

# STATEMENT OF ENVIRONMENTAL EFFECTS

**APPLICATION SEEKING CONCEPT APPROVAL FOR  
PROPOSED 100 ROOM HOTEL ACCOMMODATION  
DEVELOPMENT AT 119 MAIN STREET, MERIMBULA.**

**LOT 121 DP 1250503**

**OWNER: MERIMBULA IMLAY BOWLING CLUB LTD.**



*Garret Barry Planning Services Pty Ltd*

November 2022

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# 1 INTRODUCTION

## 1.1 The Proposal

The Merimbula Imlay Bowling Club Ltd (the Club) is the owner of 119 Main Street, Merimbula (Lot 121 DP 1250503). The land is currently used and will continue to be used as a Bowling Club and associated uses. Lot 121 has a total area of 2.08 ha.

This Statement of Environmental Effects supports a concept development application for alterations to the existing Club building and construction of a seven storey, 100 room, hotel development in the south-east corner of the land. Should the conceptual application achieve consent, a subsequent construction standard DA will need to achieve consent before any works can start on the project.

This land is zoned B4 Mixed Use. The proposed development is defined as hotel or motel accommodation which is permissible with consent in the B4 zone. The proposed development exceeds the current maximum building height standard in the *Bega Valley Local Environmental Plan 2013* (BVLEP2013).

The Club is a not for profit organisation and all profit from the development will be returned to the Club for the benefit of its 8200 members.

Concept details of the proposal are included with the development application package. The concept development application is accompanied by a Planning Proposal seeking to amend the BVLEP2013 Height of Buildings Map. The current maximum building height is 16m and it is proposed to increase the height to 26m, but only for the hotel footprint.

The proposal is a very significant potential investment for the Club. As such the Board seeks a prudent approach to test the project viability by progressing in steps as follows:

**Step one:** Preliminary project feasibility and discussions with potential hotel chain partners. This Step is complete and preliminary indications are encouraging enough to progress now to step two.

**Step Two:** Lodge a Planning Proposal and Conceptual DA for the hotel concept. If the approval of the additional height and concept DA is achieved, then move to step three.

**Step Three:** Prepare a detailed, construction level DA and associated refinements of estimated costs and returns. This DA will include necessary adjustments and refurbishments to the Club as well and the hotel base concept.

**Step Four:** Should a construction standard consent be achieved, test the project formally through construction quotes and formal heads of agreement with a suitable hotel chain. And if viability is confirmed, move to construction- likely in a number of stages.

## 1.2 Existing Development

### 1.2.1 *Existing development within the lot*

The land is currently occupied by the Merimbula Imlay Bowling Club consisting of a club building, two active bowling greens, two disused bowling greens, car parking areas and site landscaping. The club building is currently two to three storeys in height.

### 1.2.2 *Surrounding development*

The site is bordered to the south and west by Main Street and Sapphire Coast Drive respectively. To the immediate east of the site is a Woolworths supermarket and car parking area. To the north of the site are two vacant lots also owned by the Club and separated by Bowlers Drive. Merimbula

Creek forms the north boundary of the Club's holdings. Across Merimbula Creek are the Berrambool sports fields.

To the south, across Main Street are a range of commercial buildings including a picture theatre and tourist accommodation.

To the west, across Sapphire Coast Drive are the Merimbula tennis courts and several tourist accommodation businesses.

## **2 PROPOSED DEVELOPMENT (see attached plans)**

The attached plans outline the proposed hotel development. They include a "flyover 3 dimensional model to gain better appreciation of the visual and functional aspects.

As this development application is seeking a concept approval only, and not approval for construction, the plans are conceptual. Detailed plans for the proposed development will accompany a future development application seeking approval for construction, should this concept development application be approved.

The following is a summary of the proposed development concept:

- Demolition of internal and external walls and part of the existing roof in the south-eastern corner of the building, at ground and first floor levels.
- Construction of a new club and hotel foyer and reception area at ground level.
- Provision of a new vehicular entry point from Main Street into a porte-cochere for pick-up, drop-off and deliveries.
- Construction of a hotel with function and conference facilities at the first floor level with five levels of accommodation above.

The plans as drawn indicate internal changes to the existing Club in the south east corner of the building to accommodate the porte-cochere and new club and hotel foyer. The exact nature of the future internal club layout that will result from these changes has not yet been determined. Should Council support the hotel concept, then a detailed, construction standard DA will be prepared depicting further remodelling and changes to the Club proper to ensure member services are enhanced. This initial concept DA focuses primarily on the hotel aspect.

The proposed development will also include additional car parking and improved landscaping on site. The development will also include a new photovoltaic solar power system. Details of these works will be prepared for a future detailed development application.

No consent for actual construction is sought in this concept DA. However the Concept DA provides Council and the community with a more rigorous level of detail to assess the request and justification for the additional building height. The concept approach also allows the Club to test if the height increase and hotel are acceptable before embarking on the associated design for a rework of the Club and its amenities.

All proposed changes to the existing Club will be fully canvassed with Council, members and the wider community before any approval for actual building works issues.

It is clear from the research to date that it is most unlikely the hotel would prove viable for the Club if the additional height is not achieved. (See the accompanying Socio-Economic Impact Assessment (SEIA) for detail.) So it is vital the Club first test the concept and height before incurring the significant expenditure required for the detail of the project.

## 3 SITE ANALYSIS

### 3.1 Services

#### 3.1.1 Water

Reticulated town water is available and the development can be serviced.

Accompanying this DA is a report by engineers Indesco entitled "infrastructure Analysis Report " August 2022.

The report includes a detailed analysis of the sewer and water services existing in the area.

With respect to town water services the report concludes the existing mains in Bowlers drive should be adequate for the proposal. It is likely for fire requirements the site will require on site water storage and pumps but this can be designed and addressed in the construction level DA.

#### 3.1.2 Sewer

The site is connected to a reticulated sewer service and the development can be serviced.

The Indesco report identifies limitations in the sewer capacity of the Main Street system.

If the Hotel were to be the only additional loading to the sewer , then it is likely the current system could cope. However there are other development opportunities on Club and other lands in the catchment and the report identifies a trigger point will be reached where augmentation will be required. Indesco provides a potential solution through regrading of some sections of the Main Street sewer.

It would seem highly beneficial given the likely additional developments in this catchment over the next 20 years that Council formulate a strategy for the eventual augmentation.

#### 3.1.3 Stormwater Drainage

The existing buildings on site have stormwater connections to Main Street and the system to the north. The car parking area currently drains to the north and is captured by a stormwater system associated with the recent development to the rear of the site.

A detailed stormwater concept plan will be prepared for a future detailed development application.

If necessary, the capacity exists to direct stormwater from the proposed hotel to the north via a pumped system and therefore relieve any loading on Main Street if it is established to be excessive.

#### 3.1.4 Traffic and Parking

A preliminary Traffic Impact Study by TTM consultants accompanies this concept application.

Vehicular access to the car parking area on site is of high standard with both entry and egress available from Main Street and from the new service road in the north.

A service delivery access is also currently provided from Main Street along the eastern boundary of the site. This service access will be upgraded with a new, Porte-Cochere at the hotel lobby area for pick up, drop off and service deliveries. It will have capacity to accommodate buses.

There are currently 247 marked car parking spaces on site plus 2 bus bays. The Hotel in isolation, by Council code would generate a need for 160 additional spaces. Based as follows:

- |   |            |
|---|------------|
| • 100 hotel rooms (@ one space per room plus 1/10 for employees)      | 110        |
| • Function rooms with total seating capacity of 246 seats (1/5 seats) | 50         |
| • TOTAL   | 160 spaces |

However, the proposed development will not require an additional 160 spaces to be provided on site for the following reasons:

- Council has granted (via DA 2016.86) a credit of 212 parking spaces for the site to compensate the Club for the granting of land to Council for the new rear service road. Some of that credit will address any deficit in current on site spaces against the Council requirement for 390 spaces for the existing Club development.
- Internal changes to the Club may change the parking requirements for the Club itself.

