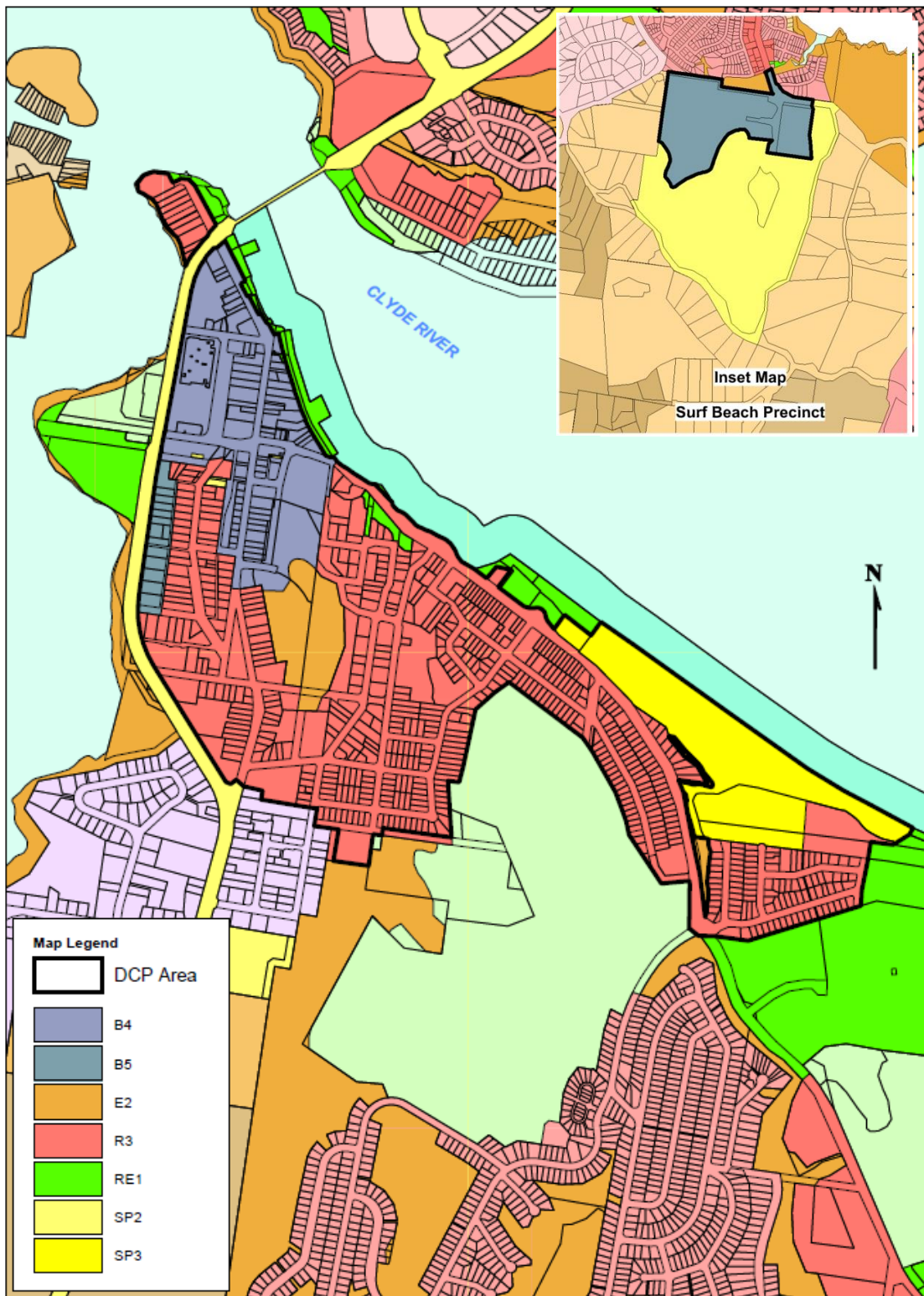
Amendment 1: Updated Section 6.1 - Tree Preservation as a consequence of legislative
[11/10/2019] changes and addition of Section 6.2 - Biodiversity.