Therefore, this DA does not include final details of future on-site car parking changes. Should this conceptual DA achieve consent, a subsequent full construction DA would be submitted before any construction certificate is considered. This will include a revision of floor layout and use in the existing Club. Only at that point will it be possible for a full determination to be made as to all site uses and floor space and hence total parking expectations.

A more detailed traffic and parking study will be prepared for a future construction level development application. That analysis will include current and new requirements and whether a claim may be made on the space credit. There are ample opportunities for increasing spaces on site. A redesign of the current layout with more right angle spaces is considered to have capacity to provide around 70 additional spaces. There is the undeveloped "caretakers yard" which may accommodate about 10 to 15 additional spaces. Then importantly there are the 2 redundant bowling greens and the later DA will need to look at options for their long term future. One such option is to convert them in whole or part to a first floor level of parking, above the existing parking.

The plans include a parking concept that can deliver full current code requirements, if justified in the final, construction standard DA.

So there are sufficient options for Council to feel confident in approving the concept DA, that all future carparking for the hotel and remodelled Club can be accommodated on site within lot 121.

#### 3.1.5 *Waste management*

It is proposed that waste during construction will be managed in accordance with Council's requirements, with waste disposed of at a Council facility. Waste during operation will be managed and minimised appropriately.

A proposed waste management strategy for the development will be prepared for a future detailed development application. There are no known hazards of any significance in the section of building that would be demolished.

#### 3.1.6 *Telecommunications*

NBN fibre to the kerb is available to the site and there is good wireless 4G reception for Merimbula.

#### 3.1.7 *Power*

The site would be connected underground to the mains electrical system in Main Street. The conceptual power arrangements are outlined on the plans. Preliminary investigations through a category 1 designer have indicated electricity can be reticulated with no special issues from the existing network and with augmentation at developer cost.

A photovoltaic solar power system is proposed to be installed on the roof of the hotel.

### 3.2 **Natural Resources**

#### 3.2.1 *Topography and Soils*

The subject land forms part of the major side ridge which comprises the Main St spine of the CBD.

The landform of lot 121 has been heavily modified through the development of the current club.



Most of the car park and covered greens drains to the new stormwater system in the north. Part of the existing Club drains to Main Street.

Geotech reports prepared for previous site developments indicate a sound sub soil structure and decomposed rock. Detailed Geotech and basement engineering will need to accompany the construction DA but there is confidence the site can accommodate the hotel proposal with respect to foundation material.

### 3.2.2 Vegetation

The site contains some landscaping including some mature palm trees. There is no native vegetation on the site. Some existing palm trees may be impacted by any ground level extension of the rear parking area and should this be the case, these trees can be relocated on site. New landscaping treatments will be provided on site, including at the new club/hotel foyer entrance area. Full details of any tree relocation and new landscaping will be provided in the construction level DA.

### 3.2.3 Fauna

With no native vegetation on site, there is no significant habitat for native fauna.

### 3.2.4 Merimbula Creek/ Back Lake

The development is in proximity to Merimbula Creek and the back waters of Back Lake. But a buffer of 2 commercial lots and road lands separates the development from the Creek by 140 metres at the closest point. A Soil and Water Management Plan and an Acid Sulphate Soils Management Plans will be prepared for a future detailed development application to outline measures to protect the Creek and Lake during construction. New sediment basins are already in place from the recent subdivision and there is ample Club owned land to accommodate further temporary detention and other works.

Lot 121 is all above RL12 which gives a freeboard in excess of 6 metres above probably maximum flood height.

## 4 COMPLIANCE WITH PLANNING CONTROLS

### 4.1 Environmental Planning and Assessment Act 1979

#### Division 4.4 Concept development applications

Under Section 4.22 of the Act, it is requested that this development application be treated as a concept development application. This concept development application does not seek consent for any first stage of specific works. A subsequent construction standard DA would be submitted to address all works.

A concept development application does not authorise the carrying out of development on any part of the site concerned unless a further, more detailed development application is submitted and approved.

Section 4.22 (5) of the Act states as follows:

*“The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.”*

#### Division 4.8 Integrated Development

The development of a hotel on bush fire prone land is Integrated Development as a section 100B bushfire safety authority is needed from the NSW Rural Fire Service. However, as the application

is for concept approval, not for carrying out the development, it is considered that a S100B authority is not required at this time, but will be required for the detailed development application to carry out the development.

Section 4.47 (2) of the Act is as follows (the bold is ours):

- (2) Before granting development consent to an application for consent **to carry out the development**, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Nothing in this section requires the consent authority to obtain the general terms of any such approval if the consent authority determines to refuse to grant development consent.

Section 4.22 (4) of the Act confirms that a concept development application does not authorise the carrying out of the development, as follows:

- (4) *If consent is granted on the determination of a concept development application, the consent **does not authorise the carrying out of development** on any part of the site concerned unless—*
- (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
  - (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

This concept development application does not seek approval to carry out any of the proposed development.

## 4.2 Water Management Act 2000

No part of the subject land is waterfront land and no development is proposed within 40m of Merimbula Creek. This legislation therefore does not apply to the development.

## 4.3 Biodiversity Conservation Act 2016

The site is not mapped on the Biodiversity Values Map and there is no native vegetation on the site. The potential relocation of a number of mature palm trees on site would not exceed the biodiversity offsets threshold and are not native vegetation.

The site contains some landscaping including some mature palm trees. There is no native vegetation on the site or proposed to be disturbed due to this application. Some existing palm trees may be impacted by any extension of the parking area but this will be assessed in the construction DA. These trees can be relocated on site. New landscaping treatments will be provided in the parking area extension and at the club/hotel entrance area.

## 4.4 National Parks and Wildlife Act 1974

Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

A basic search of the Aboriginal Heritage Information Management System (AHIMS) found no record of an Aboriginal site or place within 50m of the subject land but that a site was recorded within 200 metres of the site. An Aboriginal Heritage Due Diligence Assessment has been undertaken for the development. The assessment has determined that:

- The whole of the site has been the subject of significant modification through development of the Club and associated parking and landscape areas.
- The hotel development sits predominantly within the existing Club building footprint on land that has previously been cut significantly below natural surface.



- A relatively small expansion of the car parking area may be proposed, involving some disturbance to existing level, however this surface has already been previously extensively disturbed and is mostly fill. Any such proposal would be addressed in a future detailed development application.
- It is possible that items such as small scatters of tools and other fragments may be present subsurface but only as highly disturbed items as the full site has been extensively modified.
- A recorded item is listed within 200 metres of the site but not within 50 metres.

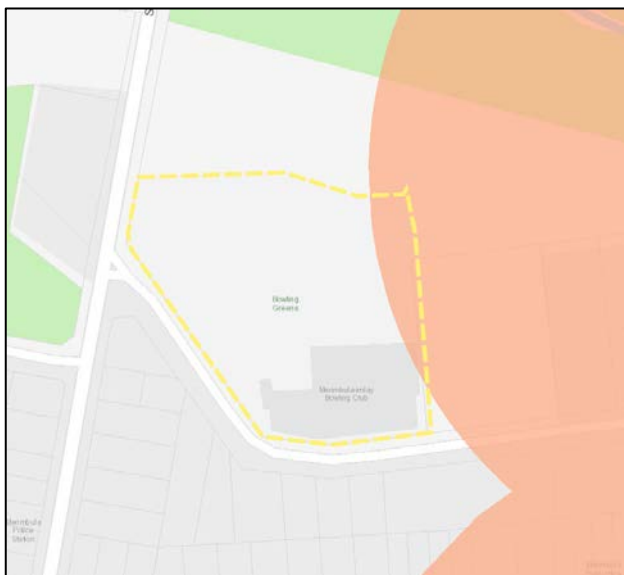
Based on the due diligence assessment, no further Aboriginal archaeological assessment is considered necessary for the development. However, in the undertaking of all physical works on site, if any Aboriginal objects are uncovered, work shall cease and the Office of Environment and Heritage shall be notified.

## 4.5 State Environmental Planning Policies

### 4.5.1 SEPP (Resilience and Hazards) 2021

#### Coastal Management

Chapter 2 of this SEPP relates to coastal management. The whole of the subject land is in the Coastal Environment Area and a small part of the site is in the Coastal Use Area as defined in this State policy. The Coastal Use Area as it affects the site is shown on the following map.