2. Codes Applicable To This Plan

- I. [SAFER BY DESIGN CODE](#)
- II. [LANDSCAPING CODE](#)
- III. [INTERIM SEA LEVEL RISE ADAPTION POLICY](#)
- IV. [TREE PRESERVATION CODE](#)
- V. [FOOTPATH TRADING CODE](#)
- VI. [SIGNAGE CODE](#)
- VII. [SITE WASTE MINIMISATION & MANAGEMENT CODE](#)
- VIII. [SOIL AND WATER MANAGEMENT CODE](#)
- IX. [PARKING AND ACCESS CODE](#)
- X. [ADVERTISEMENT AND NOTIFICATION CODE](#)

3. Maps

Map 1. Land to which this Plan applies



Batemans Bay B4 Mixed Use Zone

BATEMANS BAY REGIONAL CENTRE DEVELOPMENT CONTROL PLAN

Foreshore Precinct



Centre North Precinct

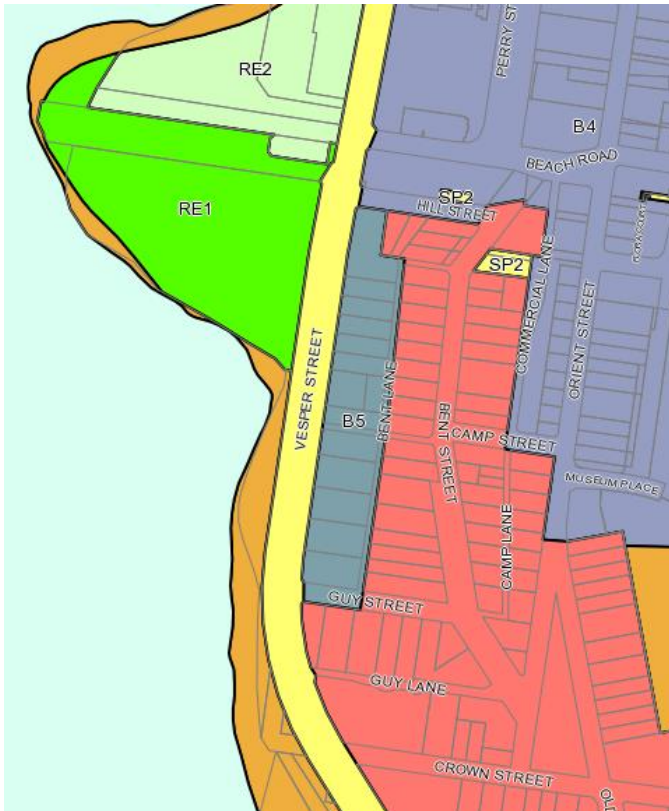


Centre East Precinct

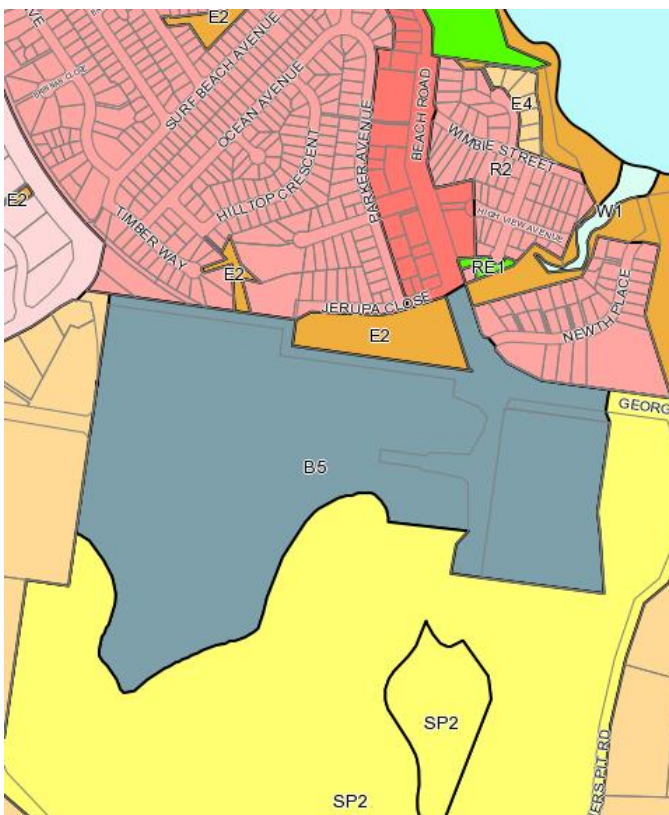


Batemans Bay B5 Business Development Zone

BATEMANS BAY REGIONAL CENTRE DEVELOPMENT CONTROL PLAN

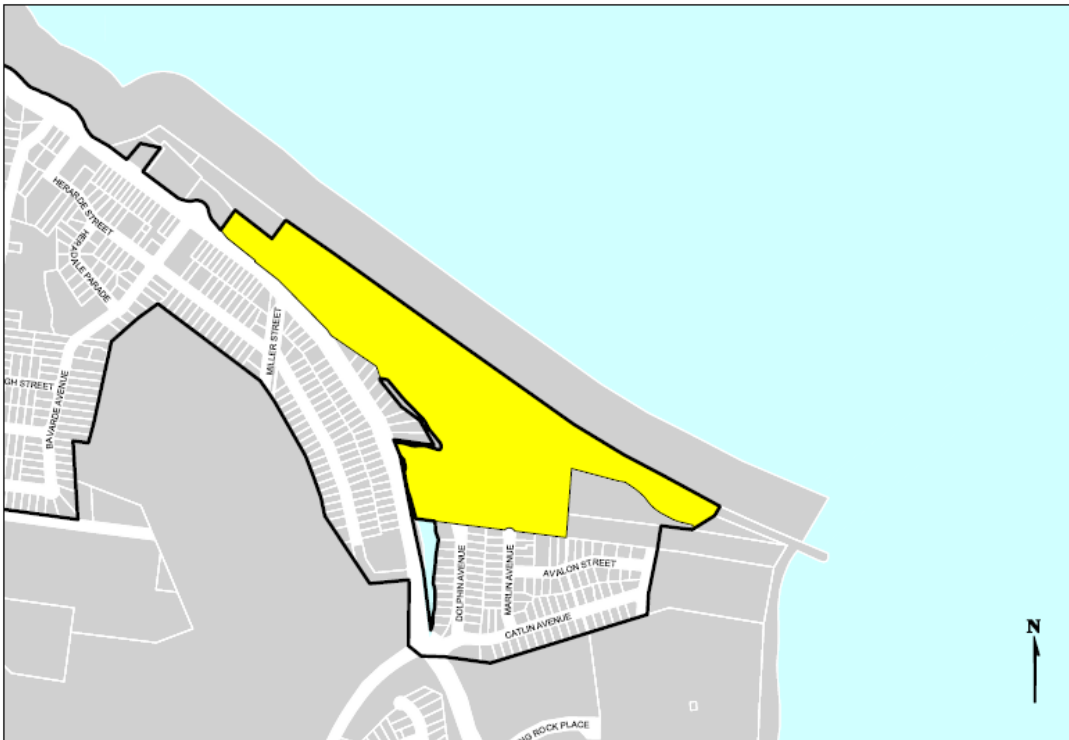


Highway Precinct

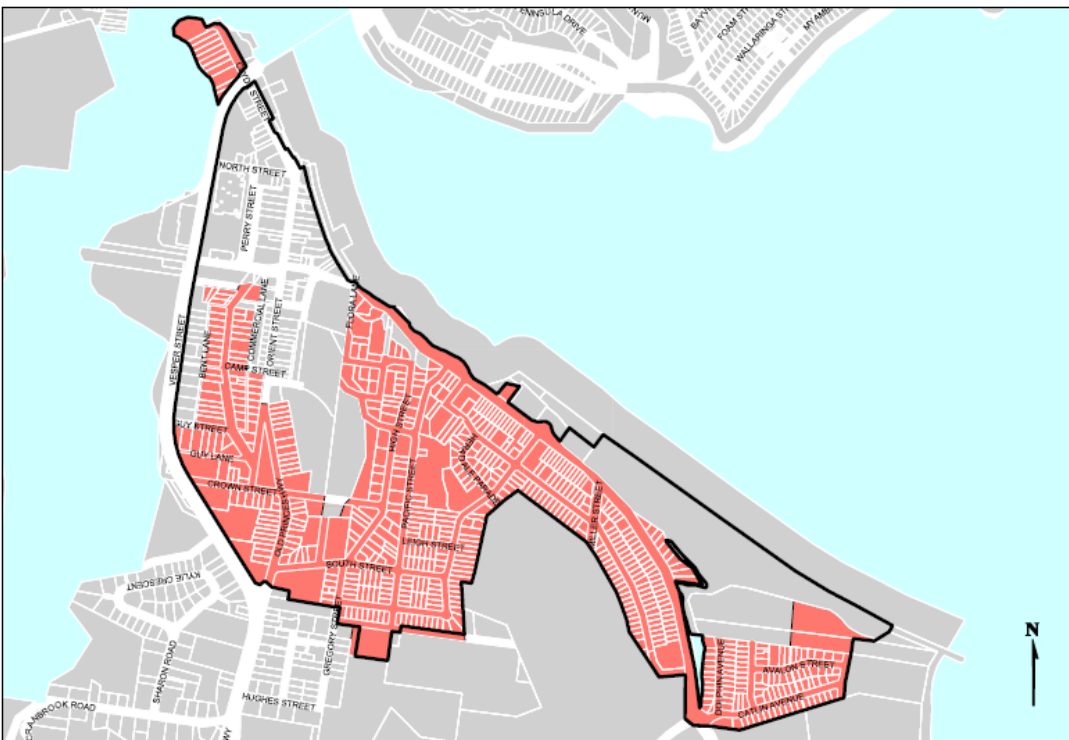


Surf Beach Precinct

BATEMANS BAY REGIONAL CENTRE DEVELOPMENT CONTROL PLAN



Batemans Bay Marina



Batemans Bay R3 Medium Density Residential Zone

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