#### Coastal Environment Area

In the coastal environment area, development consent must not be granted to development unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- coastal environmental values and natural coastal processes,*
- the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

The consent authority must also be satisfied that:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact, or*
- (b) *if that impact cannot be reasonably 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.*

**Comment:** Potential impacts of the development on the coastal environment area are from construction activity (including excavation) and stormwater discharge.

There will be minimal excavations of the site for the development. Excavations will primarily be for new building foundations in the south-eastern corner of the site. Some minor landforming works are required for the additional car parking spaces.

Previous geotechnical assessment has found that the subsurface soils and bedrock were generally dry and that permanent groundwater is not expected within at least 5m of the existing ground surface. It is therefore considered that the proposed development will not adversely impact the biophysical, hydrological and ecological environment, or on coastal values or natural processes. An updated Geotech will be provided with the construction DA.

The development will incorporate appropriate safeguards to ensure that there are no adverse impacts on the coastal area during the construction phase. Details will be provided with a future development application.

There are no known Aboriginal cultural heritage items within the development site. The development does not impact on the surf zone or existing access to the foreshore.

Given the above, the development can be granted consent as it is designed, sited and will be managed to avoid any adverse impact.

#### Coastal Use Area

In the coastal use area, development consent must not be granted to development unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) *overshadowing, wind funneling and the loss of views from public places to foreshores,*
  - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) *Aboriginal cultural heritage, practices and places,*
  - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
  - (i) *the development is designed, sited and will be managed to avoid an adverse impact, or*
  - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

**Comment:** Within the Coastal Use Area, only new parking and access works may be proposed. These works will have no adverse impact on the matters outlined in the SEPP. The proposed hotel development is at the periphery of the coastal use area. Given the location of the proposed development and as it is a site specific proposal, it is considered that the planning proposal will have no impact on foreshore access and no significant overshadowing of public places. A single tower building will not cause wind funneling or any other significant change to wind behaviour. Visual impacts have been addressed and are considered satisfactory. As the site is already fully developed, the proposal will have no impact on Aboriginal cultural heritage. Having regard to the surrounding coastal and built environment, the planning proposal will facilitate a development with a bulk and scale that, while larger than existing development in Merimbula, is consistent with the desired future character for the place and has minimal impacts overall.

#### **Remediation of Land**

Chapter 4 of this SEPP relates to the remediation of contamination land.

**Comment:** The site has no recorded contamination. The development site is not in an investigation area. There is no information to suggest that the development site has been used for any of the purposes listed in Table 1 of the Contaminated Land Planning Guidelines. The site has been assessed as being suitable for the intended use.

Any asbestos materials found in the process of undertaking alterations to the existing Club building will be disposed of in accordance with standard requirements.

#### **4.5.2 SEPP (Planning Systems) 2021**

##### **State and Regional Development**

Chapter 2 of this SEPP relates to State and regional development.

**Comment:** The proposal is not State Significant or Regionally Significant Development as defined in this SEPP. The proposal is considered local development as the value is under \$30 million.

#### **4.5.3 SEPP (Biodiversity and Conservation) 2021**

##### **Vegetation in Non-Rural Areas**

Chapter 2 of this SEPP relates to vegetation in non-rural areas.

**Comment:** This Policy applies to B4 zoned land. The policy aims to protect the biodiversity and amenity of trees and vegetation in non-rural areas. The Policy requires a permit from Council for vegetation clearing as defined in the DCP.

The site contains some landscaping including some mature palm trees. There is no native vegetation on the site and none to be removed as part of this application. Some existing palm trees may be impacted by any extension of the parking area. These trees can be relocated on site. New landscaping treatments will be provided in the parking area extension and at the club/hotel entrance area.

##### **Koala Habitat Protection 2021**

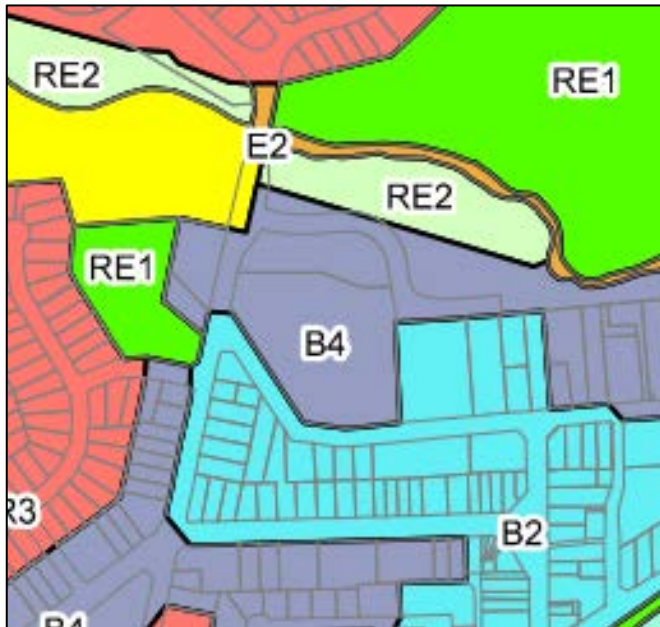
Chapter 4 of this SEPP relates to koala habitat protection

**Comment:** This Policy applies as the land is larger than 1ha in size. The subject land does not have an approved koala management plan and is cleared of native vegetation. The subject land is not core koala habitat and no further assessment under this SEPP is required.

## 4.6 Bega Valley Shire Local Environmental Plan 2013

### 4.6.1 Zoning and zone objectives:

The subject land is zoned B4 Mixed Use zone, as shown in the following map.



Zone objectives:

- o To provide a mixture of compatible land uses.
- o To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

**Comment:** A major focus of the B4 zone is to encourage mixed use development. This development increases the mix of uses on the subject land by introducing tourist accommodation and facilitating conferences and events. The proposal is considered consistent with the B4 Zone objectives.

### 4.6.2 Land Use Table

The proposed development is defined as hotel or motel accommodation, which is permitted with consent in the RU4 zone. The definition of hotel or motel accommodation is as follows:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note** – Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

#### 4.6.3 Lot size

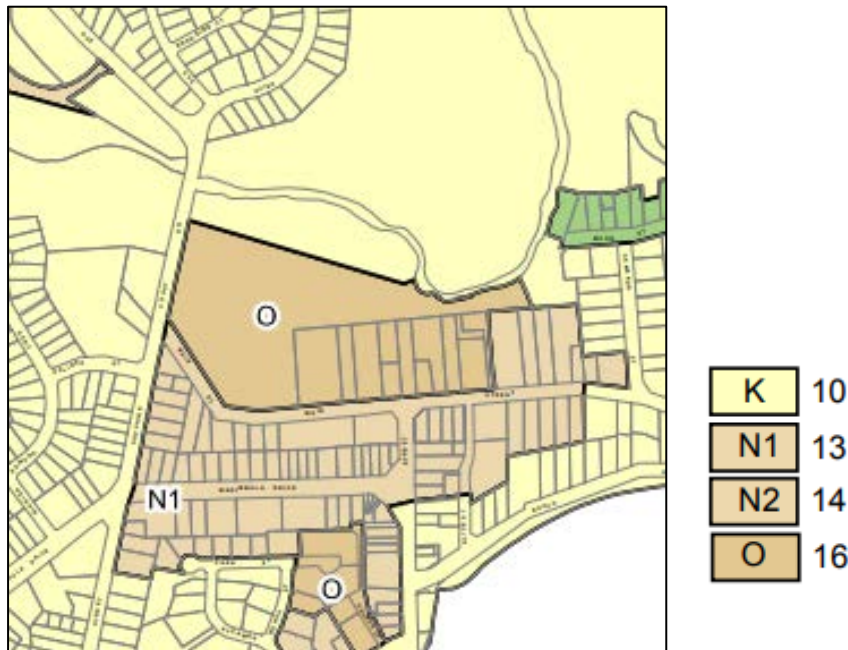
There is no specified lot size for this land.

#### 4.6.4 Floor space ratio

There is no FSR specified for the B4 zone.

#### 4.6.5 Building height

There is a 16 metre building height restriction on the land, as shown in the following map.



**Comment:** The proposed development exceeds the current height limit by 10m. This non-compliance is not proposed to be addressed by way of a clause 4.6 variation. Rather, it is proposed to amend the Bega Valley LEP 2013 to increase the height limit for part of the subject land to 26m. The proposal will comply with the amended height limit. A planning proposal has been prepared and is submitted with this concept development application for Council's consideration.

#### 4.6.6 Heritage conservation

The site does not contain a heritage item and there are no heritage items in the vicinity that would be affected by the development. A due diligence assessment of the site for potential Aboriginal archaeology has been undertaken and is addressed in Section 4.5 above.

#### 4.6.7 Potential Acid Sulphate soils

The subject land is not identified in the Acid Sulphate Soils Map in LEP 2013. However, Potential Acid Sulphate Soils (PASS) have been identified in the geotechnical report for nearby development. An Acid Sulphate Soils Management Plan should be prepared as part of the construction level DA. However based on the results and recommendations from the nearby sites, appropriate measures such as lime spreading should easily address the issue. Apart from the hotel footings, minimal additional excavation of the natural layers should be necessary.

#### 4.6.8 Earthworks

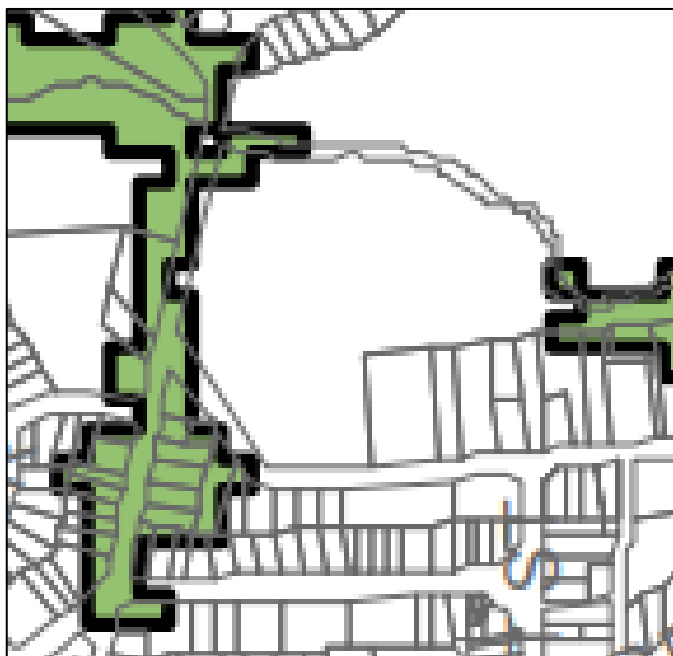
There will be minimal excavations of the site for the development. Excavations will primarily be for new building foundations in the south-eastern corner of the site. Some minor landforming works may be required for any additional car parking spaces.

#### 4.6.9 Flood Planning

The subject land is comfortably above the 1% Annual Exceedance Probability and even maximum probable flood and is considered to be flood free.

#### 4.6.10 Terrestrial Biodiversity

Vegetation along Sapphire Coast Drive is mapped as containing biodiversity, as shown below. The development will have no impact on this vegetation.



#### 4.6.11 Riparian Lands

There are no riparian lands on the subject site.

#### 4.6.12 Environmentally Sensitive Land

The land is not mapped as constrained land on the Natural Resources Land Map.

#### 4.6.13 Airspace Operations

The Merimbula Airport operates to an Obstacle Limitation Surface (OLS). This is a contour model above which obstacles should not penetrate if safe aircraft movements are to be maintained around the airport. The OLS at the development site is set as RL 46m AHD. Further, the site is offset from the main aircraft approach flight path. The site is over 700 metres from the centre line of the approach flight path.

The highest point of the proposed development will be 44.35m AHD leaving a margin of 1.65 metres clearance.

As part of the preparation of the construction DA, the manager of Merimbula Airport, CASA and Australian Air services should be consulted. But the development can be constructed to be below the OLS.

### 4.7 Bega Valley Development Control Plan 2013

#### 4.7.1 Chapter 2.4 Merimbula Desired Future Character

Chapter 2.4 of the DCP applies to land zoned B2 in the Merimbula Town Centre. The subject land is zoned B4, but is included on the precinct map (Figure 2.7), within Precinct 6. Given the land is included within a precinct, the provisions of Chapter 2.4 are considered below.



The Statement of Desired Future Character for Merimbula Town Centre is as follows:

*The Merimbula town centre will exhibit a distinctive Australian coastal village character comprising the elements of built form, streets, public spaces surrounding residential and commercial areas. It will offer choice in resident and tourist accommodation and non-residential activities. It will exhibit a high quality hospitality oriented lifestyle for both residents and visitors.*

*Attractive buildings will distinguish development. Building heights may be higher in places than those that currently exist in the area. Such buildings will be appropriately located and set within attractive streetscapes so that their visual appearance fits in with the coastal town character and lake front setting.*

*The Merimbula town centre will be a prominent mixed-use area containing offices, residential above ground level, motel/hotel and leisure/entertainment uses. Market Street and the lake foreshore will be the physical and perceptual heart of the commercial centre.*

**Comment:** The proposal addresses the desired future character for Merimbula by:

- offering a new high-quality tourist accommodation option for Merimbula
- enhancing Merimbula as a key tourist and hospitality destination, particularly through the inclusion of new conference facilities
- locating a higher building on a large site already accommodating hospitality and recreation activities
- improving the Main Street streetscape with new landscaping and footpath treatments (details to be included with a future detailed DA)
- adding to the mix of uses on the site and in the Merimbula town centre.

In relation to building design and the desired Australian coastal village character, it is inevitable that a hotel development at the height proposed will be visually distinct. However, this does not mean that it will necessarily be out of character. This development application seeks concept approval only and is not seeking approval for construction purposes. A further detailed development application will be required for construction purposes and that further application will need to provide sufficient detail of the building design, including materials, form and articulation, to address how the development will fit with the desired future character for Merimbula. For the purposes of this concept development application, it is argued that the plans submitted demonstrate that a hotel development can be undertaken in a manner consistent with the desired future character in relation to design.

#### 4.7.2 Design Principles

The design principles for the Merimbula Town Centre are addressed in the following table.

Design Principle	Assessment of Proposal
<b>Built form and character</b> <ul style="list-style-type: none"><li>• To establish a clear identity and image for the Merimbula town centre as a district focus for leisure, retail and tourism, together with associated business and residential activities.</li><li>• To foster the creation of a sustainable community through the promotion of a mix of land uses and activities.</li></ul>	<p>The proposed development will reinforce Merimbula as the key tourist hub in the Bega Valley through provision of high quality accommodation and conference facilities associated with existing club and recreation facilities. Due to its height, the development will be a strong visual representation of the role of Merimbula as a tourist hub.</p> <p>The development adds to the existing mix of tourist accommodation and conference/ function options and will bring significant</p>

<ul style="list-style-type: none"> <li>To promote a quality built environment which is responsive to community desires.</li> </ul>	<p>numbers of tourists to the region supporting other retail, commercial and tourism businesses.</p> <p>The development will improve the Merimbula built environment, with design details to be the subject of a future detailed development application. The plans submitted with this concept development application demonstrate that the development of a hotel on the site can meet the building form and character requirements.</p>
<p><b>Urban design and image</b></p> <ul style="list-style-type: none"> <li>To encourage high quality urban design as appropriate to the presentation, perception and development of the centre.</li> <li>To positively contribute to Merimbula and generate images and experiences relevant to its role and vision.</li> <li>To promote a distinctive “coastal village” character.</li> </ul>	<p>The proposed development will be visually distinct, adding to the perception of Merimbula as a tourist destination. Being at an identified gateway site, the development will be a landmark building that expresses the tourism function of Merimbula.</p> <p>In addition, the development will offer stunning views of the Merimbula landscape for hotel guests.</p> <p>Details of the urban design of the development will be developed through a future detailed development application. The plans submitted with this concept development application demonstrate that the development of a hotel on the site can meet the urban design and image requirements. In particular the stepping back of the upper levels helps to maintain a pedestrian scale along Main Street.</p>
<p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>To maintain and reinforce the centre’s existing competitive advantage, centred on accessibility, coastal facilities and natural environment.</li> <li>To manage the traffic and parking for the benefit of visitors, residents and businesses ensuring that both are easy to understand and follow.</li> <li>To accommodate new retail, tourism, leisure, commercial and residential activities that might otherwise locate in areas more remote from transport, infrastructure, the town centre and Merimbula district residents.</li> </ul>	<p>The proposed development is well located in the town centre for ease of accessibility in relation to access to services and facilities in the town centre and the surrounding environment.</p> <p>Access to the site will be improved through use of the new rear service lane and the proposed porte-cochere off Main Street. Parking on the site will be increased, with details to be developed as part of a future detailed development application.</p> <p>The subject site is considered the only viable option for a high-quality hotel development in the Merimbula Town Centre.</p>
<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>To provide appropriate controls and incentives to attract sustainable</li> </ul>	<p>The proposal represents a \$20 million investment by the Merimbula Imlay Bowling</p>

<p>investment to the Bega Valley Shire and Merimbula town centre.</p> <ul style="list-style-type: none"> <li>• To represent an efficient use of land and infrastructure.</li> <li>• To ensure an experience for tourists and residents that represents value in economic and social terms.</li> </ul>	<p>Club, with proceeds going back into club facilities and services.</p> <p>The development will provide a tourist accommodation and conferencing option not currently available in the Bega Valley Shire.</p> <p>The proposal is well located in relation to existing infrastructure and services and therefore represents an efficient use of the land. The proposal will also contribute towards infrastructure improvements.</p> <p>Views offered from all hotel rooms, particularly those at the upper levels, of the surrounding natural environment, including Merimbula Lake, provide a unique experience for visitors.</p>
<p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• To promote employment in the Merimbula town centre and Bega Valley Shire relevant to the character and vision. This will give emphasis to retail, commercial and tourist based employment but limit industrial development to industrial areas.</li> </ul>	<p>During construction, it is estimated 185 temporary FTE jobs will be created. The ongoing direct and indirect jobs generated by the development, post construction, are estimated at 65 to 78 full time equivalent jobs.</p>
<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>• To encourage ecological sustainable development.</li> <li>• To manage environmental features located within and adjoining the centre.</li> <li>• To improve water quality entering the lake and soften the look of development adjoining the lake and residential areas.</li> </ul>	<p>The proposed development will have no negative on or off-site environmental impacts and will include environmentally sustainable features, such as a photo-voltaic solar power system. Stormwater from the site will be managed to avoid any negative impacts on Merimbula Lake. Details will be developed as part of a future detailed development application.</p>
<p><b>Quality of life and amenity</b></p> <ul style="list-style-type: none"> <li>• To encourage well designed, safe and active public areas that contribute to the well-being of the community and visitors.</li> <li>• To improve the quality and safety/accessibility of public places and views to the Lake.</li> <li>• To prevent/limit overshadowing of public places.</li> <li>• To promote safety and security through casual surveillance and appropriate building design.</li> </ul>	<p>The proposed development will include improved footpath treatments and landscaping along Main Street as part of the new porte-cochere entrance arrangements.</p> <p>Overshadowing from the development will primarily impact that part of Main Street immediately to the south of the proposed hotel and not affect residential development. No public open space areas will be affected by overshadowing.</p> <p>Public safety and security will be enhanced through the new club and hotel entrance lobby design.</p>
<p><b>Strategic policy</b></p> <ul style="list-style-type: none"> <li>• To ensure Merimbula retains its role in the Shire.</li> </ul>	<p>The proposed development will:</p>

<ul style="list-style-type: none"> <li>• To establish a diverse range of retail choice for residents and visitors.</li> <li>• To provide a range of entertainment and related activities.</li> <li>• To enhance residential areas and communities adjoining the Centre through maintenance and improvement of useable open space, recreation facilities and access to a wide range of leisure activities.</li> <li>• To encourage more permanent living and tourist accommodation opportunities in Merimbula Town Centre.</li> </ul>	<ul style="list-style-type: none"> <li>• reinforce the role of Merimbula as a major centre in the Bega Valley with a specific focus on tourism</li> <li>• support existing and future retail businesses through attracting additional tourists to the town</li> <li>• add to the range of activities in town with new conference/function facilities on the site of existing entertainment, leisure and recreation activities, and</li> <li>• provide new high-quality tourist accommodation in the town centre.</li> <li>• Improve the prospects and economics of growth in air services to the Shire.</li> </ul>
<p><b>Equity</b></p> <ul style="list-style-type: none"> <li>• To ensure that development serves all groups that may use the centre.</li> <li>• To ensure the design of the area does not discriminate against anyone using its facilities and services.</li> </ul>	<p>The proposed development provides a new product in tourist accommodation in Merimbula. While the proposed hotel will cater to the upper end of the market, it does so without displacing any other existing tourist accommodation. The development is designed to facilitate access throughout for people with a disability.</p>
<p><b>Building form</b></p> <ul style="list-style-type: none"> <li>• The Merimbula town centre should not be viewed as a collection of disconnected developments. It is the integration of buildings which relate to one another and define an area. The outcomes sought in the town centre are based on a built form that is designed to a lower scale and produces a character unique to Merimbula.</li> </ul>	<p>In relation to the building design and the desired Australian coastal village character, it is inevitable that a hotel development at the height proposed will be visually distinct. However, this does not mean that it will necessarily be out of character.</p> <p>The proposed development integrates the hotel with an existing club facility, providing strong synergies and interconnections. As a result, the proposed development will not change the land use relationships in the Merimbula Town Centre. The higher built form proposed will help to define the subject land as being both within and at the edge of the town centre, depending on the viewpoint from within or external to the town centre. In relation to built form, this development application seeks concept approval only and is not seeking approval for construction purposes. A further detailed development application will be required for construction purposes and that further application will need to provide sufficient detail of the building design, including materials, form and articulation, to address how the development will fit with the desired future character for Merimbula. For the purposes of this concept</p>

	application, it is argued that the plans submitted demonstrate that a hotel development can be undertaken in a manner consistent with the desired future character of the place.
<b>Public Domain</b> <ul style="list-style-type: none"> <li>Streetscape and landscape works within public areas should be coordinated to reinforce the character of the centre and ensure the development of attractive, high quality, memorable and comfortable public places.</li> </ul>	The works associated with the new club/hotel entrance will involve some public domain improvements, including improved footpath treatments and landscaping along Main Street as part of the new porte-cochere entrance arrangements. Details of public domain improvements will be provided with a future development application.
<b>Land Adjoining Foreshore</b> <ul style="list-style-type: none"> <li>Development and activities should facilitate the use and appreciation of the foreshore as a valuable recreation and visual asset to the centre.</li> </ul>	The subject land does not adjoin the foreshore.
<b>Traffic and access</b> <ul style="list-style-type: none"> <li>Residents, users and visitors to the centre will be offered a vehicle and pedestrian network that offers choice, is comprehensive and connected, easy to understand and comfortable and inviting to use.</li> </ul>	<p>The Merimbula Imlay Bowling Club has already provided Council with the land necessary to achieve the service road identified in Figure 2.10 of the DCP (Bowlers Drive).</p> <p>The Club has an approved 2 way access to Bowlers Drive, providing an alternative access to the site to the Main Street entrance.</p> <p>The proposed extension to the parking area on site will also connect to this service road.</p>

#### 4.7.3 Precinct 6 Objectives

The specific objectives for precinct 6 are as follows:

*Main Street will continue to develop as the main daily shopping and retail centre in Merimbula, providing a mix of large and small retail outlets and uses that enhance the retail focus. The proximity of the area within the town centre requires that design and development needs to respond to the coastal village character of Merimbula.*

*Uses that will detract from the role of Main Street and other areas in Merimbula (such as entertainment, medical offices, commercial offices and tourist uses) should not to be located in the Main Street area but should be sited within the Market Street Village or Monaro Street areas.*

**Comment:** The proposed development is on the site of an existing club and does not impact on existing, or prevent growth in, retail activities in Main Street. The additional of a 100 bed hotel on the site is a complementary use to the existing club and will have a positive impact on retail businesses within walking distance. While the proposed use is a tourist use, it is an appropriate addition to the existing club facilities on the site.

In relation to the building design and the desired Australian coastal village character, it is inevitable that a hotel development at the height proposed will be visually

distinct. However, this does not mean that it will necessarily be out of character. This development application seeks concept approval only and is not seeking approval for construction purposes. A further detailed development application will be required for construction purposes and that further application will need to provide sufficient detail of the building design, including materials, form and articulation, to address how the development will fit with the desired future character for Merimbula. For the purposes of this concept application, it is argued that it is argued that the plans and visual analysis submitted demonstrate that a hotel development can be undertaken in a manner consistent with the desired future character.

#### 4.7.4 General Requirements

**Setbacks:** The subject land has a 0m setback to Main Street and Sapphire Coast Drive, except for a 3m setback for 10m either side of the bend in Main Street. The DCP also provides for a 0m side and rear boundary setback for the subject land. These controls are in addition to the general setback controls in the DCP (addressed below).

**Comment:** The existing club building has zero setback for most of the Building's main street facade and a car parking area exists along the Sapphire Coast Drive frontage. The proposed hotel development is consistent with the existing building line along the Main Street frontage and the additional building work is more than 10m from the bend in Main Street. The upper levels of the proposed development have an additional setback to Main Street, consistent with Figure 2.16 of the BVDGP (further discussed below).

**Height:** The subject land has a 16m (4 storey) height limit.

**Comment:** The proposed development exceeds the current height limit by up to 10m and would total 7 effective storeys from street level. To resolve this non-compliance, it is proposed to amend the Bega Valley LEP to increase the height limit for the subject land to 26m. The proposal will comply with the amended height limit. A planning proposal has been prepared and is submitted with this concept development application for Council's consideration.

**Building Form:** The DCP states that medium rise buildings will contain highly articulated façade elements to break down the scale of the street wall, clearly showing a "base", "middle" and "top".

**Comment:** In relation to the building design, a further detailed development application will be required for construction purposes and that further application will need to provide sufficient detail of the building design, including materials, form and articulation, to address this requirement of the DCP. The concept proposal demonstrates how articulation and setbacks can achieve an appropriate building form, with a base, middle and top. The "flyover" computer simulation provides a sound evaluation of visual and structural site impacts.

**Public domain:** The DCP contains the following public domain guidelines:

- The design of all development in the public areas will reflect and enhance the natural character of the Merimbula area as demonstrated by the Fishpen to Merimbula walkway.
- Engineering and traffic management works will adopt a high quality of design and promote an attractive and comfortable streetscape and public areas.
- All pedestrian paved areas will be designed to accommodate structural loads associated with emergency services and waste and resource recovery collection vehicles.
- The provision of street trees and public area landscaping must be consistent with the themes and strategy adopted for the centre. If planting into the road is proposed it must be protected with tree grates or bollards. Where there is not space required for planter beds,



or as traffic requirements dictate; or in built out tree bays, with a minimum width of 100mm, at centres appropriate to the tree species selected.

- Larger trees will be used along the side of streets without power lines, and small species used under power lines, as appropriate to provide shade. Advanced plantings are to be utilised.
- The provision of paving and street furniture will follow the natural theme as seen at Fishpen. Street furniture can be custom designed, or a propriety item with a more natural character than the existing blue powder coated items.
- Paving must be a continuation of the existing program, to replace concrete paving with brick paving. The paving details must be used to highlight incidents along the path, for example; outside shops, or indicating and intersecting pathway.

**Comment:** The works associated with the new club/hotel entrance will involve some important public domain improvements as outlined in the plans.

**Traffic and access:** The DCP contains the following guidelines for traffic and access:

- Vehicular access and service access into and through the town centre will be in accordance with Figure 2.10.
- The first order traffic arteries would carry large traffic flows. Intersection controls (lights or roundabouts or other median devices) would be installed progressively. Some reduction in on-street car parking would likely be required to improve the through flow while accommodating turning lanes at intersections.
- Possible use of clearways for peak periods of flow in tourist season may be necessary.
- Second order arteries will take some load off the first order arteries and will ensure improved direct access to public parking areas from the fringes of the town centre. (Thus lessening loads on the first order arteries within the centre).

**Comment:** The Merimbula Imlay Bowling Club has already provided Council with the land necessary to achieve the service road identified in Figure 2.10 of the DCP (Bowlers Drive). The Club has an approved 2 way access to Bowlers Drive, providing an alternative access to the site to the Main Street entrance.

The proposed extension to the parking area on site will also connect to this service road.

#### 4.7.5 Precinct 6 Requirements

The specific requirements for Precinct 6 are as follows:

- *Provision of traffic control measures at the Main Street/Market Street intersection.*

**Comment:** This requirement is not relevant to the subject proposal.

- *Ensure development facing Main Street provides a streetscape that is comfortable for pedestrians.*
- *Ensure development is well connected to the street and provides easy access to public areas.*
- *Ensure that development is well connected to other areas in the centre via safe and, interesting pathways.*

**Comment:** While the proposed development presents a taller building at the Main Street frontage, the impact on pedestrians is softened by the use of an awning, an increased setback for the upper levels and by public domain improvements and landscaping at the street

level. The proposed development will include improved ground level access to the club and hotel foyer, including improved public domain treatments and landscaping.

- *Ensure that building designs do not detract from view of Merimbula as a whole, when viewed from lower areas and Fishpen.*

**Comment:** The proposed development will not be overly visible from “lower areas” of Merimbula or the “Fishpen” area, as shown in the image below and in the visual analysis report and image sheets:



*View from Fishpen Road*

- *Ensure building designs divide the buildings into clear divisions of bottom, middle and top.*
- *Ensure that building materials or treatment of materials are appropriate for a coastal setting.*
- *Wholly contain any lift overruns and service plant equipment within roof structure or rooflines.*
- *Minimise the impact of roofs and their potential for overshadowing.*
- *Relate roofs to the size and scale of the building, the building elevation and three-dimensional form.*

**Comment:** In relation to the building design, a further detailed development application will be required for construction purposes and that further application will need to provide sufficient detail of the building design, including materials, form and articulation, to address this requirement of the DCP.

- *Ensure that signage is kept to a minimum.*
- *Integrate the location and design of car parking with the design of the site and the building.*

**Comment:** Signage and car parking details will form part of a future detailed development application.

#### **4.7.6 Chapter 2.6 General Commercial and Industrial Development**

This section of the DCP addresses design, amenity and environmental guidelines that are not addressed elsewhere in the DCP.

**Roofs** – The proposal can meet the roof design requirements outlined in the DCP, through the use of a flat roof consistent with the overall building form. Details will be provided with a future development application for building construction.

**Fencing and retaining walls:** N/A

**Access and Equity** – The proposal can meet the access and equity requirements of the DCP, through level access from the footpath into the foyer and provision of lifts for upper level access. Accessible hotel rooms are also proposed to be provided. Details will be provided with a future development application for building construction.

**Traffic and access** – The proposal can meet the traffic and access requirements of the DCP, through use of the rear service lane and Main Street footpath improvements. Details will be provided with a future development application for building construction.

**Energy conservation and solar access** – The proposal will be designed to meet relevant energy conservation requirements. Solar power is proposed. Details will be provided with a future development application for building construction.

**Landscaping** – The proposal can meet the landscaping requirements of the DCP, through retention and improvement of existing landscaped areas on the site and the addition of a new “activated corner” comprising soft and hard landscape elements, with direct connection to Main Street at the western end of the club building. Details will be provided with a future development application for building construction.

**Waste management** – A detailed Waste Management Plan will be prepared and submitted with a future development application for building construction.

**Potable water and stormwater** – A detailed Water Management Plan will be prepared and submitted with a future development application for building construction.

#### 4.7.7 Chapter 2.7 Specific Requirements – Commercial and Retail Development

This section of the DCP addresses specific design and amenity guidelines that are not addressed elsewhere in the DCP.

**Context and articulation** – Details of the building design, including the use of materials and colours, will form part of a detailed development application for building construction.

**Built form** – Details of the building design, including form, proportion, materials and articulation, will form part of a detailed development application for building construction.

**Awnings** – An awning is proposed over the Main Street footpath in the location of the proposed new club and hotel entrance foyer.

**Landmark buildings** – The proposed development has the potential to be a landmark building, located on a large corner site at a key entrance to the Merimbula Town Centre.

**Street frontages** – The proposal will provide an active frontage to Main Street at the new club and hotel entrance lobby.

**Views** – A visual assessment undertaken for this concept development application demonstrates that, with the exception of a small cluster of dwellings in lower Berrambool, the visual impacts of the proposal on residential views is very minor. The few impacted dwellings will have a narrow small tower in an otherwise wide view. ( see visual analysis)

The 7 storey tower does create some character change but when assessed against the future bulk and scale changes likely under the recent height control amendments, the impact is considered acceptable and has the potential to be a landmark / signature building for Merimbula.

**The public domain** – Conceptual public domain improvements are presented in the plans. Details of public domain improvements associated with the proposed development will form part of a detailed development application for building construction.

**Setbacks** – This section clarifies that the 0m setback for all boundaries applies specifically to development at the ground and first floor levels. Upper levels are required to be set back as follows:

- *Where a zero setback to the front boundary is proposed, the building above the first floor must be setback a minimum of 5m from the main street frontage. No balconies are permitted to encroach into this setback. Window awnings and other architectural treatments within the 5m setback will be considered if they contribute to the building's design and streetscape. Figures 2.14 and 2.16 illustrate examples of front setbacks for 3 and 4 storey development.*
- *Where a zero setback to the side and rear boundaries is permitted for 3 storey developments, setbacks for all residential development above the second floor will be in accordance with the principles of SEPP 65 Design Quality of Residential Flat development. Figures 2.14 and 2.15 illustrate examples of side, front and rear setbacks for 3 storey development.*
- *Where a zero setback to the side and rear boundaries is permitted for 4 storey developments, all development above the second floor must be set back a minimum of 6m from the rear boundary, and development above the third floor will be setback a minimum of 6m from the side boundaries. In this regard, the principles of SEPP 65 Design Quality of Residential Flat Development will be taken into consideration. Figures 2.16 and 2.17 illustrate examples of side, front and rear setbacks for 4 storey development.*

The existing building has a varied setback to all boundaries from 0m for most of the building's Main Street frontage and 7-5m to the eastern side boundary. The proposed development is consistent with the existing setback to Main Street for ground and first floor levels. All levels above have a 5m setback from Main Street, complying with the first dot point above.

The second and third dot points apply to development of 3 or 4 storeys in height and specifically to residential development at the upper levels. These points are therefore not applicable to the proposed development.

#### 4.7.8 Chapter 5 General Requirements

##### **Aboriginal Heritage**

Two basic Aboriginal Heritage Impact Searches of the Environment and Heritage data base were carried out for the subject land and including 50 and 200 metres surrounding respectively. The search within 50 metres did not identify any recorded items in this area. There is one recorded item within 200 metres of the site.

A standard due diligence test has been applied to the development.

- The site contains no trees likely to be items.
- The site is almost fully developed with buildings, bowling greens and car parking areas. As such little of the surface is currently exposed and almost all of the site has previously been the subject of significant earthworks.
- The subject land is close to Merimbula creek and is likely to represent lands of some sensitivity and as such subsurface scatters may exist but likely to be part of previous earthworks and highly disturbed.

Based on the due diligence assessment, no further Aboriginal archaeological assessment is considered necessary for the development. However, in the undertaking of all physical works on site, if any Aboriginal objects are uncovered, work shall cease and the Office of Environment and Heritage shall be notified.

## **Non Aboriginal Heritage**

The site does not contain a heritage item and there are no heritage items in the vicinity that would be affected by the development.

## **Access and Mobility**

A report outlining compliance with the BCA access provisions will be prepared and submitted with a future detailed development application for the hotel. The Concept has good potential to be a fully accessible development for all public areas and with accessible rooms available.

## **Social and Economic Impacts**

A detailed Socio-economic Impact assessment forms an attachment of this application. The report makes the following overall conclusions:

- The social and economic benefits of the proposal for a 7 storey, 4 plus star hotel at Club Sapphire Site are significant.
- The adverse impacts of allowing a further 3 storeys at the Club Sapphire site over current height controls is almost imperceptible from the visual perspective and there are ample grounds why Council need not fear a precedent. It is unlikely other forms of development such as commercial or permanent residential will be viable at the cost of extra height in the 20 year strategy life.
- The community needs the economic benefits of the facility. The negative social impacts are minor, it is likely the project will not succeed in the Shire elsewhere in the 20 year horizon and will not even proceed at Club Sapphire without an amendment to the height controls to allow a 7 storey structure. Even then the Club may have to accept an establishment period with lower returns.

These conclusions are based on the following economic and social analysis:

- A total employment benefit of 185 full-time equivalent jobs during construction which is estimated to be 2 years. Of the 185, up to 136 could be local jobs and the remainder beyond the Shire.
- The estimated average ongoing direct and indirect full-time equivalent jobs of the hotel, once established and operating, should range from 65 to 78, including 30-35 people directly employed by the hotel, subject to seasonal conditions.
- Economic modelling of the development shows that the combination of all direct, industrial and consumption effects would result in total estimated rise in Output of \$41.40m in Bega Valley Shire economy (representing a multiplier of 2.07) and \$54.66m to Australia's output.
- Improved prospects for viable expansion of the Merimbula Airport.
- General strengthening and accelerated growth of the tourism and conferencing sector of the Shire economy.
- The income to the Club, which is a not for profit, would reduce reliance on gambling revenue.
- Increased visitation to the site will see a number of significant benefits for the commercial neighbourhood around the hotel. Guests will add to shopper volume for everything from clothing to restaurants.
- Some near residents may secure employment in the hotel or as part of the flow on employment.

Given the above, it is considered that the proposed development can be justified on social and economic grounds.

## **Sustainable Design Principles**

A formal Sustainable Design Management Plan would accompany the construction level DA. Sustainable features could include:

- Reasonable solar passive design. The north rooms will have good solar access and natural ventilation is proposed. Good window sighting and design, double glazing can be installed.

- The building will have a high performance thermal envelope, efficient fittings and fixtures, good cross ventilation and off peak hot water.
- A solar array is an option for rooftop of hotel and Club sufficient to run most if not all of the common powered facilities of the development.
- Rainwater tanks to water the common landscaping.
- Gross pollutant trap to protect stormwater discharge quality.

### **Tree and Vegetation Preservation**

A number of mature palm trees may be impacted by any proposed expansion of the parking area. These palm trees will not be removed from the site as they will be replanted on site. The proposal therefore can satisfy the tree preservation provisions of the DCP.

### **Planning for Hazards.**

#### *Flood planning*

Council has adopted the Merimbula and Back Lake Flood Study, Cardno, 2017. The subject land is outside of the 1% Annual Exceedance Probability and higher than the 500 mm freeboard applied to that level. The lowest point of the subject land is approximately 10m AHD. The lowest level of the development is the existing ground floor level at 18.8m AHD.

The 1% AEP levels predicted by Cardno to the north of the site range from 4 to 5 metres AHD. The site is more than 10 metres above maximum probable flood height.

#### *Coastal hazards*

The subject land is not considered to be exposed to any coastal hazards for the life of the development. The lowest point of the land is AHD 10 and the geology is a sound ridgeline of low erodibility. Changes may occur in Back lake over the next 100 years if current predicted sea levels occur but this should not adversely impact on the development site.

#### *Contaminated land*

There is no record of contamination on the land.

#### *Bushfire prone land*

The subject land is bushfire prone. A Bushfire Assessment Report will be submitted with the construction level DA.

Preliminary assessment has identified that the closest vegetation is over 100 metres to the north of lot 121 and nearly 200 metres from the hotel site. Surrounding the entire hotel for in excess of 150 metres is managed urban land of low bushfire risk. There is a public road and a commercial development lot between the nearest fire hazard and the development lot.

There is a high level of confidence the later construction DA can address all bushfire requirements

#### *Climate change*

The development should survive predicted climate change impacts over the life of the building. There is a sound freeboard of over 12 metres from current predicted water levels of Merimbula Creek to the basement level of the hotel, the geology is stable and the site protected from direct exposure to ocean wave runup.

The site stormwater system can cater for increased storm frequency and intensity. The existing drainage has been designed to address current 1 in 20 year events for a fully impervious site.

The hotel rooms will be well insulated.

The inner CBD location will play a small part in reducing car dependence and related emissions.



### **Off-street Car and Bicycle Parking**

Table 5.5 of DCP 2013 outlines the following car parking requirement for hotel or motel accommodation:

*Accommodation: 1 parking space per unit plus 1 parking space per 10 units for employees*

*Restaurant: 1 parking space per 25m<sup>2</sup> gross floor area*

*Function Room: 1 parking space per five seats.*

**Comment** – See discussion at Section 3.1.4.

#### **4.7.9 Chapter 6 Engineering Requirements**

##### **Roads and Easements**

A full traffic analysis will accompany the construction DA. But there are 2 high standard/high capacity entrances to the lot a third access for commercial vehicles and a proposed Porte-Cochere which should be adequate for the on-site requirements and ample capacity for additional parking.

No traffic related easements are required.

##### **Parking and Driveways**

Currently there are 2 major entrances to the site. The Porte-Cochere will facilitate buses and taxi transport plus provide a fully accessible drop off at the hotel/ club main entrance.

Internal driveways and manoeuvring are considered to comply with Australian standards.

##### **Soil and Stormwater management**

The construction level DA will need associated soil and water management plan, geotechnical report and if necessary, an acid sulphate treatment plan. But confidence is there that these requirements can be addressed.

#### **4.7.10 Clause 8 Notification and Advertising**

Table 8.1 of the DCP sets out the types of developments requiring notification and type of notification. This proposal is classified as development requiring notification to all affected persons and advertising in the local papers. As the Concept DA is linked to a Planning Proposal to change height, both should be exhibited together to maximise public appreciation and understanding of the full proposal.

### **4.8 Merimbula CBD Landscape Masterplan**

The Merimbula CBD Landscape Master Plan identifies the corner of the site at Main Street and Sapphire Coast Drive for the provision of *gateway treatment including sculpture and signage, complemented by tree planting and feature garden bed planting.*

While the proposed development does not include any changes to that part of the site at the corner of Main Street and Sapphire Coast Drive, landscape improvements to the site as a whole will be addressed in a future detailed development application. In particular, it is proposed to provide a new “activated corner” comprising soft and hard landscape elements, with direct connection to Main Street at the western end of the club building. Consideration will also be given to the inclusion of sculptural elements in the landscape design.

### **4.9 Developer Contribution Plans**

Under the current contributions plan, a contribution of 1% of the development cost would apply but only to the construction stage DA, normally payable prior to release of construction certificate.

#### **4.10 Water and Sewer contributions**

The proposal under current policy would not pay Section 64 contributions but would attract the high water and sewer consumption charges for the increased loading.

## 5 FURTHER IMPACT ASSESSMENT

### 5.1 Noise

Construction noise: the level and extent of construction noise should be very similar to the recent construction works at the Woolworth site and current works at the Aldi site.

The maximum construction noise will occur during demolition and to a lesser extent basement excavation should bedrock require ripping or hammering with excavator hammer. Based on the work at the supermarket sites the prospect of rock so hard as to require hammer is low. If hammer work is required, it is recommended it be limited to not more than 4 hours per day, Monday to Friday to lessen impacts on adjoining neighbours. The basement excavation for this proposal is significantly smaller than the Woolworths development

The immediate affected neighbours are Woolworths to the east and the developments on the south side of Main street including the picture theatre several other commercial buildings and some tourist accommodation.

Given the commercial nature of the area, the impacts should be acceptable subject to the recommended hours of operation. Noise and vibration levels should be tolerable within the buildings.

The nearest receiver dwelling would appear to be over 200 metres to the west and well shielded by the existing buildings on the non-residential lots in between. But the closest tourist accommodation would be impacted during hours of operation.

It is recommended the construction hours of operation be limited to that applied to the Aldi and Woolworths development, ie:

- Monday to Friday 7am to 6 pm
- Saturdays 9 am to 1 pm and nil work Sundays or public holidays

This control has appeared to work adequately for the supermarket sites which are of similar scale and construction. The impacts on commercial neighbours in these cases seems to have been accepted.

A report from a qualified acoustic engineer should be submitted with the construction level DA, including mitigation measures for Council's assessment.

### 5.2 Visual Assessment

A detailed visual assessment is included as a separate report.

It demonstrates that with the exception of a small cluster of dwellings in lower Berrambool, the visual impacts of the proposal on residential views is minor. Even then most significantly impacted residence will retain wide coastal views but may have a distant small tower in such views.

The 7 storey tower does create some character change but when assessed against the future bulk and scale changes likely under the recent height control amendments, the impact is considered acceptable and has the potential to be a landmark / signature building for Merimbula.

The visual assessment also models the visual outlook from the hotel and proves that , if the structure was limited to 16 metres, very little quality view would be possible and with that little prospect of the four plus star rating vital to the economic success of the project.

### 5.3 Shadow

Included with the architectural plans at sheet 70 are shadow diagrams that demonstrate the impact of the development on adjoining properties in terms of overshadowing and the solar access.

There will be increased shadow on the buildings on the south side of Main Street from the development. But with one exception, all these buildings are currently commercial with no permanent living or tourist accommodation.

The 9 am winter shadow will have a very minor increased impact on the tourist accommodation immediately west of the St Vincent shop, the shop itself and the frontage of the picture theatre. However, all shadow from the proposal will be off these sites before 11 am. It is noted that the extent of overshadowing on the tourist accommodation building (Telopea Court) is not much greater than existing shadowing caused by the building to the east of that site.

At midday on June 21, shadows will impact on the parking area of the former liquor store and part of the former Woolworths building frontage.

In the afternoon on June 21 at 3 pm, shadows will impact on only the frontage of the former Woolworths building.

The above described shadow impacts represent the greatest impacts from overshadowing throughout the year. At other times of the year, the extent of shadow impacts is less, with neighbouring properties only slightly affected.

## **5.4 Waste Management**

### **Waste Management during construction**

The proposal will require the demolition of the south east corner of the Club building as depicted in the plans

Any waste from demolition and construction will be sorted on site and, where recyclable, transported to Cleanaway for reuse or facilities recycling concrete residues such as the Merimbula Gravel Business. Any waste not able to be recycled will be placed in skip bins and disposed of as needed to Council's approved waste facility.

The Construction DA will include a formal waste management plan

### **Waste management in operation.**

Waste from the hotel operation would be managed in the same system as the Club and be the subject of a private waste contract.

## **6 CONCLUSION**

This proposal for a 100 room hotel and associated function areas has very few negative impacts that cannot be addressed by conditions of consent and normal ongoing management.

The benefits are many and diverse as detailed in the Socio- Economic Impact Assessment and include:

- Significant employment benefits both from the construction phase and from the ongoing impact of a 100 room high market hotel and associated conferences .
- Council's goal of a more liveable and live town centre gets a major stimulus.
- The developer is Club Sapphire who is committed to the Town, is a not for profit entity and will use all returns for the benefit of members -who comprise in turn a large percentage of the Merimbula and district population.
- The hotel income will greatly improve the financial base of the Club and enable a lessening of reliance on gaming income and expanded services for members.

## **7 List of documents forming this concept development application**

1. Architectural Plans Quattro Architects
2. Statement of Environmental Effects. (this document) Garret Barry Planning Services.
3. Socio- Economic Impact Assessment. Garret Barry Planning Services and Mr. L Scarpin.
4. Planning proposal seeking an increase of building height to 26 metres.
5. Visual Analysis GBPS and Quattro Architects.
6. Traffic report from TTM consultants
7. Engineering investigation report from Indesco Engineering